



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 8

#### OVERSIGHT ARRANGEMENTS

#### CHAPTER 1

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

##### *Supplementary provision*

#### **238 Funding, staff and facilities etc.**

- (1) There is to be paid to the Judicial Commissioners out of money provided by Parliament such remuneration and allowances as the Treasury may determine.
- (2) The Secretary of State must, after consultation with the Investigatory Powers Commissioner and subject to the approval of the Treasury as to numbers of staff, provide the Judicial Commissioners with—
  - (a) such staff, and
  - (b) such accommodation, equipment and other facilities and services,as the Secretary of State considers necessary for the carrying out of the Commissioners' functions.
- (3) The Scottish Ministers may pay to the Judicial Commissioners such allowances as the Scottish Ministers consider appropriate in respect of the exercise by the Commissioners of functions which relate to the exercise by Scottish public authorities of devolved functions.
- (4) In subsection (3)—

“devolved function” means a function that does not relate to reserved matters (within the meaning of the Scotland Act 1998), and

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**Changes to legislation:** Investigatory Powers Act 2016, Section 238 is up to date with all changes known to be in force on or before 25 April 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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“Scottish public authority” has the same meaning as in the Scotland Act 1998.

- (5) The Investigatory Powers Commissioner or any other Judicial Commissioner may, to such extent as the Commissioner concerned may decide, delegate the exercise of functions of that Commissioner to any member of staff of the Judicial Commissioners or any other person acting on behalf of the Commissioners.
- (6) Subsection (5) does not apply to—
- (a) the function of the Investigatory Powers Commissioner of making a recommendation under section 227(4)(e) or making an appointment under section 247(1),
  - (b) any function which falls within section 229(8), or
  - (c) any function under section 58(4) or 133(3) of authorising a disclosure,
- but, subject to this and the terms of the delegation, does include functions which have been delegated to a Judicial Commissioner by the Investigatory Powers Commissioner.
- (7) The delegation under subsection (5) to any extent of functions by the Investigatory Powers Commissioner or any other Judicial Commissioner does not prevent the exercise of the functions to that extent by the Commissioner concerned.

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#### **Commencement Information**

- I1** S. 238(1)-(5)(6)(a)(7) in force at 13.2.2017 by [S.I. 2017/137, reg. 2\(l\)](#)
- I2** S. 238(6)(b)(c) in force at 25.7.2018 by [S.I. 2018/873, reg. 2\(w\)](#)

**Changes to legislation:**

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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](#)