



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 5

EQUIPMENT INTERFERENCE

Further provision about warrants

124 Approval of modifications under section 123 in urgent cases

- (1) This section applies where—
 - (a) a modification is made under section 123 without the approval of a Judicial Commissioner, and
 - (b) the person who made the modification considered that there was an urgent need to make it.
- (2) The person who made the modification must inform a Judicial Commissioner that it has been made.
- (3) The Judicial Commissioner must, before the end of the relevant period—
 - (a) decide whether to approve the decision to make the modification, and
 - (b) notify the person of the Judicial Commissioner's decision.

“The relevant period” means the period ending with the third working day after the day on which the modification was made.
- (4) If the Judicial Commissioner refuses to approve the decision to make the modification—
 - (a) the person who issued the warrant must be notified of the refusal,
 - (b) the warrant (unless it no longer has effect) has effect as if the modification had not been made, and
 - (c) the person to whom the warrant is addressed must, so far as is reasonably practicable, secure that anything in the process of being done under the warrant by virtue of that modification stops as soon as possible;

Status: Point in time view as at 05/12/2018. This version of this provision has been superseded.

Changes to legislation: Investigatory Powers Act 2016, Section 124 is up to date with all changes known to be in force on or before 30 July 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)

and section 108(5) does not apply in relation to the refusal to approve the decision.

- (5) In a case where a Judicial Commissioner refuses to approve a decision to make a modification of a targeted equipment interference warrant, the Judicial Commissioner may authorise further interference with equipment for the purpose of enabling the person to whom the warrant is addressed to secure that anything in the process of being done under the warrant by virtue of the modification stops as soon as possible.
- (6) If the Judicial Commissioner authorises further interference with equipment under subsection (5), the person who issued the warrant must be informed of the authorisation.
- (7) Nothing in this section affects the lawfulness of—
 - (a) anything done under the warrant by virtue of the modification before the modification ceases to have effect;
 - (b) if anything is in the process of being done under the warrant by virtue of the modification when the modification ceases to have effect—
 - (i) anything done before that thing could be stopped, or
 - (ii) anything done which it is not reasonably practicable to stop.

Commencement Information

II S. 124 in force at 5.12.2018 by S.I. 2018/1246, reg. 3(d)

Status:

Point in time view as at 05/12/2018. This version of this provision has been superseded.

Changes to legislation:

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