

*Draft Regulations laid before Parliament under section 267(3)(e), (h), (j) and (ja) of the Investigatory Powers Act 2016 (c. 25), for approval by resolution of each House of Parliament.*

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D R A F T   S T A T U T O R Y   I N S T R U M E N T S

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No.

**INVESTIGATORY POWERS**

**The Investigatory Powers (Notification Notices, Review Periods  
and Technical Advisory Board) Regulations 2025**

*Made* - - - -

*Coming into force* - -

The Secretary of State makes these Regulations in exercise of the powers conferred by section 90(5A), (11A) and (14) to (16), 245, 257(4A), (10A) and (13) to (15), 258A(2) and (4), and 267(1)(b) of the Investigatory Powers Act 2016(a).

In accordance with section 267(3)(e), (h), (j) and (ja) of that Act, a draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament.

**Citation, commencement, extent and interpretation**

1.—(1) These Regulations may be cited as the Investigatory Powers (Notification Notices, Review Periods and Technical Advisory Board) Regulations 2025.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(4) In these Regulations, “the Act” means the Investigatory Powers Act 2016.

**Relevant change**

2.—(1) Subject to paragraph (4), a “relevant change” for the purposes of section 258A(2) of the Act means a change to a service or system within section 258A(3) of the Act that, if implemented, would have a negative effect on the capability of the relevant operator to provide any assistance which the relevant operator may be required to provide in relation to any warrant, authorisation or notice issued or given under the Act.

(2) A relevant change includes—

(a) a change to a data retention period by the relevant operator;

(b) a change in the relevant operator’s ability to lawfully provide communications data;

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(a) 2016 c. 25. Section 90 was amended by section 18(1) and (2) of the Investigatory Powers (Amendment) Act 2024 (c. 9). Section 257 was amended by section 18(1) and (5) of the Investigatory Powers (Amendment) Act 2024. Section 258A was inserted by section 21(1) and (2) of the Investigatory Powers (Amendment) Act 2024. Section 267 was amended by sections 18(1) and (6) and 21(3) of the Investigatory Powers (Amendment) Act 2024.

- (c) a change in the relevant operator’s ability to lawfully provide the content of communications;
  - (d) the decommissioning of a service.
- (3) The matters which are relevant as to whether a change would have the effect referred to in paragraph (1) include—
- (a) the current or expected number of warrants, authorisations or requests issued to the relevant operator;
  - (b) the operational importance of the data provided under sub-paragraph (a);
  - (c) the types of services the relevant operator provides;
  - (d) the customer base of the relevant operator;
  - (e) the market share of the relevant operator.
- (4) A change is not a relevant change for the purposes of this regulation if it—
- (a) is made by a relevant operator who does not provide, and does not intend to provide, a telecommunications or postal service to more than 10,000 persons, or
  - (b) fixes a defect in installed software and leaves the intended functionality of the software unchanged.

**Amendment of the Investigatory Powers (Review of Notices and Technical Advisory Board) Regulations 2018**

3. The Investigatory Powers (Review of Notices and Technical Advisory Board) Regulations 2018(a) are amended in accordance with regulations 4 to 6.

**New regulations 2A (review period) and 2B (relevant period)**

4. After regulation 2, insert—

**“Review period**

**2A.—**(1) For the purposes of sections 90(5) and 257(4) of the Act, the “review period”—

- (a) means the period of 180 days within which the Secretary of State must decide whether to—
  - (i) vary or revoke the notice, or
  - (ii) give a notice confirming its effect;
- (b) begins with the day on which the notice is referred to the Secretary of State for review under sections 90(1) or 257(1) of the Act.

(2) The review period in paragraph (1) may be extended for any period of time with the agreement of the Secretary of State, the Judicial Commissioner, and the person to whom the notice was given.

(3) Subsequent extensions to the review period may be agreed in accordance with paragraph (2).

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(a) S.I. 2018/354.

### **Relevant period**

**2B.**—(1) For the purposes of sections 90(10) and 257(9) of the Act, the “relevant period”—

- (a) means the period of 30 days within which the Secretary of State must decide whether to—
  - (i) vary or revoke the notice, or
  - (ii) give a notice confirming its effect;
- (b) begins with the day on which the Judicial Commissioner and Technical Advisory Board report their conclusions to the Secretary of State under sections 90(9)(b) or 257(8)(b) of the Act.

(2) If the Judicial Commissioner and Technical Advisory Board report their conclusions to the Secretary of State on different days, the relevant period begins with whichever day is the later one.

(3) The relevant period may be extended by the Secretary of State in exceptional circumstances, provided that—

- (a) any extension does not exceed the review period in regulation 2A(1), unless an extension under regulation 2A(2) has been agreed; and
- (b) the Secretary of State notifies the Judicial Commissioner and the person to whom the notice was given of the duration of the extension.”.

### **Amendment to regulation 3 (membership of the Technical Advisory Board)**

**5.** In regulation 3—

- (a) for paragraph (1), substitute—

“(1) The Technical Advisory Board must consist of at least seven members.”;

- (b) in paragraphs (2) and (4), for “Six members (and no more than six members)” substitute “At least three members”;

- (c) for paragraph (6) substitute—

“(6) At least one member must be appointed who is not a person to whom paragraph (2) or (4) applies.”.

### **Substitution of regulation 4 (quorum)**

**6.** For regulation 4, substitute—

**“4.**—(1) The quorum for any review board is to be seven members of whom—

- (a) three are members to whom regulation 3(2) applies,
- (b) three are members to whom regulation 3(4) applies, and
- (c) one is a member to whom regulation 3(6) applies.

(2) Where there are more than seven members at a review board, the quorum is to be—

- (a) an equal number of—
  - (i) members to whom regulation 3(2) applies, and
  - (ii) members to whom regulation 3(4) applies, and
- (b) at least one member to whom regulation 3(6) applies.

(3) For the purposes of this regulation, “review board” means any meeting of the Technical Advisory Board constituted for the purposes of carrying out functions under sections 90 or 257 of the Act.”.

Date

*Name*  
Minister of State  
Home Office

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations arise out of some of the changes the Investigatory Powers (Amendment) Act 2024 (c. 9) made to the Investigatory Powers Act 2016 (c. 25) (“the Act”).

Firstly, the Regulations specify what constitutes a “relevant change” for the purposes of section 258A of the Act. Secondly, the Regulations amend the Investigatory Powers (Review of Notices and Technical Advisory Board) Regulations 2018 (S.I. 2018/354) (“the 2018 Regulations”) to specify the period of time within the Secretary of State must complete the review of a notice under sections 90 and 257 of the Act. Thirdly, the Regulations amend the 2018 Regulations with regard to the composition and quorum of the Technical Advisory Board.

Regulation 2 provides further detail on what is considered a relevant change to an operator’s services or systems which will need to be notified to the Secretary of State under section 258A of the Act. A relevant change is one which would have a negative effect on existing lawful access capabilities.

Regulation 4 inserts two new provisions into the 2018 Regulations. New regulation 2A specifies the overall period within which the Secretary of State must complete the review of a notice (“the review period”). New regulation 2B sets out the period within which the Secretary of State must complete the review of a notice once the Judicial Commissioner and the Technical Advisory Board have provided their reports (“the relevant period”).

Regulation 5 amends regulation 3 of the 2018 Regulations with regard to the composition of the Technical Advisory Board. The maximum cap on membership is removed, and the minimum cap is reduced to seven.

Regulation 6 substitutes regulation 4 of the 2018 Regulations. The quorum for any meeting of the Technical Advisory Board for the purposes of carrying out its functions under sections 90 and 257 of the IPA is to be seven members and must be balanced across the different membership groups.

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