



Investigatory Powers (Amendment) Act 2024

2024 CHAPTER 9

PART 4

NOTICES

Notification of proposed changes to telecommunications services etc

21 Notification of proposed changes to telecommunications services etc

- (1) The Investigatory Powers Act 2016 is amended in accordance with subsections (2) and (3).
- (2) After section 258 (but before the italic heading before section 259) insert—

“258A Notification of proposed changes to telecommunications services etc

- (1) The Secretary of State may give a relevant operator a notice in writing under this section requiring the operator to notify the Secretary of State of any proposals of the operator to make any relevant changes specified in the notice.
- (2) In this section “relevant change” means a change—
 - (a) to a service or system within subsection (3), and
 - (b) that is specified in regulations made by the Secretary of State as a change that may be included in a notice given under this section.
- (3) The following are within this subsection—
 - (a) telecommunications services offered or provided by the operator;
 - (b) telecommunication systems controlled or provided by the operator;
 - (c) postal services provided by the operator.

Status: This is the original version (as it was originally enacted).

- (4) Regulations under subsection (2) may in particular specify changes by reference to the impact of the changes on the capability of a relevant operator to provide any assistance which the operator may be required to provide in relation to any warrant, authorisation or notice issued or given under this Act.
- (5) The Secretary of State may give a relevant operator a notice under this section only if the Secretary of State considers that—
 - (a) the notice is necessary for maintaining the capability of the relevant operator to provide any assistance which the operator may be required to provide in relation to any warrant, authorisation or notice issued or given under this Act, and
 - (b) the conduct required by the notice is proportionate to what is sought to be achieved by that conduct.
- (6) Before giving a notice under this section, the Secretary of State must among other matters take into account—
 - (a) the likely benefits of the notice,
 - (b) the likely number of users (if known) of any postal or telecommunications service to which the notice relates,
 - (c) the likely cost of complying with the notice, and
 - (d) any other effect of the notice on the operator to whom it relates.
- (7) Before giving a notice under this section to a relevant operator, the Secretary of State must consult that operator.
- (8) A relevant operator to whom a notice is given under this section, or any person employed or engaged for the purposes of that relevant operator’s business, must not disclose the existence or contents of the notice to any other person without the permission of the Secretary of State.
- (9) A relevant operator to whom a notice is given under this section must comply with the notice a reasonable time before making any relevant changes to which the notice relates.
- (10) The duty imposed by subsection (8) or (9) is enforceable by civil proceedings by the Secretary of State for an injunction, or for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or for any other appropriate relief.
- (11) In this section “relevant operator” means—
 - (a) a postal operator,
 - (b) a telecommunications operator, or
 - (c) a person who is proposing to become a postal operator or a telecommunications operator,who meets the condition in subsection (12).
- (12) The condition in this subsection is that the operator or person provides (or has provided) assistance in relation to any warrant, authorisation or notice issued or given under this Act.

258B Variation and revocation of notices given under section 258A

- (1) In this section—

Status: This is the original version (as it was originally enacted).

“relevant notice” means a notice given under section 258A;
“relevant operator” has the same meaning as in that section.

- (2) The Secretary of State may—
 - (a) vary a relevant notice;
 - (b) revoke a relevant notice (whether wholly or in part).
 - (3) The Secretary of State may vary a relevant notice only if the Secretary of State considers that—
 - (a) the variation is necessary for maintaining the capability of the relevant operator to provide any assistance which the operator may be required to provide in relation to any warrant, authorisation or notice issued or given under this Act, and
 - (b) the conduct required by the notice, as varied, is proportionate to what is sought to be achieved by that conduct.
 - (4) If the Secretary of State varies or revokes a relevant notice given to any relevant operator, the Secretary of State must give that relevant operator notice in writing of the variation or revocation.
 - (5) The fact that a relevant notice has been revoked in relation to a particular relevant operator does not prevent the giving of another relevant notice of the same kind in relation to the same relevant operator.
 - (6) Subsections (6) and (7) of section 258A apply in relation to varying or revoking a relevant notice as they apply in relation to giving a relevant notice.
 - (7) Any reference in this section or section 258A(8) or (9) to a notice given under section 258A includes a reference to such a notice as varied under this section.”
- (3) In section 267(3) (regulations)—
 - (a) omit the “or” after paragraph (j);
 - (b) after that paragraph insert—

“(ja) section 258A(2), or”.
 - (4) The Regulation of Investigatory Powers Act 2000 is amended as follows.
 - (5) In section 65 (the Tribunal)—
 - (a) in subsection (5)(czi)—
 - (i) for “or 253” substitute “, 253 or 258A”;
 - (ii) for “or technical capability” substitute “, technical capability or proposed changes to telecommunications services etc”;
 - (b) in subsection (5)(czl)(iii), for “or 253” substitute “, 253 or 258A”;
 - (c) in subsection (8)(bc), for “or 253” substitute “, 253 or 258A”.
 - (6) In section 67 (exercise of the Tribunal’s jurisdiction), in subsection (7)(azc), for “or 253” substitute “, 253 or 258A”.
 - (7) In section 68 (Tribunal procedure)—
 - (a) in subsection (5)(b), for “or 253” substitute “, 253 or 258A”;
 - (b) in subsection (7)(f), for “or 253” substitute “, 253 or 258A”;
 - (c) in subsection (7)(ha), for “or 253” substitute “, 253 or 258A”.