



# Investigatory Powers (Amendment) Act 2024

## 2024 CHAPTER 9

### PART 4

#### NOTICES

##### *Retention, national security and technical capability notices*

PROSPECTIVE

#### **20 Renewal of notices**

- (1) The Investigatory Powers Act 2016 is amended as follows.
- (2) In section 87 (powers to require retention of certain data), after subsection (6) insert—
  - “(6A) A retention notice ceases to have effect at the end of the relevant period unless before the end of that period—
    - (a) it is varied in accordance with section 94(4) so as to require the retention of additional relevant communications data,
    - (b) it is renewed (see section 94A), or
    - (c) it is revoked or otherwise ceases to have effect (see sections 90(10) and 94).
  - (6B) In subsection (6A) the “relevant period” means the period of two years beginning with—
    - (a) in the case of a retention notice that has not been varied as mentioned in subsection (6A)(a) or renewed, the day on which the notice comes into force, or

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Investigatory Powers (Amendment) Act 2024, Section 20. (See end of Document for details)*

- (b) in the case of a retention notice that has been so varied or renewed, the day after the day at the end of which the retention notice would have ceased to have effect if it had not been so varied or renewed.”
- (3) In the italic heading before section 94, for “or revocation” substitute “, revocation or renewal”.
- (4) After section 94 (but before the italic heading before section 95) insert—

**“94A Renewal of notices**

- (1) If the renewal conditions are met, a retention notice may be renewed, at any time during the renewal period, by a notice given by the Secretary of State.
- (2) The renewal conditions are—
- (a) that the Secretary of State considers that the requirement in the retention notice for a telecommunications operator to retain relevant communications data is still necessary and proportionate for one or more of the purposes falling within sub-paragraphs (i) to (vi) of section 87(1)(a), and
  - (b) that the decision to renew the notice has been approved by a Judicial Commissioner.
- (3) The renewal period means the period of 30 days ending with the day at the end of which the retention notice would otherwise cease to have effect.
- (4) The Secretary of State must give, or publish, notice of the renewal in such manner as the Secretary of State considers appropriate for bringing the renewal to the attention of the telecommunications operator (or description of operators) to whom it relates.
- (5) Sections 87(10), 88, 89 and 90 apply in relation to the renewal of a retention notice as they apply in relation to the giving of a retention notice.”
- (5) In section 229 (main oversight functions), in subsection (8)(e)(i), for “or varying” substitute “, varying or renewal”.
- (6) In section 255 (further provision about national security notices and technical capability notices), after subsection (5) insert—
- “(5A) A relevant notice ceases to have effect at the end of the relevant period unless before the end of that period—
- (a) it is varied in accordance with section 256(4)(c) or (5)(c) so as to impose further requirements on the person to whom the notice was given,
  - (b) it is renewed (see section 256A), or
  - (c) it is revoked or otherwise ceases to have effect (see section 256).
- (5B) In subsection (5A) the “relevant period” means the period of two years beginning with—
- (a) in the case of a relevant notice that has not been varied as mentioned in subsection (5A)(a) or renewed, the day on which the notice was given, or

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- (b) in the case of a relevant notice that has been so varied or renewed, the day after the day at the end of which the relevant notice would have ceased to have effect if it had not been so varied or renewed.”

(7) After section 256 insert—

**“256A Renewal of notices**

- (1) If the renewal conditions are met, a relevant notice may be renewed, at any time during the renewal period, by a notice given by the Secretary of State.
- (2) The renewal conditions for a national security notice given under section 252 are that—
  - (a) the Secretary of State considers that the notice is still necessary in the interests of national security,
  - (b) the Secretary of State considers that the conduct required by the notice is still proportionate to what is sought to be achieved by that conduct, and
  - (c) the decision to renew the notice has been approved by a Judicial Commissioner.
- (3) The renewal conditions for a technical capability notice given under section 253 are that—
  - (a) the Secretary of State considers that the notice is still necessary for securing that the relevant operator has the capability to provide any assistance which the operator may be required to provide in relation to any relevant authorisation,
  - (b) the Secretary of State considers that the conduct required by the notice is still proportionate to what is sought to be achieved by that conduct, and
  - (c) the decision to renew the notice has been approved by a Judicial Commissioner.
- (4) The renewal period means the period of 30 days ending with the day at the end of which the relevant notice would otherwise cease to have effect.
- (5) If the Secretary of State renews a relevant notice given to any person, the Secretary of State must give that person notice in writing of the renewal.
- (6) Sections 254, 255(2) to (4) and (7) and 257 apply in relation to the renewal of a relevant notice as they apply in relation to the giving of a relevant notice.
- (7) Section 255(6) applies to any notice of the renewal of a technical capability notice as it applies to a technical capability notice.
- (8) In this section—
  - “relevant authorisation” has the meaning given by section 253;
  - “relevant notice” means—
    - (a) a national security notice under section 252, or
    - (b) a technical capability notice under section 253;
  - “relevant operator” has the meaning given by section 253.”

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#### **Commencement Information**

**II** S. 20 not in force at Royal Assent, see [s. 32\(2\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Investigatory Powers (Amendment) Act 2024, Section 20.