



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 9

MISCELLANEOUS AND GENERAL PROVISIONS

CHAPTER 1

MISCELLANEOUS

Additional powers

257 Review of notices by the Secretary of State

- (1) A person who is given a notice under section 252 or 253 may, within such period or circumstances as may be provided for by regulations made by the Secretary of State, refer the notice back to the Secretary of State.
- (2) Such a reference may be in relation to the whole of a notice or any aspect of it.
- (3) There is no requirement for a person who has referred a notice under subsection (1) to comply with the notice, so far as referred, until the Secretary of State has reviewed the notice in accordance with subsection (4).
- (4) The Secretary of State must review any notice so far as referred to the Secretary of State under subsection (1).
- (5) Before deciding the review, the Secretary of State must consult—
 - (a) the Technical Advisory Board, and
 - (b) a Judicial Commissioner.
- (6) The Board must consider the technical requirements and the financial consequences, for the person who has made the reference, of the notice so far as referred.
- (7) The Commissioner must consider whether the notice so far as referred is proportionate.

Status: This is the original version (as it was originally enacted).

- (8) The Board and the Commissioner must—
- (a) give the person concerned and the Secretary of State the opportunity to provide evidence, or make representations, to them before reaching their conclusions, and
 - (b) report their conclusions to—
 - (i) the person, and
 - (ii) the Secretary of State.
- (9) The Secretary of State may, after considering the conclusions of the Board and the Commissioner—
- (a) vary or revoke the notice under section 256, or
 - (b) give a notice under this section to the person confirming its effect.
- (10) But the Secretary of State may vary the notice, or give a notice under subsection (9)(b) confirming its effect, only if the Secretary of State’s decision to do so has been approved by the Investigatory Powers Commissioner.
- (11) Subsections (5) to (8) of section 255 apply in relation to a notice under subsection (9)(b) above as they apply in relation to a notice under section 252 or 253.
- (12) Any reference in this section or section 258 to a notice under section 252 or 253 includes such a notice as varied under section 256, but only so far as the variation is concerned.

But it does not include a notice varied as mentioned in subsection (9)(a) above.