



Investigatory Powers (Amendment) Act 2024

2024 CHAPTER 9

PART 5

MISCELLANEOUS

Members of Parliament etc

PROSPECTIVE

22 Interception and examination of communications: Members of Parliament etc

(1) Section 26 of the Investigatory Powers Act 2016 (interception and examination of communications: Members of Parliament etc) is amended as follows.

(2) In subsection (2)—

- (a) the words “the Prime Minister” become paragraph (a);
- (b) after that paragraph insert “, or
 - (b) if conditions A and B are met, an individual (other than that Secretary of State) designated by the Prime Minister under this section.”

(3) After subsection (2) insert—

“(2A) Condition A is that the Prime Minister is unable to decide whether to give approval under subsection (2), due to incapacity or inability to access secure communications.

(2B) Condition B is that the Secretary of State or a senior official considers that there is an urgent need for the decision (as to whether to give such approval) to be made.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Investigatory Powers (Amendment) Act 2024, Section 22. (See end of Document for details)

- (2C) The Prime Minister may designate up to five individuals under this section.
- (2D) The Prime Minister may designate an individual under this section only if the individual—
- (a) holds the office of Secretary of State, and
 - (b) has the necessary operational awareness to decide whether to give approvals under subsection (2).
- (2E) A designation under this section ends—
- (a) when the individual ceases to hold the office of Secretary of State, or
 - (b) if earlier, when revoked by the Prime Minister.
- (2F) In this section “senior official” means a member of the Senior Civil Service or a member of the Senior Management Structure of His Majesty’s Diplomatic Service.”

Commencement Information

II S. 22 not in force at Royal Assent, see [s. 32\(2\)](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Investigatory Powers (Amendment) Act 2024, Section 22.