



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 8

OVERSIGHT ARRANGEMENTS

CHAPTER 2

OTHER ARRANGEMENTS

Investigatory Powers Tribunal

243 Functions of Tribunal in relation to this Act etc.

- (1) In section 65 of the Regulation of Investigatory Powers Act 2000 (the Investigatory Powers Tribunal)—
- (a) in subsection (2)(c) (jurisdiction of the Investigatory Powers Tribunal where possible detriment due to evidential bar) for “section 17” substitute “section 56 of the Investigatory Powers Act 2016 ”,
 - (b) in subsection (5) (conduct in relation to which the Tribunal has jurisdiction) after paragraph (b) insert—
 - “(ba) conduct for or in connection with the obtaining of secondary data from communications transmitted by means of such a service or system;
 - (bb) the issue, modification, renewal or service of a warrant under Part 2 or Chapter 1 of Part 6 of the Investigatory Powers Act 2016 (interception of communications);”,
 - (c) in subsection (5) for paragraph (c) substitute—
 - “(c) conduct of a kind which may be permitted or required by an authorisation or notice under Part 3 of that Act or a warrant under Chapter 2 of Part 6 of that Act (acquisition of communications data);

Changes to legislation: *Investigatory Powers Act 2016, Section 243 is up to date with all changes known to be in force on or before 28 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*

- (cza) the giving of an authorisation or notice under Part 3 of that Act or the issue, modification, renewal or service of a warrant under Chapter 2 of Part 6 of that Act;
- (czb) conduct of a kind which may be required or permitted by a retention notice under Part 4 of that Act (retention of communications data) but excluding any conduct which is subject to review by the Information Commissioner;
- (czc) the giving or varying of a retention notice under that Part of that Act;
- (czd) conduct of a kind which may be required or permitted by a warrant under Part 5 or Chapter 3 of Part 6 of that Act (equipment interference);
- (cze) the issue, modification, renewal or service of a warrant under Part 5 or Chapter 3 of Part 6 of that Act;
- (czf) the issue, modification, renewal or service of a warrant under Part 7 of that Act (bulk personal dataset warrants);
- (czg) the giving of an authorisation under section 219(3)(b) (authorisation for the retention, or retention and examination, of material following expiry of bulk personal dataset warrant);
- (czh) the giving or varying of a direction under section 225 of that Act (directions where no bulk personal dataset warrant required);
- (czi) conduct of a kind which may be required by a notice under section 252 or 253 of that Act (national security or technical capability notices);
- (czj) the giving or varying of such a notice;
- (czk) the giving of an authorisation under section 152(5)(c) or 193(5)(c) of that Act (certain authorisations to examine intercepted content or protected material);
- (czl) any failure to—
 - (i) cancel a warrant under Part 2, 5, 6 or 7 of that Act or an authorisation under Part 3 of that Act;
 - (ii) cancel a notice under Part 3 of that Act;
 - (iii) revoke a notice under Part 4, or section 252 or 253, of that Act; or
 - (iv) revoke a direction under section 225 of that Act;
- (czm) any conduct in connection with any conduct falling within paragraph (c), (czb), (czd) or (czi);”
- (d) in subsection (6) (limitation for certain purposes of what is conduct falling within subsection (5))—
 - (i) after “on behalf of” insert “ an immigration officer or ”, and
 - (ii) after paragraph (d) insert—
 - “(dza) the Competition and Markets Authority;”
- (e) after subsection (6) insert—
 - “(6A) Subsection (6) does not apply to anything mentioned in paragraph (d) or (f) of subsection (5) which also falls within paragraph (czd) of that subsection.”

Changes to legislation: *Investigatory Powers Act 2016, Section 243 is up to date with all changes known to be in force on or before 28 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*

- (f) in subsection (7) after “if” insert “ it is conduct of a public authority and ”,
 - (g) in subsection (7ZA) (role for Tribunal where judicial authority involved) for “under section 23A or 32A” substitute “ by a Judicial Commissioner or under section 32A of this Act or section 75 of the Investigatory Powers Act 2016 ”,
 - (h) after subsection (7ZA) insert—
 - “(7ZB) For the purposes of this section conduct also takes place in challengeable circumstances if it is, or purports to be, conduct falling within subsection (5)(bb), (cza), (czc), (cze), (czf), (czg), (czh), (czj), (czk) or (czl) or (so far as the conduct is, or purports to be, the giving of a notice under section 49) subsection (5)(e).”
 - (i) in subsection (8) (matters that may be challenged before the Tribunal) for paragraphs (a) and (b) substitute—
 - “(a) a warrant under Part 2, 5, 6 or 7 of the Investigatory Powers Act 2016;
 - (b) an authorisation or notice under Part 3 of that Act;
 - (ba) a retention notice under Part 4 of that Act;
 - (bb) a direction under section 225 of that Act;
 - (bc) a notice under section 252 or 253 of that Act;”, and
 - (j) after subsection (9) insert—
 - “(9A) In subsection (5)(ba) the reference to obtaining secondary data from communications transmitted by means of a postal service or telecommunication system is to be read in accordance with section 16 of the Investigatory Powers Act 2016.”
- (2) In section 67(7) of the Act of 2000 (powers of the Tribunal)—
- (a) after paragraph (a) insert—
 - “(aza) an order quashing or cancelling a notice under Part 3 of the Investigatory Powers Act 2016 or a retention notice under Part 4 of that Act;
 - (azb) an order quashing or revoking a direction under section 225 of that Act;
 - (azc) an order quashing or revoking a notice under section 252 or 253 of that Act;”,
 - (b) in paragraph (aa) for “section 23A or 32A” substitute “ section 75 of the Investigatory Powers Act 2016 or section 32A of this Act ”, and
 - (c) in paragraph (b)(i) after “authorisation” insert “ or by a notice under Part 3 of the Investigatory Powers Act 2016 ”.
- (3) In section 68(5)(b) of the Act of 2000 (report of certain findings to the Prime Minister) after “permission” insert “ , or notice under Part 4 of the Investigatory Powers Act 2016 or under section 252 or 253 of that Act or direction under section 225 of that Act, ”.
- (4) In section 68(6)(b) of the Act of 2000 (disclosures etc. to the Tribunal to enable the exercise of functions conferred by or under that Act) after “this Act” insert “ or the Investigatory Powers Act 2016 ”.
- (5) In section 68(7) of the Act of 2000 (persons subject to duty to co-operate with the Tribunal)—
- (a) in paragraph (e)—

Changes to legislation: Investigatory Powers Act 2016, Section 243 is up to date with all changes known to be in force on or before 28 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

- (i) for “section 11” substitute “ section 41, 126, 149, 168 or 190 of the Investigatory Powers Act 2016 ”, and
 - (ii) for “an interception warrant” substitute “ a warrant ”,
 - (b) in paragraph (f) for “section 12” substitute “ section 252 or 253 of that Act ”,
 - (c) for paragraphs (g) and (h) substitute—
 - “(g) every person by or to whom an authorisation under Part 3 of that Act has been granted;
 - (h) every person to whom a notice under Part 3 of that Act has been given;
 - (ha) every person to whom a retention notice under Part 4 of that Act or a notice under section 252 or 253 of that Act has been given;”
 - (d) in paragraph (k), for the words from “an authorisation” to the end substitute “
 - (i) an authorisation under Part 3 of the Investigatory Powers Act 2016, Part 2 of this Act or Part 3 of the Police Act 1997, or
 - (ii) a warrant under Chapter 2 of Part 6 of the Investigatory Powers Act 2016;”
 - (e) in paragraph (l) after “authorisation” insert “ or warrant ”, and
 - (f) in paragraph (n) after “(h)” insert “ , (ha) ”.
- (6) In section 68(8) of the Act of 2000 (meaning of “relevant Commissioner”) for the words from “Interception” to the end substitute “ Investigatory Powers Commissioner or any other Judicial Commissioner or the Investigatory Powers Commissioner for Northern Ireland ”.

Commencement Information

- I1** S. 243(1)(a) in force at 22.7.2020 by [S.I. 2020/766](#), [reg. 2\(b\)](#)
- I2** S. 243(1)(b) in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 11\(e\)\(i\)](#)
- I3** S. 243(1)(c) in force at 12.3.2018 for specified purposes by [S.I. 2018/341](#), [reg. 2\(c\)\(i\)](#)
- I4** S. 243(1)(c) in force at 27.6.2018 for specified purposes by [S.I. 2018/652](#), [reg. 11\(e\)\(ii\)](#)
- I5** S. 243(1)(c) in force at 22.8.2018 for specified purposes by [S.I. 2018/873](#), [reg. 3\(g\)\(i\)](#)
- I6** S. 243(1)(c) in force at 5.2.2019 for specified purposes by [S.I. 2019/174](#), [reg. 2\(g\)](#)
- I7** S. 243(1)(c) in force at 22.7.2020 in so far as not already in force by [S.I. 2020/766](#), [reg. 2\(b\)](#)
- I8** S. 243(1)(d)(e) in force at 5.12.2018 by [S.I. 2018/1246](#), [reg. 3\(h\)](#)
- I9** S. 243(1)(f) in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 11\(e\)\(iii\)](#)
- I10** S. 243(1)(g) in force at 30.8.2018 by [S.I. 2018/940](#), [reg. 2\(1\)\(c\)](#) (with regs. 2(2), 7)
- I11** S. 243(1)(h) in force at 12.3.2018 for specified purposes by [S.I. 2018/341](#), [reg. 2\(c\)\(ii\)](#)
- I12** S. 243(1)(h) in force at 27.6.2018 for specified purposes by [S.I. 2018/652](#), [reg. 11\(e\)\(iv\)](#)
- I13** S. 243(1)(h) in force at 22.8.2018 for specified purposes by [S.I. 2018/873](#), [reg. 3\(g\)\(ii\)](#)
- I14** S. 243(1)(h) in force at 5.2.2019 for specified purposes by [S.I. 2019/174](#), [reg. 2\(h\)](#)
- I15** S. 243(1)(h) in force at 22.7.2020 in so far as not already in force by [S.I. 2020/766](#), [reg. 2\(b\)](#)
- I16** S. 243(1)(i) in force at 12.3.2018 for specified purposes by [S.I. 2018/341](#), [reg. 2\(c\)\(iii\)](#)
- I17** S. 243(1)(i) in force at 27.6.2018 for specified purposes by [S.I. 2018/652](#), [reg. 11\(e\)\(v\)](#)
- I18** S. 243(1)(i) in force at 22.8.2018 for specified purposes by [S.I. 2018/873](#), [reg. 3\(g\)\(iii\)](#)
- I19** S. 243(1)(i) in force at 1.11.2018 for specified purposes by [S.I. 2018/873](#), [reg. 4\(d\)](#)
- I20** S. 243(1)(i) in force at 5.2.2019 in so far as not already in force by [S.I. 2019/174](#), [reg. 2\(i\)](#)
- I21** S. 243(1)(j) in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 11\(e\)\(vi\)](#)
- I22** S. 243(2)(a) in force at 12.3.2018 for specified purposes by [S.I. 2018/341](#), [reg. 2\(c\)\(iv\)](#)

Changes to legislation: *Investigatory Powers Act 2016, Section 243 is up to date with all changes known to be in force on or before 28 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*

- I23** S. 243(2)(a) in force at 22.8.2018 for specified purposes by S.I. 2018/873, **reg. 3(h)**
- I24** S. 243(2)(a) in force at 5.2.2019 in so far as not already in force by S.I. 2019/174, **reg. 2(j)(i)**
- I25** S. 243(2)(b) in force at 5.2.2019 for specified purposes by S.I. 2019/174, **reg. 2(j)(ii)**
- I26** S. 243(2)(c) in force at 5.2.2019 by S.I. 2019/174, **reg. 2(j)(iii)**
- I27** S. 243(3) in force at 12.3.2018 by S.I. 2018/341, **reg. 2(c)(v)**
- I28** S. 243(4) in force at 12.3.2018 by S.I. 2018/341, **reg. 2(c)(vi)**
- I29** S. 243(5)(a)(f) in force at 27.6.2018 by S.I. 2018/652, **reg. 11(e)(vii)**
- I30** S. 243(5)(b)(c) in force at 12.3.2018 by S.I. 2018/341, **reg. 2(c)(vii)**
- I31** S. 243(5)(d)(e) in force at 22.8.2018 by S.I. 2018/873, **reg. 3(i)**
- I32** S. 243(6) in force at 12.3.2018 by S.I. 2018/341, **reg. 2(c)(viii)**

Changes to legislation:

Investigatory Powers Act 2016, Section 243 is up to date with all changes known to be in force on or before 28 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.

[View outstanding changes](#)

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](#)