



# Investigatory Powers (Amendment) Act 2024

## 2024 CHAPTER 9

### PART 5

#### MISCELLANEOUS

##### *Members of Parliament etc*

## **22 Interception and examination of communications: Members of Parliament etc**

- (1) Section 26 of the Investigatory Powers Act 2016 (interception and examination of communications: Members of Parliament etc) is amended as follows.
- (2) In subsection (2)—
  - (a) the words “the Prime Minister” become paragraph (a);
  - (b) after that paragraph insert “, or
    - (b) if conditions A and B are met, an individual (other than that Secretary of State) designated by the Prime Minister under this section.”
- (3) After subsection (2) insert—
  - “(2A) Condition A is that the Prime Minister is unable to decide whether to give approval under subsection (2), due to incapacity or inability to access secure communications.
  - (2B) Condition B is that the Secretary of State or a senior official considers that there is an urgent need for the decision (as to whether to give such approval) to be made.
  - (2C) The Prime Minister may designate up to five individuals under this section.
  - (2D) The Prime Minister may designate an individual under this section only if the individual—

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*Status: This is the original version (as it was originally enacted).*

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- (a) holds the office of Secretary of State, and
- (b) has the necessary operational awareness to decide whether to give approvals under subsection (2).

(2E) A designation under this section ends—

- (a) when the individual ceases to hold the office of Secretary of State, or
- (b) if earlier, when revoked by the Prime Minister.

(2F) In this section “senior official” means a member of the Senior Civil Service or a member of the Senior Management Structure of His Majesty’s Diplomatic Service.”