



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 2

LAWFUL INTERCEPTION OF COMMUNICATIONS

CHAPTER 1

INTERCEPTION AND EXAMINATION WITH A WARRANT

Further provision about warrants

33 Renewal of warrants

- (1) If the renewal conditions are met, a warrant issued under this Chapter may be renewed, at any time during the renewal period, by an instrument issued by the appropriate person (see subsection (3)).
- (2) The renewal conditions are—
 - (a) that the appropriate person considers that the warrant continues to be necessary on any relevant grounds (see subsection (4)),
 - (b) that the appropriate person considers that the conduct that would be authorised by the renewed warrant continues to be proportionate to what is sought to be achieved by that conduct,
 - (c) that, in the case of a targeted examination warrant, the appropriate person considers that the warrant continues to be necessary to authorise the selection of relevant content for examination in breach of the prohibition in section 152(4), and
 - (d) that the decision to renew the warrant has been approved by a Judicial Commissioner.
- (3) The appropriate person is—
 - (a) in the case of a warrant issued by the Secretary of State, the Secretary of State;

Changes to legislation: *Investigatory Powers Act 2016, Section 33 is up to date with all changes known to be in force on or before 19 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*

- (b) in the case of a warrant issued by the Scottish Ministers, a member of the Scottish Government.
- (4) “Relevant grounds” means—
 - (a) in the case of a warrant issued by the Secretary of State, grounds falling within section 20;
 - (b) in the case of a warrant issued by the Scottish Ministers, grounds falling within section 21(4).
- (5) “The renewal period” means—
 - (a) in the case of an urgent warrant which has not been renewed, the relevant period;
 - (b) in any other case, the period of 30 days ending with the day at the end of which the warrant would otherwise cease to have effect.
- (6) The decision to renew a warrant must be taken personally by the appropriate person, and the instrument renewing the warrant must be signed by that person.
- (7) Section 23 (approval of warrants by Judicial Commissioners) applies in relation to a decision to renew a warrant as it applies in relation to a decision to issue a warrant (and accordingly any reference in that section to the person who decided to issue the warrant is to be read as a reference to the person who decided to renew it).
- (8) Sections 26 to 29 (additional safeguards) apply in relation to a decision to renew a warrant as they apply in relation to a decision to issue a warrant.
- (9) In this section—
 - “the relevant period” has the same meaning as in section 32;
 - “urgent warrant” is to be read in accordance with subsection (3) of that section.
- (10) This section is subject to section 40 (special rules for certain mutual assistance warrants).

Commencement Information

II [S. 33](#) in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(e\)](#)

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