



# Investigatory Powers (Amendment) Act 2024

## 2024 CHAPTER 9

### PART 2

#### OVERSIGHT ARRANGEMENTS

#### 8 Delegation of functions

(1) Section 227 of the Investigatory Powers Act 2016 (Investigatory Powers Commissioner and other Judicial Commissioners) is amended in accordance with subsections (2) to (6).

(2) For subsections (8) and (9) substitute—

“(8) The Investigatory Powers Commissioner may, to such extent as the Investigatory Powers Commissioner may decide, delegate the exercise of functions of the Investigatory Powers Commissioner to—

- (a) a Deputy Investigatory Powers Commissioner, or
- (b) any other Judicial Commissioner.

This is subject to subsections (8A) to (8C).

(8A) Subsection (8)(a) applies to the function of the Investigatory Powers Commissioner of—

- (a) making a recommendation under subsection (4)(e),
- (b) deciding under section 90(11) or 257(10) whether to approve a decision of the Secretary of State,
- (c) making an appointment under section 228A(2) or 247(1), or
- (d) deciding—
  - (i) an appeal against, or a review of, a decision made by another Judicial Commissioner, and
  - (ii) any action to take as a result,

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*Status: This is the original version (as it was originally enacted).*

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only where the Investigatory Powers Commissioner is unable or unavailable to exercise the function for any reason.

- (8B) Subsection (8)(b) does not apply to any function of the Investigatory Powers Commissioner mentioned in subsection (8A).
- (8C) Subsection (8) does not apply to the function of the Investigatory Powers Commissioner of making an appointment under subsection (6A).
- (8D) Where there are two Deputy Investigatory Powers Commissioners, the power in subsection (8)(a) may, in particular, be used to delegate to one Deputy Investigatory Powers Commissioner the exercise of the function of the Investigatory Powers Commissioner of deciding—
  - (a) an appeal against, or a review of, a decision made by the other Deputy Investigatory Powers Commissioner, and
  - (b) any action to take as a result.”
- (3) Omit subsection (9A) (authorisations for obtaining communications data).
- (4) After subsection (10) insert—
 

“(10A) Where—

  - (a) the exercise of a function of the Investigatory Powers Commissioner mentioned in subsection (8A)(d) is delegated to a Deputy Investigatory Powers Commissioner in accordance with subsection (8)(a), and
  - (b) the Deputy Investigatory Powers Commissioner decides the appeal or review (and any action to take as a result),

no further appeal, or request for a further review, may be made to the Investigatory Powers Commissioner in relation to the decision of the Deputy Investigatory Powers Commissioner.”
- (5) In subsection (13), for paragraph (b) substitute—
 

“(b) to the Investigatory Powers Commissioner are to be read—

  - (i) so far as necessary for the purposes of subsection (8)(a), as references to the Investigatory Powers Commissioner or any Deputy Investigatory Powers Commissioner, and
  - (ii) so far as necessary for the purposes of subsection (8)(b), as references to the Investigatory Powers Commissioner or any other Judicial Commissioner.”
- (6) After subsection (13) insert—
 

“(14) In this section a reference to deciding an appeal against, or a review of, a decision made by a Judicial Commissioner includes a reference to deciding whether to approve a decision that the Judicial Commissioner has refused to approve.”
- (7) In section 238(6)(a) of the Investigatory Powers Act 2016 (funding, staff and facilities etc), after “section”, in the second place it occurs, insert “227(6A), 228A(2) or”.