



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 3

#### AUTHORISATIONS FOR OBTAINING COMMUNICATIONS DATA

##### *Local authorities*

#### **75 Judicial approval for local authority authorisations**

- (1) This section applies to an authorisation granted by a designated senior officer of a local authority other than an authorisation to which section 77 applies.
- (2) The authorisation is not to take effect until such time (if any) as the relevant judicial authority has made an order under this section approving it.
- (3) The local authority may apply to the relevant judicial authority for an order under this section approving the authorisation.
- (4) The local authority is not required to give notice of the application to—
  - (a) any person to whom the authorisation relates, or
  - (b) that person's legal representatives.
- (5) The relevant judicial authority may approve the authorisation if, and only if, the relevant judicial authority considers that—
  - (a) at the time of the grant, there were reasonable grounds for considering that the requirements of this Part were satisfied in relation to the authorisation, and
  - (b) at the time when the relevant judicial authority is considering the matter, there are reasonable grounds for considering that the requirements of this Part would be satisfied if an equivalent new authorisation were granted at that time.
- (6) Where, on an application under this section, the relevant judicial authority refuses to approve the grant of the authorisation, the relevant judicial authority may make an order quashing the authorisation.
- (7) In this section "the relevant judicial authority" means—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in relation to England and Wales, a justice of the peace,
  - (b) in relation to Scotland, a sheriff, and
  - (c) in relation to Northern Ireland, a district judge (magistrates' courts) in Northern Ireland.
- (8) See also sections 77A and 77B of the Regulation of Investigatory Powers Act 2000 (procedure for orders under this section of a sheriff in Scotland or a district judge (magistrates' courts) in Northern Ireland).