



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 9

MISCELLANEOUS AND GENERAL PROVISIONS

CHAPTER 1

MISCELLANEOUS

Additional powers

258 Approval of notices following review under section 257

- (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 vary a relevant notice as mentioned in section 257(9)(a), or to give a notice under section 257(9)(b) confirming the effect of a relevant notice, the Investigatory Powers Commissioner must review the Secretary of State’s conclusions as to the following matters—
 - (a) whether the relevant notice as varied or confirmed is necessary as mentioned in section 252(1)(a) or (as the case may be) section 253(1)(a), and
 - (b) whether the conduct required by the relevant notice, as varied or confirmed, is proportionate to what is sought to be achieved by that conduct.
- (3) In doing so, the Investigatory Powers 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 Investigatory Powers Commissioner complies with the duties imposed by section 2 (general duties in relation to privacy).

Status: Point in time view as at 22/07/2020.

Changes to legislation: Investigatory Powers Act 2016, Section 258 is up to date with all changes known to be in force on or before 06 August 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)

- (4) Where the Investigatory Powers Commissioner refuses to approve a decision to vary a relevant notice as mentioned in section 257(9)(a), or to give a notice under section 257(9)(b) confirming the effect of a relevant notice, the Investigatory Powers Commissioner must give the Secretary of State written reasons for the refusal.

Commencement Information

II S. 258 in force at 12.3.2018 by S.I. 2018/341, reg. 2(l)

Status:

Point in time view as at 22/07/2020.

Changes to legislation:

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