



# Interception of Communications Act 1985

## 1985 CHAPTER 56

An Act to make new provision for and in connection with the interception of communications sent by post or by means of public telecommunication systems and to amend section 45 of the Telecommunications Act 1984. [25th July 1985]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**Annotations:**

**Commencement Information**

**I1** Act not in force at Royal Assent see [s. 12\(2\)](#); wholly in force at (10.4.1986) by [S.I. 1986/384](#), [art. 2](#).

**F1** .....

**Annotations:**

**Amendments (Textual)**

**F1** [S. 1](#) repealed (2.10.2000) by [2000 c. 23](#), [s. 82\(2\)](#), [Sch. 5](#) (with [s. 82\(3\)](#)); [S.I. 2000/2543](#), [art. 3](#)

**F2** .....

**Annotations:**

**Amendments (Textual)**

**F2** [S. 2](#) repealed (2.10.2000) by [2000 c. 23](#), [s. 82\(2\)](#), [Sch. 5](#) (with [s. 82\(3\)-\(6\)](#)); [S.I. 2000/2543](#), [art. 3](#)

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Interception of Communications Act 1985. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

F3 .....  
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**Annotations:**  
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**Amendments (Textual)**

**F3** S. 3 repealed (2.10.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 3**

F4 .....  
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**Annotations:**  
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**Amendments (Textual)**

**F4** S. 4 repealed (2.10.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 3**

F5 .....  
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**Annotations:**  
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**Amendments (Textual)**

**F5** S. 5 repealed (2.10.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 3**

F6 .....  
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**Annotations:**  
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**Amendments (Textual)**

**F6** S. 6 repealed (2.10.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 3**

F7 .....  
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**Annotations:**  
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**Amendments (Textual)**

**F7** S. 7 repealed (2.10.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 3** (subject to transitional savings in art. 6)

F8 .....  
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**Annotations:**

**Amendments (Textual)**

**F8** S. 8 repealed (2.10.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 3**

**F9** .....

**Annotations:**

**Amendments (Textual)**

**F9** S. 9 repealed (2.10.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 3**

**F10** 10 .....

**Annotations:**

**Amendments (Textual)**

**F10** S. 10 repealed (2.10.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 3**

**11 Amendments, saving and repeal.**

(1) For section 45 of the 1984 Act (interception and disclosure of messages etc.) there shall be substituted the section set out in Schedule 2 to this Act.

**F11**(2) .....

**F12**(3) .....

(4) .....

(5) .....

**Annotations:**

**Amendments (Textual)**

**F11** S. 11(2) repealed (26.3.2001) by 2000 c. 26, s. 127(6), **Sch. 9**; S.I. 2001/878, **art. 2**, **Sch.** (subject to transitional and saving provisions in **arts. 3-17**)

**F12** S. 11(3)-(5) repealed (2.10.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 3**

**12 Short title, commencement and extent.**

(1) This Act may be cited as the Interception of Communications Act 1985.

(2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.

(3) This Act extends to Northern Ireland.

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- (4) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend to the Isle of Man or any of the Channel Islands with such exceptions, adaptations and modifications as may be so specified.

**Annotations:**

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**Modifications etc. (not altering text)**

**C1** Power of appointment conferred by s. 12(2) fully exercised: [S.I. 1986/384](#)

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## SCHEDULES

F13

### SCHEDULE 1

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**Annotations:**

**Amendments (Textual)**

**F13** Sch. 1 repealed (2.10.2000) by 2000 c. 23, s. 82(2), Sch. 5 (with s. 82(3)); S.I. 2000/2543, art. 3 (subject to transitional savings in art. 6)

### SCHEDULE 2

Section 11.

#### SECTION SUBSTITUTED FOR SECTION 45 OF 1984 ACT

*Disclosure of messages etc.*

- 45 (1) A person engaged in the running of a public telecommunication system who otherwise than in the course of his duty intentionally discloses to any person—
- (a) the contents of any message which has been intercepted in the course of its transmission by means of that system; or
  - (b) any information concerning the use made of telecommunication services provided for any other person by means of that system,
- shall be guilty of an offence.
- (2) Subsection (1) above does not apply to—
- (a) any disclosure which is made for the prevention or detection of crime or for the purposes of any criminal proceedings;
  - (b) any disclosure of matter falling within paragraph (a) of that subsection which is made in obedience to a warrant issued by the Secretary of State under section 2 of the Interception of Communications Act 1985 or in pursuance of a requirement imposed by the Commissioner under section 8(3) of that Act; or
  - (c) any disclosure of matter falling within paragraph (b) of that subsection which is made in the interests of national security or in pursuance of the order of a court.
- (3) For the purposes of subsection (2)(c) above a certificate signed by a Minister of the Crown who is a member of the Cabinet, or by the Attorney General or the Lord Advocate, certifying that a disclosure was made in the interests of national security shall be conclusive evidence of that fact; and a document purporting to be such a

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certificate shall be received in evidence and deemed to be such a certificate unless the contrary is proved.

- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. 2 repealed by [2003 c. 21 Sch. 19\(1\)](#)

**Commencement Orders yet to be applied to the Interception of Communications Act 1985:**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2003/1900 art. 2](#) commences ([2003 c. 21](#))
- [S.I. 2003/3142 art. 2-4](#) commences ([2002 c. 11](#) and [2003 c. 21](#))