
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Coronavirus Act 2020 in order to ensure that warrants can continue to be approved by Judicial Commissioners under the Investigatory Powers Act 2016 (“the 2016 Act”).

These Regulations make it possible for the Investigatory Powers Commissioner to quickly appoint temporary Judicial Commissioners rather than the current (more lengthy) process under the 2016 Act for appointing Judicial Commissioners having to be followed. Such temporary Judicial Commissioners can only be appointed for a (renewable) term of six months, with a maximum tenure of 12 months. This power will ensure that there remain sufficient numbers of Judicial Commissioners to ensure warrants are considered efficiently and expeditiously.

These Regulations also extend the time limits for approvals of urgent warrants and urgent modifications to occur. Urgent warrants can be issued and then must be approved by a Judicial Commissioner within three working days from the day after the day on which the warrant was issued. Urgent modifications of warrants must also be approved within three working days from the day after the day on which the modification was made. If such warrants are approved, the warrant will continue to be valid for five working days from the day after the day on which the warrant was issued. If urgent modifications are approved, the modifications will continue to be valid for five working days from the day after the day on which the modification was made of the warrant. These Regulations extend the period in which an urgent warrant or modification must be approved to nine working days and the period in which such a warrant or modification is valid for, if it is so approved, to 12 working days.

These Regulations will cease to have effect after 12 months.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Investigatory Powers (Temporary Judicial Commissioners and Modification of Time Limits) Regulations 2020.