



Regulation of Investigatory Powers Act 2000

CHAPTER 23

REGULATION OF INVESTIGATORY POWERS ACT 2000

PART I

COMMUNICATIONS

CHAPTER I

INTERCEPTION

Unlawful and authorised interception

- 1 Unlawful interception.
- 2 Meaning and location of “interception” etc.
- 3 Lawful interception without an interception warrant.
- 4 Power to provide for lawful interception.
- 5 Interception with a warrant.

Interception warrants

- 6 Application for issue of an interception warrant.
- 7 Issue of warrants.
- 8 Contents of warrants.
- 9 Duration, cancellation and renewal of warrants.
- 10 Modification of warrants and certificates.
- 11 Implementation of warrants.

Status: Point in time view as at 26/04/2004.

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Interception capability and costs

- 12 Maintenance of interception capability.
- 13 Technical Advisory Board.
- 14 Grants for interception costs.

Restrictions on use of intercepted material etc.

- 15 General safeguards.
- 16 Extra safeguards in the case of certificated warrants.
- 17 Exclusion of matters from legal proceedings.
- 18 Exceptions to section 17.
- 19 Offence for unauthorised disclosures.

Interpretation of Chapter I

- 20 Interpretation of Chapter I.

CHAPTER II

ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

- 21 Lawful acquisition and disclosure of communications data.
- 22 Obtaining and disclosing communications data.
- 23 Form and duration of authorisations and notices.
- 24 Arrangements for payments.
- 25 Interpretation of Chapter II.

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Introductory

- 26 Conduct to which Part II applies.

Authorisation of surveillance and human intelligence sources

- 27 Lawful surveillance etc.
- 28 Authorisation of directed surveillance.
- 29 Authorisation of covert human intelligence sources.
- 30 Persons entitled to grant authorisations under ss. 28 and 29.
- 31 Orders under s. 30 for Northern Ireland.
- 32 Authorisation of intrusive surveillance.

Police and customs authorisations

- 33 Rules for grant of authorisations.
- 34 Grant of authorisations in the senior officer's absence.
- 35 Notification of authorisations for intrusive surveillance.
- 36 Approval required for authorisations to take effect.
- 37 Quashing of police and customs authorisations etc.
- 38 Appeals against decisions by Surveillance Commissioners.
- 39 Appeals to the Chief Surveillance Commissioner: supplementary.
- 40 Information to be provided to Surveillance Commissioners.

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Other authorisations

- 41 Secretary of State authorisations.
- 42 Intelligence services authorisations.

Grant, renewal and duration of authorisations

- 43 General rules about grant, renewal and duration.
- 44 Special rules for intelligence services authorisations.
- 45 Cancellation of authorisations.

Scotland

- 46 Restrictions on authorisations extending to Scotland.

Supplemental provision for Part II

- 47 Power to extend or modify authorisation provisions.
- 48 Interpretation of Part II.

PART III

INVESTIGATION OF ELECTRONIC DATA PROTECTED BY ENCRYPTION ETC.

Power to require disclosure

- 49 Notices requiring disclosure.
- 50 Effect of notice imposing disclosure requirement.
- 51 Cases in which key required.

Contributions to costs

- 52 Arrangements for payments for disclosure.

Offences

- 53 Failure to comply with a notice.
- 54 Tipping-off.

Safeguards

- 55 General duties of specified authorities.

Interpretation of Part III

- 56 Interpretation of Part III.

PART IV

SCRUTINY ETC. OF INVESTIGATORY POWERS AND OF THE FUNCTIONS OF THE INTELLIGENCE SERVICES

Commissioners

- 57 Interception of Communications Commissioner.
- 58 Co-operation with and reports by s. 57 Commissioner.
- 59 Intelligence Services Commissioner.
- 60 Co-operation with and reports by s. 59 Commissioner.
- 61 Investigatory Powers Commissioner for Northern Ireland.
- 62 Additional functions of Chief Surveillance Commissioner.

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- 63 Assistant Surveillance Commissioners.
- 64 Delegation of Commissioners' functions.

The Tribunal

- 65 The Tribunal.
- 66 Orders allocating proceedings to the Tribunal.
- 67 Exercise of the Tribunal's jurisdiction.
- 68 Tribunal procedure.
- 69 Tribunal rules.
- 70 Abolition of jurisdiction in relation to complaints.

Codes of practice

- 71 Issue and revision of codes of practice.
- 72 Effect of codes of practice.

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

- 73 Conduct in relation to wireless telegraphy.
- 74 Warrants under the Intelligence Services Act 1994.
- 75 Authorisations under Part III of the Police Act 1997.
- 76 Surveillance etc. operations beginning in Scotland.
- 76A Foreign surveillance operations

Supplemental

- 77 Ministerial expenditure etc.
- 78 Orders, regulations and rules.
- 79 Criminal liability of directors etc.
- 80 General saving for lawful conduct.
- 81 General interpretation.
- 82 Amendments, repeals and savings etc.
- 83 Short title, commencement and extent.

SCHEDULES

SCHEDULE A1 — MONETARY PENALTY NOTICES IN RELATION TO CERTAIN UNLAWFUL INTERCEPTIONS

PART 1 — MONETARY PENALTY NOTICES

General

- 1 (1) A monetary penalty notice is a notice requiring the...

Enforcement obligations

- 2 (1) The Commissioner may include one or more than one...

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Consultation requirements before service of notices

- 3 (1) The Commissioner must proceed in accordance with sub-paragraphs
(2)...

Variation or cancellation of notices

- 4 (1) The Commissioner may, subject as follows, vary or cancel...

Appeals against notices

- 5 (1) A person on whom a monetary penalty notice is...

Enforcement of notices

- 6 (1) Sub-paragraphs (2) and (3) apply in relation to any...

Guidance

- 7 (1) The Commissioner must prepare and issue guidance on how...

Interpretation: Part 1

- 8 In this Part— “ address ” means— in the case...
PART 2 — INFORMATION PROVISIONS

Information notices

- 9 (1) The Commissioner may by notice (“an information notice”) request...

Appeals against notices

- 10 (1) A person on whom an information notice is served...

Enforcement of notices

- 11 (1) The Commissioner may serve a Part 2 monetary penalty...

Technical assistance for the Commissioner

- 12 (1) OFCOM must comply with any reasonable request made by...

Interpretation: Part 2

- 13 In this Part— “ the Commissioner ” has the meaning...

SCHEDULE 1 — Relevant Public Authorities

Part I — RELEVANT AUTHORITIES FOR THE PURPOSES OF SS. 28 AND 29

Police forces etc.

- 1 Any police force.
1A The United Kingdom Atomic Energy Authority Constabulary.
2 The National Criminal Intelligence Service.
2A The Scottish Crime and Drug Enforcement Agency
3 The National Crime Squad.
4 The Serious Fraud Office.

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- 4A The force comprising the special constables appointed under section 79...
- 4B The force comprising the constables appointed under article 3 of...

The intelligence services

- 5 Any of the intelligence services.

The armed forces

- 6 Any of Her Majesty's forces.

The revenue departments

- 7 The Commissioners of Customs and Excise.
- 8 The Commissioners of Inland Revenue.

Government departments

- 9 The Ministry of Agriculture, Fisheries and Food.
- 10 The Ministry of Defence.
The Office of the Deputy Prime Minister.
The Department for Environment, Food and Rural Affairs.
- 11 The Department of the Environment, Transport and the Regions.
- 12 The Department of Health.
- 13 The Home Office.
- 13A The Northern Ireland Office.
- 14 The Department of Social Security.
- 15 The Department of Trade and Industry.
The Department for Transport.
The Department for Transport, Local Government and the Regions.
The Department for Work and Pensions.

The National Assembly for Wales

- 16 The National Assembly for Wales.

Local authorities

- 17 Any county council or district council in England, a London...
- 17A Any fire authority within the meaning of the Fire Services...

Other bodies

- 17B The Charity Commission.
- 18 The Environment Agency.
- 19 The Financial Services Authority.
- 20 The Food Standards Agency.
- 20A The Gaming Board for Great Britain.
- 20B The Office of Fair Trading.
- 20C The Office of the Police Ombudsman for Northern Ireland.
- 20D The Postal Services Commission.
- 20E The Gangmasters Licensing Authority.
- 20F The Commission for Healthcare Audit and Inspection.
- 20G The Health and Safety Executive.
- 21

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- 22
- 23 A universal service provider (within the meaning of the Postal...
- 23A The Office of Communications.

Northern Ireland authorities

- 23A The Department of Agriculture and Rural Development.
- 23B The Department of Enterprise, Trade and Investment.
- 23C The Department of the Environment.
- 23D Any district council (within the meaning of section 44 of...
- 23E The Department of Justice.

Part II — RELEVANT AUTHORITIES FOR THE PURPOSES ONLY OF S. 28

The Health and Safety Executive

- 24 The Health and Safety Executive.

NHS bodies in England and Wales

- 25 A Health Authority established under section 8 of the National...
- 26 A Special Health Authority established under section 11 of the...
- 27 A National Health Service trust established under section 5 of...
- 27A Local Health Boards in Wales established under section 6 of...

Her Majesty's Chief Inspector of Schools in England

- 27B Her Majesty's Chief Inspector of Schools in England.

The Information Commissioner

- 27C The Information Commissioner.

The Royal Parks Constabulary

- 27D The Royal Parks Constabulary.

The Royal Pharmaceutical Society of Great Britain

- 28 The Royal Pharmaceutical Society of Great Britain.

The Child Maintenance and Enforcement Commission

- 28A The Child Maintenance and Enforcement Commission.

Special constables nominated by the Dover Harbour Board

- 28B The force comprising the special constables appointed under section 79...

The Department for Work and Pensions

- 28C The Department for Work and Pensions.

The Postal Services Commission

- 28D The Postal Services Commission

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Universal service providers

28E A universal service provider (within the meaning of the Postal...

Northern Ireland authorities

- 29 The Department of Health, Social Services and Public Safety.
- 30 The Department for Regional Development.
- 31 The Department for Social Development.
- 32 The Department of Culture, Arts and Leisure.
- 33 The Foyle, Carlingford and Irish Lights Commission.
- 34 The Fisheries Conservancy Board for Northern Ireland.
- 35 A Health and Social Services trust established under Article 10...
- 36 A Health and Social Services Board established under Article 16...
- 37 The Health and Safety Executive for Northern Ireland.
- 38 The Northern Ireland Central Services Agency for the Health and...
- 39 The Fire Authority for Northern Ireland.
- 40 The Northern Ireland Housing Executive.

SCHEDULE 2 — Persons having the appropriate permission

Requirement that appropriate permission is granted by a judge

1 (1) Subject to the following provisions of this Schedule, a...

Data obtained under warrant etc.

2 (1) This paragraph applies in the case of protected information...

Data obtained by the intelligence services under statute but without a warrant

3 (1) This paragraph applies in the case of protected information...

Data obtained under statute by other persons but without a warrant

4 (1) This paragraph applies— (a) in the case of protected...

Data obtained without the exercise of statutory powers

5 (1) This paragraph applies in the case of protected information...

General requirements relating to the appropriate permission

6 (1) A person does not have the appropriate permission in...

Duration of permission

7 (1) A permission granted by any person under any provision...

Formalities for permissions granted by the Secretary of State

8 A permission for the purposes of any provision of this...

SCHEDULE 3 — The Tribunal

Membership of the Tribunal

1 (1) A person shall not be appointed as a member...

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President and Vice-President

2 (1) Her Majesty may by Letters Patent appoint as President...

Members of the Tribunal with special responsibilities

3 (1) The President of the Tribunal shall designate one or...

Salaries and expenses

4 (1) The Secretary of State shall pay to the members...

Officers

5 (1) The Secretary of State may, after consultation with the...

Parliamentary disqualification

6 In Part II of Schedule 1 to the House of...

SCHEDULE 4 — Consequential amendments

The Post Office Act 1953 (c. 36)

1

The Post Office Act 1969 (c. 48)

2

The Telecommunications Act 1984 (c. 12)

3 In section 45 of the Telecommunications Act 1984 (offence of...

The Security Service Act 1989 (c. 5)

4 (1) In section 1 of the Security Service Act 1989...

The Official Secrets Act 1989 (c. 6)

5 In section 4(3)(a) of the Official Secrets Act 1989 (offence...

The Intelligence Services Act 1994 (c. 13)

6 In section 11 of the Intelligence Services Act 1994 (interpretation),...

The Criminal Procedure and Investigations Act 1996 (c. 25)

7 (1) In each of sections 3(7), 7(6), 8(6) and 9(9)...

The Police Act 1997 (c. 50)

8 (1) In section 91(9) of the Police Act 1997 (staff...

The Northern Ireland Act 1998 (c. 47)

9 In paragraph 17(b) of Schedule 2 to the Northern Ireland...

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The Electronic Communications Act 2000 (c. 7)

10 In section 4(2) of the Electronic Communications Act 2000 (exception...

The Financial Services and Markets Act 2000 (c. 8)

11 In section 394(7) of the Financial Services and Markets Act...

The Terrorism Act 2000 (c. 11)

12 (1) In section 9(2)(d) of the Terrorism Act 2000 (proceedings...

SCHEDULE 5 — Repeals

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