



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 5

EQUIPMENT INTERFERENCE

Further provision about warrants

117 Renewal of warrants

- (1) If the renewal conditions are met, a warrant issued under this Part may be renewed, at any time during the renewal period, by an instrument issued by the appropriate person (see subsection (3)).
- (2) The renewal conditions are—
 - (a) that the appropriate person considers that the warrant continues to be necessary on any relevant grounds,
 - (b) that the appropriate person considers that the conduct that would be authorised by the renewed warrant continues to be proportionate to what is sought to be achieved by that conduct,
 - (c) that, in the case of a targeted examination warrant, the appropriate person considers that the warrant continues to be necessary to authorise the selection of protected material for examination in breach of the prohibition in section 193(4), and
 - (d) that the decision to renew the warrant has been approved by a Judicial Commissioner.
- (3) The appropriate person is—
 - (a) in the case of a warrant issued under section 102 or 104, the Secretary of State;
 - (b) in the case of a warrant issued under section 103, a member of the Scottish Government;
 - (c) in the case of a warrant issued under section 106 by a law enforcement chief or by an appropriate delegate in relation to the law enforcement chief, either—
 - (i) the law enforcement chief, or

Status: This is the original version (as it was originally enacted).

- (ii) if the warrant was issued by an appropriate delegate, that person.
- (4) In subsection (2)(a), “relevant grounds” means—
- (a) in the case of a warrant issued under section 102, grounds falling within section 102(5),
 - (b) in the case of a warrant issued under section 103, the purpose of preventing or detecting serious crime,
 - (c) in the case of a warrant issued under section 104, the interests of national security,
 - (d) in the case of a warrant issued under section 106(1), the purpose mentioned in section 106(1)(a), or
 - (e) in the case of a warrant issued under section 106(3), the purpose mentioned in section 106(3)(a).
- (5) “The renewal period” means—
- (a) in the case of an urgent warrant which has not been renewed, the relevant period;
 - (b) in any other case, the period of 30 days ending with the day at the end of which the warrant would otherwise cease to have effect.
- (6) The decision to renew a warrant issued under section 102 or 104 must be taken personally by the Secretary of State, and the instrument renewing the warrant must be signed by the Secretary of State.
- (7) The decision to renew a warrant issued under section 103 must be taken personally by a member of the Scottish Government, and the instrument renewing the warrant must be signed by the person who took that decision.
- (8) The instrument renewing a warrant issued under section 106 must be signed by the person who renews it.
- (9) Section 108 (approval of warrants by Judicial Commissioners) applies in relation to a decision to renew a warrant under this Part as it applies in relation to a decision to issue such a warrant (and accordingly any reference in that section to the person who decided to issue the warrant is to be read as a reference to the person who decided to renew it).
- (10) Sections 111 to 114 (additional safeguards) apply in relation to a decision to renew a warrant under this Part as they apply in relation to a decision to issue such a warrant.
- (11) In this section—
- “relevant period” has the same meaning as in section 116;
 - “urgent warrant” is to be read in accordance with subsection (3) of that section.