



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 9

#### MISCELLANEOUS AND GENERAL PROVISIONS

#### CHAPTER 1

#### MISCELLANEOUS

#### *Additional powers*

#### **254 Approval of notices by Judicial Commissioners**

- (1) In this section “relevant notice” means—
  - (a) a national security notice under section 252, or
  - (b) a technical capability notice under section 253.
- (2) In deciding whether to approve a decision to give a relevant notice, a Judicial Commissioner must review the Secretary of State's conclusions as to the following matters—
  - (a) whether the notice is necessary as mentioned in section 252(1)(a) or (as the case may be) section 253(1)(a), and
  - (b) whether the conduct that would be required by the notice is proportionate to what is sought to be achieved by that conduct.
- (3) In doing so, the Judicial Commissioner must—
  - (a) apply the same principles as would be applied by a court on an application for judicial review, and
  - (b) consider the matters referred to in subsection (2) with a sufficient degree of care as to ensure that the Judicial Commissioner complies with the duties imposed by section 2 (general duties in relation to privacy).

---

**Changes to legislation:** *Investigatory Powers Act 2016, Section 254 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*

---

- (4) Where a Judicial Commissioner refuses to approve a decision to give a relevant notice, the Judicial Commissioner must give the Secretary of State written reasons for the refusal.
- (5) Where a Judicial Commissioner, other than the Investigatory Powers Commissioner, refuses to approve a decision to give a relevant notice, the Secretary of State may ask the Investigatory Powers Commissioner to decide whether to approve the decision to give the notice.

---

**Commencement Information**

**II** [S. 254](#) in force at 12.3.2018 by [S.I. 2018/341](#), [reg. 2\(h\)](#)

**Changes to legislation:**

Investigatory Powers Act 2016, Section 254 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.

[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](#)