



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART I

COMMUNICATIONS

CHAPTER I

INTERCEPTION

Unlawful and authorised interception

4 Power to provide for lawful interception.

- (1) Conduct by any person (“the interceptor”) consisting in the interception of a communication in the course of its transmission by means of a telecommunication system is authorised by this section if—
 - (a) the interception is carried out for the purpose of obtaining information about the communications of a person who, or who the interceptor has reasonable grounds for believing, is in a country or territory outside the United Kingdom;
 - (b) the interception relates to the use of a telecommunications service provided to persons in that country or territory which is either—
 - (i) a public telecommunications service; or
 - (ii) a telecommunications service that would be a public telecommunications service if the persons to whom it is offered or provided were members of the public in a part of the United Kingdom;
 - (c) the person who provides that service (whether the interceptor or another person) is required by the law of that country or territory to carry out, secure or facilitate the interception in question;

Status: Point in time view as at 27/09/2010. This version of this provision has been superseded.

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 4 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) the situation is one in relation to which such further conditions as may be prescribed by regulations made by the Secretary of State are required to be satisfied before conduct may be treated as authorised by virtue of this subsection; and
 - (e) the conditions so prescribed are satisfied in relation to that situation.
- (2) Subject to subsection (3), the Secretary of State may by regulations authorise any such conduct described in the regulations as appears to him to constitute a legitimate practice reasonably required for the purpose, in connection with the carrying on of any business, of monitoring or keeping a record of—
- (a) communications by means of which transactions are entered into in the course of that business; or
 - (b) other communications relating to that business or taking place in the course of its being carried on.
- (3) Nothing in any regulations under subsection (2) shall authorise the interception of any communication except in the course of its transmission using apparatus or services provided by or to the person carrying on the business for use wholly or partly in connection with that business.
- (4) Conduct taking place in a prison is authorised by this section if it is conduct in exercise of any power conferred by or under any rules made under section 47 of the ^{M1}Prison Act 1952, section 39 of the ^{M2}Prisons (Scotland) Act 1989 or section 13 of the ^{M3}Prison Act (Northern Ireland) 1953 (prison rules).
- (5) Conduct taking place in any hospital premises where high security psychiatric services are provided is authorised by this section if it is conduct in pursuance of, and in accordance with, any direction given under [^{F1}section 8 of the National Health Service Act 2006, or section 19 or 23 of the National Health Service (Wales) Act 2006](directions as to the carrying out of their functions by health bodies) to the body providing those services at those premises.
- (6) Conduct taking place in a state hospital is authorised by this section if it is conduct in pursuance of, and in accordance with, any direction given to the State Hospitals Board for Scotland under section 2(5) of the ^{M4}National Health Service (Scotland) Act 1978 (regulations and directions as to the exercise of their functions by health boards) as applied by Article 5(1) of and the Schedule to The ^{M5}State Hospitals Board for Scotland Order 1995 (which applies certain provisions of that Act of 1978 to the State Hospitals Board).
- (7) In this section references to a business include references to any activities of a government department, of any public authority or of any person or office holder on whom functions are conferred by or under any enactment.
- (8) In this section—
- “government department” includes any part of the Scottish Administration, a Northern Ireland department and [^{F2}the Welsh Assembly Government];
 - “high security psychiatric services” has the same meaning as in [^{F3}section 4 of the National Health Service Act 2006];
 - “hospital premises” has the same meaning as in section 4(3) of that Act; and
 - “state hospital” has the same meaning as in the ^{M6}National Health Service (Scotland) Act 1978.
- (9) In this section “prison” means—

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- (a) any prison, young offender institution, young offenders centre or remand centre which is under the general superintendence of, or is provided by, the Secretary of State under the ^{M7}Prison Act 1952 or the ^{M8}Prison Act (Northern Ireland) 1953, or
- (b) any prison, young offenders institution or remand centre which is under the general superintendence of the Scottish Ministers under the ^{M9}Prisons (Scotland) Act 1989,

and includes any contracted out prison, within the meaning of Part IV of the ^{M10}Criminal Justice Act 1991 or section 106(4) of the ^{M11}Criminal Justice and Public Order Act 1994, and any legalised police cells within the meaning of section 14 of the ^{M12}Prisons (Scotland) Act 1989.

Textual Amendments

- F1** Words in s. 4(5) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), ss. 2, 8, Sch. 1 para. 208\(a\)](#) (with Sch. 3 Pt. 1)
- F2** Words in s. 4(8) substituted (the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2)(3) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\), art. 1\(2\)\(3\), Sch. 1 para. 76\(2\)](#)
- F3** Words in s. 4(8) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), ss. 2, 8, Sch. 1 para. 208\(b\)](#) (with Sch. 3 Pt. 1)

Marginal Citations

- M1** 1952 c. 52.
- M2** 1989 c. 45.
- M3** 1953 c. 18 (N.I.).
- M4** 1978 c. 29.
- M5** S.I. 1995/574.
- M6** 1978 c. 29.
- M7** 1952 c. 52.
- M8** 1953 c. 18 (N.I.).
- M9** 1989 c. 45.
- M10** 1991 c. 53.
- M11** 1994 c. 33.
- M12** 1989 c. 45.

Status:

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