



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 9

MISCELLANEOUS AND GENERAL PROVISIONS

CHAPTER 1

MISCELLANEOUS

Additional powers

252 National security notices

- (1) The Secretary of State may give any telecommunications operator in the United Kingdom a national security notice under this section if—
 - (a) the Secretary of State considers that the notice is necessary in the interests of national security,
 - (b) the Secretary of State considers that the conduct required by the notice is proportionate to what is sought to be achieved by that conduct, and
 - (c) the decision to give the notice has been approved by a Judicial Commissioner.
- (2) A “national security notice” is a notice requiring the operator to take such specified steps as the Secretary of State considers necessary in the interests of national security.
- (3) A national security notice may, in particular, require the operator to whom it is given—
 - (a) to carry out any conduct, including the provision of services or facilities, for the purpose of—
 - (i) facilitating anything done by an intelligence service under any enactment other than this Act, or
 - (ii) dealing with an emergency (within the meaning of Part 1 of the Civil Contingencies Act 2004);

Changes to legislation: *Investigatory Powers Act 2016, Section 252 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*

- (b) to provide services or facilities for the purpose of assisting an intelligence service to carry out its functions more securely or more effectively.
- (4) In a case where—
- (a) a national security notice would require the taking of any steps, and
 - (b) in the absence of such a notice requiring the taking of those steps, the taking of those steps would be lawful only if a warrant or authorisation under a relevant enactment had been obtained,
- the notice may require the taking of those steps only if such a warrant or authorisation has been obtained.
- (5) But the Secretary of State may not give any telecommunications operator a national security notice the main purpose of which is to require the operator to do something for which a warrant or authorisation under a relevant enactment is required.
- (6) In this section “relevant enactment” means—
- (a) this Act;
 - (b) the Intelligence Services Act 1994;
 - (c) the Regulation of Investigatory Powers Act 2000;
 - (d) the Regulation of Investigatory Powers (Scotland) Act 2000 (2000 asp 11).
- (7) A national security notice must specify such period as appears to the Secretary of State to be reasonable as the period within which the steps specified in the notice are to be taken.
- (8) Conduct required by a national security notice is to be treated as lawful for all purposes (to the extent that it would not otherwise be so treated).
- (9) Sections 254 to 258 contain further provision about national security notices.

Commencement Information

II S. 252 in force at 12.3.2018 by S.I. 2018/341, reg. 2(f)

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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](#)