



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 5

EQUIPMENT INTERFERENCE

Power to issue warrants

107 Restriction on issue of warrants to certain law enforcement officers

- (1) A law enforcement chief specified in subsection (2) may not issue a targeted equipment interference warrant under section 106 unless the law enforcement chief considers that there is a British Islands connection.
- (2) The law enforcement chiefs specified in this subsection are—
 - (a) the Chief Constable of a police force maintained under section 2 of the Police Act 1996;
 - (b) the Commissioner, or an Assistant Commissioner, of the metropolitan police force;
 - (c) the Commissioner of Police for the City of London;
 - (d) the chief constable of the Police Service of Scotland;
 - (e) the Chief Constable or a Deputy Chief Constable of the Police Service of Northern Ireland;
 - (f) the Chief Constable of the British Transport Police Force;
 - (g) the Chief Constable of the Ministry for Defence Police;
 - [^{F1}(h) the Director General of the Independent Office for Police Conduct;]
 - [^{F2}(ha) the Service Police Complaints Commissioner;]
 - (i) the Police Investigations and Review Commissioner.
- (3) The Director General of the National Crime Agency may not issue a targeted equipment interference warrant on the application of a member of a collaborative police force unless the Director General considers that there is a British Islands connection.

Changes to legislation: *Investigatory Powers Act 2016, Section 107 is up to date with all changes known to be in force on or before 16 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*

“Collaborative police force” has the meaning given by paragraph 2 of Part 3 of Schedule 6.

- (4) For the purpose of this section, there is a British Islands connection if—
- (a) any of the conduct authorised by the warrant would take place in the British Islands (regardless of the location of the equipment that would, or may, be interfered with),
 - (b) any of the equipment which would, or may, be interfered with would, or may, be in the British Islands at some time while the interference is taking place, or
 - (c) a purpose of the interference is to obtain—
 - (i) communications sent by, or to, a person who is, or whom the law enforcement officer believes to be, for the time being in the British Islands,
 - (ii) information relating to an individual who is, or whom the law enforcement officer believes to be, for the time being in the British Islands, or
 - (iii) equipment data which forms part of, or is connected with, communications or information falling within sub-paragraph (i) or (ii).
- (5) Except as provided by subsections (1) to (3), a targeted equipment interference warrant may be issued under section 106 whether or not the person who has power to issue the warrant considers that there is a British Islands connection.

Textual Amendments

- F1** S. 107(2)(h) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 74\(4\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F2** [S. 107\(2\)\(ha\)](#) inserted (1.11.2022 for specified purposes, 19.6.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 4 para. 2\(4\)](#); [S.I. 2022/1095](#), [reg. 3](#); [S.I. 2023/621](#), [reg. 2](#)
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Commencement Information

- I1** [S. 107](#) in force at 28.11.2018 by [S.I. 2018/1246](#), [reg. 2\(b\)](#)

Changes to legislation:

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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\(3\)\(a\)](#)