



# 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*

#### **39 Cancellation of warrants**

- (1) Any of the appropriate persons may cancel a warrant issued under this Chapter at any time.
- (2) If any of the appropriate persons considers that—
  - (a) a warrant issued under this Chapter is no longer necessary on any relevant grounds, or
  - (b) the conduct authorised by the warrant is no longer proportionate to what is sought to be achieved by that conduct,the person must cancel the warrant.
- (3) In subsection (2)(a) “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).
- (4) For the purpose of this section “the appropriate persons” are—
  - (a) in the case of a warrant issued by the Secretary of State, the Secretary of State or a senior official acting on behalf of the Secretary of State;

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**Changes to legislation:** *Investigatory Powers Act 2016, Section 39 is up to date with all changes known to be in force on or before 17 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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- (b) in the case of a warrant issued by the Scottish Ministers, a member of the Scottish Government or a senior official acting on behalf of the Scottish Ministers.
- (5) Where a warrant is cancelled under this section, the person to whom the warrant was addressed must, so far as is reasonably practicable, secure that anything in the process of being done under the warrant stops as soon as possible.
- (6) A warrant that has been cancelled under this section may not be renewed.
- (7) In this section “senior official” means—
  - (a) in the case of a warrant issued by the Secretary of State, a member of the Senior Civil Service or a member of the Senior Management Structure of Her Majesty's Diplomatic Service;
  - (b) in the case of a warrant issued by the Scottish Ministers, a member of the staff of the Scottish Administration who is a member of the Senior Civil Service.
- (8) See also section 40 (which imposes a duty to cancel mutual assistance warrants in certain circumstances).

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**Commencement Information**

**II**    [S. 39](#) in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(k\)](#)

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