



Intelligence Services Act 1994

1994 CHAPTER 13

GCHQ

3 The Government Communications Headquarters.

- (1) There shall continue to be a Government Communications Headquarters under the authority of the Secretary of State; and, subject to subsection (2) below, its functions shall be—
- (a) to monitor [^{F1}, make use of] or interfere with electromagnetic, acoustic and other emissions and any equipment producing such emissions and to obtain and provide information derived from or related to such emissions or equipment and from encrypted material; and
 - (b) to provide advice and assistance about—
 - (i) languages, including terminology used for technical matters, and
 - (ii) cryptography and other matters relating to the protection of information and other material,to the armed forces of the Crown, to Her Majesty's Government in the United Kingdom or to a Northern Ireland Department [^{F2}or, in such cases as it considers appropriate, to other organisations or persons, or to the general public, in the United Kingdom or elsewhere.]
- (2) The functions referred to in subsection (1)(a) above shall be exercisable only—
- (a) in the interests of national security, with particular reference to the defence and foreign policies of Her Majesty's Government in the United Kingdom; or
 - (b) in the interests of the economic well-being of the United Kingdom in relation to the actions or intentions of persons outside the British Islands; or
 - (c) in support of the prevention or detection of serious crime.
- (3) In this Act the expression "GCHQ" refers to the Government Communications Headquarters and to any unit or part of a unit of the armed forces of the Crown which is for the time being required by the Secretary of State to assist the Government Communications Headquarters in carrying out its functions.

Changes to legislation: There are currently no known outstanding effects for the Intelligence Services Act 1994, Cross Heading: GCHQ. (See end of Document for details)

Textual Amendments

- F1** Words in s. 3(1)(a) inserted (13.2.2017) by Investigatory Powers Act 2016 (c. 25), ss. 251(2)(a), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/137, reg. 2(r)
- F2** Words in s. 3(1)(b) substituted (13.2.2017) by Investigatory Powers Act 2016 (c. 25), ss. 251(2)(b), 272(1) (with Sch. 9 paras. 7, 8, 10); S.I. 2017/137, reg. 2(r)

Commencement Information

- I1** S. 3 wholly in force at 15.12.1994; S. 3 not in force at Royal Assent, see s. 12(2); s. 3 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, art. 2

4 The Director of GCHQ.

- (1) The operations of GCHQ shall continue to be under the control of a Director appointed by the Secretary of State.
- (2) The Director shall be responsible for the efficiency of GCHQ and it shall be his duty to ensure—
 - (a) that there are arrangements for securing that no information is obtained by GCHQ except so far as necessary for the proper discharge of its functions and that no information is disclosed by it except so far as necessary for that purpose or for the purpose of any criminal proceedings; and
 - (b) that GCHQ does not take any action to further the interests of any United Kingdom political party.
- (3) Without prejudice to the generality of subsection (2)(a) above, the disclosure of information shall be regarded as necessary for the proper discharge of the functions of GCHQ if it consists of—
 - (a) the disclosure of records subject to and in accordance with the ^{M1}Public Records Act 1958; or
 - (b) the disclosure, subject to and in accordance with arrangements approved by the Secretary of State, of information to the Comptroller and Auditor General for the purposes of his functions.
- (4) The Director shall make an annual report on the work of GCHQ to the Prime Minister and the Secretary of State and may at any time report to either of them on any matter relating to its work.

Commencement Information

- I2** S. 4 wholly in force at 15.12.1994; S. 4 not in force at Royal Assent, see s. 12(2); s. 4 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, art. 2

Marginal Citations

- M1** 1958 c. 51.

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