



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 8

#### OVERSIGHT ARRANGEMENTS

#### CHAPTER 1

##### INVESTIGATORY POWERS COMMISSIONER AND OTHER JUDICIAL COMMISSIONERS

##### *Main functions of Commissioners*

#### **232 Additional functions under this Part**

- (1) A Judicial Commissioner must give the Investigatory Powers Tribunal all such documents, information and other assistance (including the Commissioner's opinion as to any issue falling to be determined by the Tribunal) as the Tribunal may require—
  - (a) in connection with the investigation of any matter by the Tribunal, or
  - (b) otherwise for the purposes of the Tribunal's consideration or determination of any matter.
- (2) A Judicial Commissioner may provide advice or information to any public authority or other person in relation to matters for which a Judicial Commissioner is responsible.
- (3) But a Judicial Commissioner must consult the Secretary of State before providing any advice or information under subsection (2) if it appears to the Commissioner that providing the advice or information might be contrary to the public interest or prejudicial to—
  - (a) national security,
  - (b) the prevention or detection of serious crime,
  - (c) the economic well-being of the United Kingdom, or

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**Changes to legislation:** Investigatory Powers Act 2016, Section 232 is up to date with all changes known to be in force on or before 17 March 2024. 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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- (d) the continued discharge of the functions of any public authority whose activities include activities that are subject to review by the Investigatory Powers Commissioner.
- (4) In addition to consulting the Secretary of State under subsection (3), the Judicial Commissioner must also consult the Scottish Ministers if it appears to the Commissioner that providing the advice or information might be prejudicial to—
  - (a) the prevention or detection of serious crime by a Scottish public authority, or
  - (b) the continued discharge of any devolved functions of a Scottish public authority whose activities include activities that are subject to review by the Investigatory Powers Commissioner.
- (5) In subsection (4)—
  - “devolved function” means a function that does not relate to reserved matters (within the meaning of the Scotland Act 1998), and
  - “Scottish public authority” has the same meaning as in the Scotland Act 1998.
- (6) Subsections (3) and (4) do not apply to any advice or information provided under subsection (2) to the Investigatory Powers Tribunal.

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#### Commencement Information

**II** [S. 232](#) in force at 13.2.2017 by [S.I. 2017/137](#), [reg. 2\(g\)](#)

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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):

- s. 58(4)(e) inserted by [2023 c. 41 Sch. 13 para. 9](#)