



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 6

#### BULK WARRANTS

#### CHAPTER 3

##### BULK EQUIPMENT INTERFERENCE WARRANTS

##### *Duration, modification and cancellation of warrants*

#### **187 Approval of major modifications by Judicial Commissioners**

- (1) In deciding whether to approve a decision to make a major modification of a bulk equipment interference warrant, a Judicial Commissioner must review the Secretary of State's conclusions as to the following matters—
  - (a) whether the modification is necessary on any of the grounds on which the Secretary of State considers the warrant to be necessary, and
  - (b) in the case of a major modification adding or varying any description of conduct authorised by the warrant, whether the conduct authorised by the modification is proportionate to what is sought to be achieved by that conduct.
- (2) In doing so, the Judicial Commissioner must—
  - (a) apply the same principles as would be applied by a court on an application for judicial review, and
  - (b) consider the matters referred to in subsection (1) with a sufficient degree of care as to ensure that the Judicial Commissioner complies with the duties imposed by section 2 (general duties in relation to privacy).
- (3) Where a Judicial Commissioner refuses to approve a decision to make a major modification under section 186, the Judicial Commissioner must give the Secretary of State written reasons for the refusal.

---

**Status:** *This is the original version (as it was originally enacted).*

---

- (4) Where a Judicial Commissioner, other than the Investigatory Powers Commissioner, refuses to approve a decision to make a major modification under section 186, the Secretary of State may ask the Investigatory Powers Commissioner to decide whether to approve the decision to make the modification.