



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 6

#### BULK WARRANTS

#### CHAPTER 2

#### BULK ACQUISITION WARRANTS

#### *Bulk acquisition warrants*

#### **158 Power to issue bulk acquisition warrants**

- (1) The Secretary of State may, on an application made by or on behalf of the head of an intelligence service, issue a bulk acquisition warrant if—
- (a) the Secretary of State considers that the warrant is necessary—
    - (i) in the interests of national security, or
    - (ii) on that ground and on any other grounds falling within subsection (2),
  - (b) the Secretary of State considers that the conduct authorised by the warrant is proportionate to what is sought to be achieved by that conduct,
  - (c) the Secretary of State considers that—
    - (i) each of the specified operational purposes (see section 161) is a purpose for which the examination of communications data obtained under the warrant is or may be necessary, and
    - (ii) the examination of such data for each such purpose is necessary on any of the grounds on which the Secretary of State considers the warrant to be necessary,
  - (d) the Secretary of State considers that satisfactory arrangements made for the purposes of section 171 (safeguards relating to the retention and disclosure of data) are in force in relation to the warrant, and

*Status: Point in time view as at 22/08/2018.*

*Changes to legislation: Investigatory Powers Act 2016, Section 158 is up to date with all changes known to be in force on or before 27 June 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)*

- (e) the decision to issue the warrant has been approved by a Judicial Commissioner.

For the meaning of “head of an intelligence service”, see section 263.

- (2) A warrant is necessary on grounds falling within this subsection if it is necessary—
  - (a) for the purpose of preventing or detecting serious crime, or
  - (b) in the interests of the economic well-being of the United Kingdom so far as those interests are also relevant to the interests of national security (but see subsection (3)).
- (3) A warrant may be considered necessary on the ground falling within subsection (2)
  - (b) only if the communications data which it is considered necessary to obtain is communications data relating to the acts or intentions of persons outside the British Islands.
- (4) The fact that the communications data which would be obtained under a warrant relates to the activities in the British Islands of a trade union is not, of itself, sufficient to establish that the warrant is necessary in the interests of national security or on that ground and a ground falling within subsection (2).
- (5) A bulk acquisition warrant is a warrant which authorises or requires the person to whom it is addressed to secure, by any conduct described in the warrant, any one or more of the activities in subsection (6).
- (6) The activities are—
  - (a) requiring a telecommunications operator specified in the warrant—
    - (i) to disclose to a person specified in the warrant any communications data which is specified in the warrant and is in the possession of the operator,
    - (ii) to obtain any communications data specified in the warrant which is not in the possession of the operator but which the operator is capable of obtaining, or
    - (iii) to disclose to a person specified in the warrant any data obtained as mentioned in sub-paragraph (ii),
  - (b) the selection for examination, in any manner described in the warrant, of communications data obtained under the warrant,
  - (c) the disclosure, in any manner described in the warrant, of communications data obtained under the warrant to the person to whom the warrant is addressed or to any person acting on that person's behalf.
- (7) A bulk acquisition warrant also authorises the following conduct (in addition to the conduct described in the warrant)—
  - (a) any conduct which it is necessary to undertake in order to do what is expressly authorised or required by the warrant, and
  - (b) conduct by any person which is conduct in pursuance of a requirement imposed by or on behalf of the person to whom the warrant is addressed to be provided with assistance in giving effect to the warrant.
- (8) A bulk acquisition warrant may relate to data whether or not in existence at the time of the issuing of the warrant.
- (9) An application for the issue of a bulk acquisition warrant may only be made on behalf of the head of an intelligence service by a person holding office under the Crown.

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**Commencement Information**

- I1** S. 158 in force at 25.7.2018 for specified purposes by S.I. 2018/873, **reg. 2(b)** (with reg. 6(a))
- I2** S. 158 in force at 22.8.2018 in so far as not already in force by S.I. 2018/873, **reg. 3(b)**

**Status:**

Point in time view as at 22/08/2018.

**Changes to legislation:**

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