



Coronavirus Act 2020

2020 CHAPTER 7

PART 1

MAIN PROVISIONS

Investigatory powers

[^{F1}22 Appointment of temporary Judicial Commissioners

- (1) The power in subsection (2) is exercisable if the Investigatory Powers Commissioner notifies the Secretary of State—
 - (a) that, as a result of the effects of coronavirus, there is a shortage of persons able to carry out functions conferred on Judicial Commissioners by—
 - (i) the Police Act 1997 (“the 1997 Act”),
 - (ii) the Regulation of Investigatory Powers Act 2000 and the Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11) (“the 2000 Acts”), and
 - (iii) the Investigatory Powers Act 2016 (“the 2016 Act”), and
 - (b) that in the Commissioner's opinion the power needs to be exercised in order to deal with that shortage.
- (2) The Secretary of State may by regulations made by statutory instrument provide for the Investigatory Powers Commissioner to be able to appoint persons to carry out functions conferred on Judicial Commissioners by the 1997 Act, the 2000 Acts and the 2016 Act.

A person so appointed is referred to in this section as a “temporary Commissioner”.
- (3) The regulations must provide that a temporary Commissioner may be appointed for one or more terms not exceeding six months each and not exceeding 12 months in total.
- (4) The regulations may—
 - (a) provide for the 1997 Act, the 2000 Acts and the 2016 Act to apply in relation to temporary Commissioners with specified omissions or other modifications;

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- (b) make consequential, supplementary or transitional provision.
- (5) The regulations need not reproduce the effect of section 227(4) to (6) of the 2016 Act (requirements for recommendations, consultation etc). But they must require the Investigatory Powers Commissioner to notify the following persons of any appointment made under the regulations—
- (a) the Prime Minister;
 - (b) the Secretary of State;
 - (c) the Lord Chancellor;
 - (d) the Lord Chief Justice of England and Wales;
 - (e) the Lord President of the Court of Session;
 - (f) the Lord Chief Justice of Northern Ireland.
- (6) Subject to any provision made under subsection (4), a reference to a Judicial Commissioner in the 1997 Act, the 2000 Acts or the 2016 Act is to be read (so far as the context allows) as referring also to a temporary Commissioner.
- (7) The regulations must provide for them to cease to have effect at the end of the period of 12 months beginning with the day on which they come into force.
- (8) A person's appointment as a temporary Commissioner comes to an end (if it has not already done so) when the regulations cease to have effect.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section “Investigatory Powers Commissioner” has the meaning given in section 263(1) of the 2016 Act.]

Textual Amendments

- F1** S. 22 suspended (21.4.2021) by [The Coronavirus Act 2020 \(Suspension: Temporary Judicial Commissioners, Urgent Warrants, and Disposal of Bodies\) Regulations 2021 \(S.I. 2021/486\)](#), regs. 1(2), 2

Modifications etc. (not altering text)

- C1** S. 22(1) modified (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\)](#), s. 9(2), [Sch. para. 16](#); S.I. 2021/605, reg. 2(a)(b)(c)

[^{F23} **Time limits in relation to urgent warrants etc under Investigatory Powers Act**

- (1) The power in subsection (2) is exercisable if the Investigatory Powers Commissioner notifies the Secretary of State that, in the Commissioner's opinion, the power needs to be exercised in response to the effects that coronavirus is having, or is likely to have, on the capacity of Judicial Commissioners to carry out their functions.
- (2) The Secretary of State may by regulations made by statutory instrument modify the Investigatory Powers Act 2016 so as to alter, for the purposes of any of the specified provisions of that Act (see subsection (3)), the length of a period referred to in that Act as “the relevant period”.
- (3) The specified provisions are—

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- (a) sections 24(3), 109(3), 180(3) and 209(3) (period within which Judicial Commissioner must decide whether to approve decision to issue urgent warrant);
 - (b) sections 32(2)(a), 116(2)(a), 184(2)(a) and 213(2)(a) (period at end of which urgent warrant ceases to have effect);
 - (c) sections 33(5)(a), 117(5)(a), 185(3)(a) and 214(3)(a) (period during which urgent warrant may be renewed);
 - (d) sections 38(5), 122(5), 124(3), 147(3), 166(3), 188(3) and 217(3) (period within which Judicial Commissioner or other appropriate person must decide whether to approve decision to make urgent modification of warrant).
- (4) A modification made by the regulations may not increase the length of a period so that it ends after the 12th working day after the day on which the warrant was issued or, as the case may be, the modification was made.
- (5) The regulations may make consequential, supplementary or transitional provision.
- (6) The regulations must provide for them to cease to have effect at the end of the period of 12 months beginning with the day on which they come into force.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section—
“Investigatory Powers Commissioner” has the meaning given in section 263(1) of the Investigatory Powers Act 2016;
“Judicial Commissioner” has the meaning given in that section and also includes a person appointed under regulations made under section 22.]

Textual Amendments

- F2** S. 23 suspended (21.4.2021) by [The Coronavirus Act 2020 \(Suspension: Temporary Judicial Commissioners, Urgent Warrants, and Disposal of Bodies\) Regulations 2021 \(S.I. 2021/486\)](#), regs. 1(2), 2
- S. 23 expires (E.N.I.) (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), 2

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Changes to legislation:

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