



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 5

#### EQUIPMENT INTERFERENCE

##### *Power to issue warrants*

#### **104 Power to issue warrants to the Chief of Defence Intelligence**

- (1) The Secretary of State may, on an application made by or on behalf of the Chief of Defence Intelligence, issue a targeted equipment interference warrant if—
  - (a) the Secretary of State considers that the warrant is necessary in the interests of national security,
  - (b) the Secretary of State considers that the conduct authorised by the warrant is proportionate to what is sought to be achieved by that conduct,
  - (c) the Secretary of State considers that satisfactory arrangements made for the purposes of sections 129 and 130 (safeguards relating to disclosure etc.) are in force in relation to the warrant, and
  - (d) except where the Secretary of State considers that there is an urgent need to issue the warrant, the decision to issue the warrant has been approved by a Judicial Commissioner.
- (2) The fact that the information which would be obtained under a warrant relates to the activities in the British Islands of a trade union is not, of itself, sufficient to establish that the warrant is necessary as mentioned in subsection (1)(a).
- (3) An application for the issue of a warrant under this section may only be made on behalf of the Chief of Defence Intelligence by a person holding office under the Crown.

#### **Commencement Information**

- 11** [S. 104\(1\)](#) in force at 31.5.2018 for specified purposes by [S.I. 2018/652](#), [reg. 4\(f\)\(i\)](#)
- 12** [S. 104\(1\)](#) in force at 27.6.2018 in so far as not already in force by [S.I. 2018/652](#), [reg. 9\(c\)](#)

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**Changes to legislation:** *Investigatory Powers Act 2016, Section 104 is up to date with all changes known to be in force on or before 14 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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**I3**    [S. 104\(2\)\(3\)](#) in force at 31.5.2018 by [S.I. 2018/652](#), **reg. 4(f)(ii)**

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[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 8A and cross-heading inserted by [2023 c. 32 Sch. 18 para. 10\(2\)](#)
- Sch. 3 para. 20(2)(ha)(hb) inserted by [2023 c. 32 Sch. 18 para. 10\(3\)\(a\)](#)