



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 8

OVERSIGHT ARRANGEMENTS

CHAPTER 1

INVESTIGATORY POWERS COMMISSIONER AND OTHER JUDICIAL COMMISSIONERS

The Commissioners

228 Terms and conditions of appointment

- (1) Subject as follows, each Judicial Commissioner holds and vacates office in accordance with the Commissioner's terms and conditions of appointment.
- (2) Each Judicial Commissioner is to be appointed for a term of three years.
- (3) A person who ceases to be a Judicial Commissioner (otherwise than under subsection (5)) may be re-appointed under section 227(1).
- (4) A Judicial Commissioner may not, subject to subsection (5), be removed from office before the end of the term for which the Commissioner is appointed unless a resolution approving the removal has been passed by each House of Parliament.
- (5) A Judicial Commissioner may be removed from office by the Prime Minister if, after the appointment of the Commissioner—
 - (a) a bankruptcy order is made against the Commissioner or the Commissioner's estate is sequestrated or the Commissioner makes a composition or arrangement with, or grants a trust deed for, the Commissioner's creditors,
 - (b) any of the following orders is made against the Commissioner—

Changes to legislation: *Investigatory Powers Act 2016, Section 228 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*

- (i) a disqualification order under the Company Directors Disqualification Act 1986 or the Company Directors Disqualification (Northern Ireland) Order 2002,
- (ii) an order under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order),
- (iii) an order under section 429(2) of the Insolvency Act 1986 (disabilities on revocation of county court administration order),
- (c) the Commissioner's disqualification undertaking is accepted under section 7 or 8 of the Company Directors Disqualification Act 1986 or under the Company Directors Disqualification (Northern Ireland) Order 2002, or
- (d) the Commissioner is convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and receives a sentence of imprisonment (whether suspended or not).

Modifications etc. (not altering text)

- C1** S. 228(2) excluded (temp.) (27.3.2020) by [The Investigatory Powers \(Temporary Judicial Commissioners and Modification of Time Limits\) Regulations 2020 \(S.I. 2020/360\)](#), regs. 1(2), **3(3)** (with [reg. 5](#))

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 228 coming into force by [S.I. 2017/137 reg. 2\(c\)](#) (Effect not applied to legislation.gov.uk. Reg. 2(b)(c) omitted (10.2.2017) by virtue of S.I. 2017/143, reg. 2. S. 228 already in force by 2016 c. 25, s. 272(3))
- s. 228 coming into force by [S.I. 2017/137 reg. 2\(c\)](#) (Effect not applied to legislation.gov.uk. Reg. 2(b)(c) omitted (10.2.2017) by virtue of S.I. 2017/143, reg. 2. S. 228 already in force by 2016 c. 25, s. 272(3))

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