



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 9

MISCELLANEOUS AND GENERAL PROVISIONS

CHAPTER 1

MISCELLANEOUS

Additional powers

256 Variation and revocation of notices

- (1) In this section “relevant notice” means—
 - (a) a national security notice under section 252, or
 - (b) a technical capability notice under section 253.
- (2) The Secretary of State must keep each relevant notice under review.
- (3) The Secretary of State may—
 - (a) vary a relevant notice;
 - (b) revoke a relevant notice (whether wholly or in part).
- (4) The Secretary of State may vary a national security notice given to a person only if—
 - (a) the Secretary of State considers that the variation is necessary in the interests of national security,
 - (b) the Secretary of State considers that the conduct required by the notice as varied is proportionate to what is sought to be achieved by that conduct, and
 - (c) if the variation would impose further requirements on the person, the decision to vary the notice has been approved by a Judicial Commissioner (but see subsection (6)).

Changes to legislation: *Investigatory Powers Act 2016, Section 256 is up to date with all changes known to be in force on or before 08 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*

- (5) The Secretary of State may vary a technical capability notice given to a person only if—
- (a) the Secretary of State considers that the variation is necessary for securing that the person has the capability to provide any assistance which the person may be required to provide in relation to any relevant authorisation (within the meaning of section 253),
 - (b) the Secretary of State considers that the conduct required by the notice as varied is proportionate to what is sought to be achieved by that conduct, and
 - (c) if the variation would impose further requirements on the person, the decision to vary the notice has been approved by a Judicial Commissioner (but see subsection (6)).
- (6) The condition in subsection (4)(c) or (as the case may be) subsection (5)(c) does not apply in the case of a variation to which section 257(10) applies.
- (7) If the Secretary of State varies or revokes a relevant notice given to any person, the Secretary of State must give that person notice of the variation or revocation.
- (8) Section 254 (approval of notices by Judicial Commissioners) applies in relation to a decision to vary a relevant notice (other than a decision to which section 257(10) applies) as it applies in relation to a decision to give a relevant notice, but as if—
- (a) the reference in section 254(2)(a) to the notice were to the variation, and
 - (b) the reference in section 254(2)(b) to the notice were to the notice as varied.
- (9) Subsections (2) to (4) and (7) of section 255 apply in relation to varying or revoking a relevant notice as they apply in relation to giving a relevant notice (and in the application of section 255(3) and (4) in relation to varying a relevant notice, references to the notice are to be read as references to the notice as varied).
- (10) Subsections (5) and (6) of section 255 apply to any notice of the variation or revocation of a relevant notice as they apply to a relevant notice.
- (11) The fact that a relevant notice has been revoked in relation to a particular person (or description of persons) does not prevent the giving of another relevant notice of the same kind in relation to the same person (or description of persons).
- (12) Any reference in this section or section 255(8) to (12) to a notice given under section 252 or 253 includes a reference to such a notice as varied under this section.

Commencement Information

II S. 256 in force at 12.3.2018 by S.I. 2018/341, reg. 2(j)

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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](#)