



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 5

#### EQUIPMENT INTERFERENCE

##### *Further provision about warrants*

#### **119 Persons who may make modifications under section 118**

- (1) The persons who may make modifications under section 118 of a warrant are (subject to subsection (2))—
- (a) in the case of a warrant issued by the Secretary of State under section 102 or 104—
    - (i) the Secretary of State, or
    - (ii) a senior official acting on behalf of the Secretary of State;
  - (b) in the case of a warrant issued by the Scottish Ministers under section 103—
    - (i) a member of the Scottish Government, or
    - (ii) a senior official acting on behalf of the Scottish Ministers.
- (2) Any of the following persons may also make modifications under section 118 of a warrant, but only where the person considers that there is an urgent need to make the modification—
- (a) the person to whom the warrant is addressed;
  - (b) a person who holds a senior position in the same public authority as the person mentioned in paragraph (a).

Section 122 contains provision about the approval of modifications made in urgent cases.

- (3) Subsection (2) is subject to section 120(4) and (5) (special rules where any of sections 111 to 114 applies in relation to the making of a modification under section 118).
- (4) For the purposes of subsection (2)(b), a person holds a senior position in a public authority if—

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**Changes to legislation:** *Investigatory Powers Act 2016, Section 119 is up to date with all changes known to be in force on or before 18 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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- (a) in the case of any of the intelligence services—
  - (i) the person is a member of the Senior Civil Service or a member of the Senior Management Structure of Her Majesty's Diplomatic Service, or
  - (ii) the person holds a position in the intelligence service of equivalent seniority to such a person;
- (b) in the case of the Ministry of Defence—
  - (i) the person is a member of the Senior Civil Service, or
  - (ii) the person is of or above the rank of brigadier, commodore or air commodore.

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**Commencement Information**

**II**    [S. 119](#) in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 9\(i\)](#)

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