STATUTORY INSTRUMENTS

2017 No. 845

INVESTIGATORY POWERS

The Investigatory Powers Act 2016 (Consequential Amendments and Saving Provisions) Regulations 2017

Made - - - -	*17th August 2017*
Laid before Parliament	*21st August 2017*
Coming into force - -	*11th September 2017*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 267(1)(c) and 271(2) and (3) of the Investigatory Powers Act 2016(**1**).

Citation and commencement

1. These Regulations may be cited as the Investigatory Powers Act 2016 (Consequential Amendments and Saving Provisions) Regulations 2017 and come into force on 11th September 2017.

Regulation of Investigatory Powers (Notification of Authorisations etc.) Order 2000

2.—(1) In article 2 of the Regulation of Investigatory Powers (Notification of Authorisations etc.) Order 2000(**2**) (interpretation), in the definition of "Commissioner", for "an ordinary Surveillance Commissioner" substitute "a Judicial Commissioner".

(2) Until 31st December 2017, the reference to a Judicial Commissioner in article 2 of that Order is to be read as including a Commissioner appointed under section 91(1)(b) of the Police Act 1997(**3**).

Regulation of Investigatory Powers (Notification of Authorisations etc.) (Scotland) Order 2000

3.—(1) In article 2 of the Regulation of Investigatory Powers (Notification of Authorisations etc.) (Scotland) Order 2000(**4**) (interpretation), in the definition of "Commissioner", for "an ordinary Surveillance Commissioner" substitute "a Judicial Commissioner".

(**1**) 2016 c. 25.
(**2**) S.I. 2000/2563.
(**3**) 1997 c. 50.
(**4**) S.S.I. 2000/340.

(2) Until 31st December 2017, the reference to a Judicial Commissioner in article 2 of that Order is to be read as including a Surveillance Commissioner appointed under section 2(1)(b) of the Regulation of Investigatory Powers (Scotland) Act 2000(**5**).

Investigatory Powers Tribunal Rules 2000

4.—(1) In rule 2 of the Investigatory Powers Tribunal Rules 2000(**6**) (interpretation), in the definition of "Commissioner", for the words from "Interception" to the end substitute "Investigatory Powers Commissioner or any other Judicial Commissioner or the Investigatory Powers Commissioner for Northern Ireland".

(2) The reference to "any other Judicial Commissioner" in rule 2 of those Rules is to be read—

(a) until 31st December 2017 as including a Commissioner appointed under section 91(1)(b) of the Police Act 1997, and

(b) until 30th April 2018 as including an Assistant Surveillance Commissioner appointed under section 63(1) of the Regulation of Investigatory Powers Act 2000(**7**).

Regulation of Investigatory Powers (Covert Human Intelligence Sources: Matters Subject to Legal Privilege) Order 2010

5.—(1) The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Matters Subject to Legal Privilege) Order 2010(**8**) is amended as follows.

(2) In the heading of Part 3, for "ORDINARY SURVEILLANCE COMMISSIONER" substitute "JUDICIAL COMMISSIONER".

(3) In article 4(2), for "an ordinary Surveillance Commissioner" substitute "a Judicial Commissioner".

(4) Until 31st December 2017 the reference to a Judicial Commissioner in article 4(2) of that Order is to be read as including a Commissioner appointed under section 91(1)(b) of the Police Act 1997.

Regulation of Investigatory Powers (Authorisation of Covert Human Intelligence Sources) (Scotland) Order 2014

6.—(1) The Regulation of Investigatory Powers (Authorisation of Covert Human Intelligence Sources) (Scotland) Order 2014(**9**) is amended as follows.

(2) In article 2 (interpretation), in the definition of "Commissioner", for "an ordinary Surveillance Commissioner" substitute "a Judicial Commissioner".

(3) Until 31st December 2017 the reference to a Judicial Commissioner in article 2 of that Order is to be read as including a Surveillance Commissioner appointed under section 2(1)(b) of the Regulation of Investigatory Powers (Scotland) Act 2000.

(4) In article 11 (appeals against decisions by Commissioners)—

(a) in paragraphs (1) and (3) for "Chief Surveillance Commissioner" substitute "Investigatory Powers Commissioner";

(b) in paragraph (1) after "refusal of a Commissioner" insert "(other than the Investigatory Powers Commissioner)".

(**5**) 2001 asp 11.
(**6**) S.I. 2000/2665.
(**7**) 2000 c. 23.
(**8**) S.I. 2010/123.
(**9**) S.S.I. 2014/339.