



# Intelligence Services Act 1994

## 1994 CHAPTER 13

### *Authorisation of certain actions*

#### 7 **Authorisation of acts outside the British Islands.** U.K.

- (1) If, apart from this section, a person would be liable in the United Kingdom for any act done outside the British Islands, he shall not be so liable if the act is one which is authorised to be done by virtue of an authorisation given by the Secretary of State under this section.
- (2) In subsection (1) above “liable in the United Kingdom ” means liable under the criminal or civil law of any part of the United Kingdom.
- (3) The Secretary of State shall not give an authorisation under this section unless he is satisfied—
  - (a) that any acts which may be done in reliance on the authorisation or, as the case may be, the operation in the course of which the acts may be done will be necessary for the proper discharge of a function of the Intelligence Service [<sup>F1</sup>or GCHQ]; and
  - (b) that there are satisfactory arrangements in force to secure—
    - (i) that nothing will be done in reliance on the authorisation beyond what is necessary for the proper discharge of a function of the Intelligence Service [<sup>F1</sup>or GCHQ]; and
    - (ii) that, in so far as any acts may be done in reliance on the authorisation, their nature and likely consequences will be reasonable, having regard to the purposes for which they are carried out; and
  - (c) that there are satisfactory arrangements in force under section 2(2)(a) [<sup>F2</sup>or 4(2)(a)] above with respect to the disclosure of information obtained by virtue of this section and that any information obtained by virtue of anything done in reliance on the authorisation will be subject to those arrangements.
- (4) Without prejudice to the generality of the power of the Secretary of State to give an authorisation under this section, such an authorisation—
  - (a) may relate to a particular act or acts, to acts of a description specified in the authorisation or to acts undertaken in the course of an operation so specified;

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- (b) may be limited to a particular person or persons of a description so specified; and
  - (c) may be subject to conditions so specified.
- (5) An authorisation shall not be given under this section except—
- (a) under the hand of the Secretary of State; or
  - (b) in an urgent case where the Secretary of State has expressly authorised it to be given and a statement of that fact is endorsed on it, under the hand of a senior official<sup>F3</sup> . . .
- (6) An authorisation shall, unless renewed under subsection (7) below, cease to have effect—
- (a) if the authorisation was given under the hand of the Secretary of State, at the end of the period of six months beginning with the day on which it was given;
  - (b) in any other case, at the end of the period ending with the [<sup>F4</sup> fifth] working day following the day on which it was given.
- (7) If at any time before the day on which an authorisation would cease to have effect the Secretary of State considers it necessary for the authorisation to continue to have effect for the purpose for which it was given, he may by an instrument under his hand renew it for a period of six months beginning with that day.
- (8) The Secretary of State shall cancel an authorisation if he is satisfied that any act authorised by it is no longer necessary.
- [<sup>F5</sup>(9) For the purposes of this section the reference in subsection (1) to an act done outside the British Islands includes a reference to any act which—
- (a) is done in the British Islands; but
  - (b) is or is intended to be done in relation to apparatus that is believed to be outside the British Islands, or in relation to anything appearing to originate from such apparatus;
- and in this subsection “apparatus ” has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23).]
- [<sup>F6</sup>(10) Where—
- (a) a person is authorised by virtue of this section to do an act outside the British Islands in relation to property,
  - (b) the act is one which, in relation to property within the British Islands, is capable of being authorised by a warrant under section 5,
  - (c) a person authorised by virtue of this section to do that act outside the British Islands, does the act in relation to that property while it is within the British Islands, and
  - (d) the act is done in circumstances falling within subsection (11) or (12),
- this section shall have effect as if the act were done outside the British Islands in relation to that property.
- (11) An act is done in circumstances falling within this subsection if it is done in relation to the property at a time when it is believed to be outside the British Islands.
- (12) An act is done in circumstances falling within this subsection if it —
- (a) is done in relation to property which was mistakenly believed to be outside the British Islands either when the authorisation under this section was given

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- or at a subsequent time or which has been brought within the British Islands since the giving of the authorisation; but
- (b) is done before the end of the fifth working day after the day on which the presence of the property in the British Islands first becomes known.
- (13) In subsection (12) the reference to the day on which the presence of the property in the British Islands first becomes known is a reference to the day on which it first appears to a member of the Intelligence Service or of GCHQ, after the relevant time—
- (a) that the belief that the property was outside the British Islands was mistaken; or
- (b) that the property is within those Islands.
- (14) In subsection (13) ‘the relevant time’ means, as the case may be—
- (a) the time of the mistaken belief mentioned in subsection (12)(a); or
- (b) the time at which the property was, or was most recently, brought within the British Islands.]

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#### Textual Amendments

- F1** Words in s. 7(3)(a) and (b)(i) inserted (14.12.2001) by 2001 c. 24, **ss. 116(1)(a)**, 127(2)(h)
- F2** Words in s. 7(3)(c) inserted (14.12.2001) by 2001 c. 24, **ss. 116(1)(b)**, 127(2)(h)
- F3** Words in s. 7(5)(b) repealed (25.9.2000) by 2000 c. 23, **ss. 74(3)**, 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F4** Word in s. 7(6)(b) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **ss. 31(5)**, 39(2); S.I. 2006/1013, **art. 2(2)(b)**
- F5** S. 7(9) inserted (14.12.2001) by 2001 c. 24, **ss. 116(2)**, 127(2)(h)
- F6** S. 7(10)-(14) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **ss. 31(6)**, 39(2); S.I. 2006/1013, **art. 2(2)(b)**

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

- C1** S. 7 amended (2.10.2000) by 2000 c. 23, **s. 59(2)(a)** (with s. 82(3)); S.I. 2000/2543, **art. 3**

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#### Commencement Information

- I1** S. 7 wholly in force at 15.12.1994; S. 7 not in force at Royal Assent, see s. 12(2); s. 7 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Intelligence Services Act 1994, Section 7.