



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 7

#### BULK PERSONAL DATASET WARRANTS

##### *Issue of warrants*

#### **210 Failure to approve specific BPD warrant issued in urgent case**

- (1) This section applies where under section 209(3) a Judicial Commissioner refuses to approve the decision to issue a warrant.
- (2) The head of the intelligence service to whom the warrant was addressed must, so far as is reasonably practicable, secure that anything in the process of being done in reliance on the warrant stops as soon as possible.
- (3) The Judicial Commissioner may—
  - (a) direct that the whole or part of a bulk personal dataset retained in reliance on the warrant is destroyed;
  - (b) impose conditions as to the use or retention of the whole or part of any such bulk personal dataset.
- (4) The Judicial Commissioner—
  - (a) may require an affected party to make representations about how the Judicial Commissioner should exercise any function under subsection (3), and
  - (b) must have regard to any such representations made by an affected party (whether or not as a result of a requirement imposed under paragraph (a)).
- (5) Each of the following is an “affected party” for the purposes of subsection (4)—
  - (a) the Secretary of State;
  - (b) the head of the intelligence service to whom the warrant was addressed.
- (6) The Secretary of State may ask the Investigatory Powers Commissioner to review a decision made by any other Judicial Commissioner under subsection (3).

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**Changes to legislation:** *Investigatory Powers Act 2016, Section 210 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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- (7) On a review under subsection (6), the Investigatory Powers Commissioner may—
  - (a) confirm the Judicial Commissioner's decision, or
  - (b) make a fresh determination.
- (8) An intelligence service is not to be regarded as in breach of section 200(1) or (2) where it retains or (as the case may be) examines a bulk personal dataset in accordance with conditions imposed under subsection (3)(b).
- (9) Nothing in this section or section 209 affects the lawfulness of—
  - (a) anything done in reliance on the warrant before it ceases to have effect;
  - (b) if anything is in the process of being done in reliance on the warrant when it ceases to have effect—
    - (i) anything done before that thing could be stopped, or
    - (ii) anything done that it is not reasonably practicable to stop.

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**Commencement Information**

**II** [S. 210](#) in force at 22.8.2018 by [S.I. 2018/873](#), [reg. 3\(c\)](#)

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