



Regulation of Investigatory Powers Act 2000

CHAPTER 23

REGULATION OF INVESTIGATORY POWERS ACT 2000

PART I

COMMUNICATIONS

CHAPTER I

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- 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.

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- 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.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Regulation of Investigatory Powers Act 2000. 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)

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- 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.

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- 20 Interpretation of Chapter I.

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- 22 Obtaining and disclosing communications data.
- 23 Form and duration of authorisations and notices.
- 23A Authorisations requiring judicial approval
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- 24 Arrangements for payments.
- 25 Interpretation of Chapter II.

PART II

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- 27 Lawful surveillance etc.
- 28 Authorisation of directed surveillance.
- 29 Authorisation of covert human intelligence sources.
- 29A Section 29: supplementary provision in relation to relevant collaborative units
- 30 Persons entitled to grant authorisations under ss. 28 and 29.
- 31 Orders under s. 30 for Northern Ireland.
- 32 Authorisation of intrusive surveillance.

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- 32A Authorisations requiring judicial approval
- 32B Procedure for judicial approval

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- 33 Rules for grant of authorisations.

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- 33A Section 33: further provision in cases where NCA is party to collaboration agreement
- 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 Revenue and Customs authorisations etc.
- 38 Appeals against decisions by Judicial Commissioners .
- 39 Appeals to the Investigatory Powers Commissioner : supplementary.
- 40 Information to be provided to Surveillance Commissioners.

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

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

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- 46 Restrictions on authorisations extending to Scotland.

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- 48 Interpretation of Part II.

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- 50 Effect of notice imposing disclosure requirement.
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- 52 Arrangements for payments for disclosure.

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- 56 Interpretation of Part III.

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- 57 Interception of Communications Commissioner.
- 58 Co-operation with and reports by s. 57 Commissioner.
- 59 Intelligence Services Commissioner.
- 59A Additional functions of the 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.
- 63 Assistant Surveillance Commissioners.
- 64 Delegation of functions of the Investigatory Powers Commissioner for Northern Ireland.

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- 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.

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- 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.
- 77A Procedure for order of sheriff under section 23A or 32A: Scotland
- 77B Procedure for order of district judge under section 23A or 32A:
Northern Ireland
- 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.

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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...

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...

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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 Civil Nuclear Constabulary.
- 2 The National Crime Agency.
- 2A
- 3 The National Crime Squad.
- 4 The Serious Fraud Office.
- 4A
- 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.

Revenue and Customs

- 7 Her Majesty's Revenue and Customs.
- 8 The Commissioners of Inland Revenue.

Government departments

- 9
- 9ZA
- 9ZB
- 9ZC The Department for Business, Energy and Industrial Strategy.
- 9A The Ministry of Housing, Communities and Local Government.
- 10
- The Office of the Deputy Prime Minister.
- ...
- The Department for Environment, Food and Rural Affairs.
- 11
- 12 The Department of Health and Social Care .
- 13 The Home Office.
- 13ZA The Ministry of Justice
- 13A The Northern Ireland Office.
- 14
- 15
- The Department for Transport.
-
-

The Welsh Assembly Government

- 16 The Welsh Assembly Government.

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Local authorities

- 17 Any county council or district council in England, a London...
- 17A Any fire and rescue authority under the Fire and Rescue...

Other bodies

- 17B The Charity Commission.
- 18 The Environment Agency.
- 19 The Financial Conduct Authority.
- 19A The Prudential Regulation Authority.
- 20 The Food Standards Agency.
- 20A Gambling Commission
- 20B The Competition and Markets Authority.
- 20C The Office of the Police Ombudsman for Northern Ireland.
- 20D
- 20E The Gangmasters and Labour Abuse Authority .
- 20F The Care Quality Commission.
- 20G The Health and Safety Executive.
- 21
- 22
- 23
- 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 Relevant authorities for the purposes only of s. 28

NHS bodies in England and Wales

- 25 Relevant authorities for the purposes only of s. 28
- 26 A Special Health Authority established under section 28 of the...
- 27 Relevant authorities for the purposes only of s. 28
- 27A Relevant authorities for the purposes only of s. 28

HM Chief Inspector of Education, Children's Services and Skills

- 27B Her Majesty's Chief Inspector of Education, Children's Services and Skills....

The Information Commissioner

- 27C The Information Commissioner.

. . .

- 27D Relevant authorities for the purposes only of s. 28

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The General Pharmaceutical Council.

28 The General Pharmaceutical Council.

...

28A Relevant authorities for the purposes only of s. 28

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.

...

28D Relevant authorities for the purposes only of s. 28

Universal service providers

28E A universal service provider (within the meaning of Part 3...

The Natural Resources Body for Wales

28F The Natural Resources Body for Wales.

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...

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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...

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...

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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...

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

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Regulation of Investigatory Powers Act 2000. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- Pt. 1 Ch. 2 omitted by 2016 c. 25 Sch. 10 para. 54
- s. 77A heading words substituted by 2016 c. 25 Sch. 10 para. 57(2)(a)
- s. 77A heading words substituted by 2016 c. 25 Sch. 10 para. 57(2)(b)
- s. 77B heading words substituted by 2016 c. 25 Sch. 10 para. 58(2)
- s. 18(1)(dc) repealed by 2018 c. 13 Sch. 3 para. 9
- s. 18(2)(zb) words repealed by 2018 c. 13 Sch. 3 para. 9
- s. 30(6) words inserted by 2016 anaw 6 s. 187(2)(a)
- s. 49(1)(b) words inserted by 2016 c. 25 Sch. 10 para. 46(2)
- s. 49(1)(c) words substituted by 2016 c. 25 Sch. 10 para. 55(a)
- s. 49(1)(c) words substituted by 2016 c. 25 Sch. 10 para. 55(b)
- s. 65(2)(c) words substituted by 2016 c. 25 s. 243(1)(a)
- s. 65(6) words inserted by 2016 c. 25 s. 243(1)(d)(i)
- s. 65(7ZA) words substituted by 2016 c. 25 s. 243(1)(g)
- s. 67(7)(b)(i) words inserted by 2016 c. 25 s. 243(2)(c)
- s. 67(7)(aa) words substituted by 2016 c. 25 s. 243(2)(b)
- s. 67(8) words substituted by 2016 c. 25 s. 242(2)(a)
- s. 67(9)-(12) omitted by 2016 c. 25 s. 242(2)(b)
- s. 68 modified by S.I. 2018/873 reg. 10
- s. 68(7)(k) words substituted by 2016 c. 25 s. 243(5)(d)
- s. 68(7)(l) words inserted by 2016 c. 25 s. 243(5)(e)
- s. 69(2)(i) words inserted by 2016 c. 25 s. 242(4)(a)
- s. 71(2) words omitted by 2016 c. 25 Sch. 10 para. 56
- s. 71(2)(a) words substituted by 2016 c. 25 Sch. 10 para. 5(2)
- s. 71(2A) omitted by 2016 c. 25 Sch. 10 para. 5(3)
- s. 71(8) word substituted by 2016 c. 25 Sch. 10 para. 5(4)
- s. 71(10) omitted by 2016 c. 25 Sch. 10 para. 47
- s. 77A(1) words substituted by 2016 c. 25 Sch. 10 para. 57(2)(a)
- s. 77A(1) words substituted by 2016 c. 25 Sch. 10 para. 57(2)(b)
- s. 77A(3) words substituted by 2016 c. 25 Sch. 10 para. 57(3)
- s. 77B(1) words substituted by 2016 c. 25 Sch. 10 para. 58(2)
- s. 77B(4) words substituted by 2016 c. 25 Sch. 10 para. 58(2)
- s. 77B(4) words substituted by 2016 c. 25 Sch. 10 para. 58(3)
- s. 78(3)(a) words omitted by 2016 c. 25 Sch. 10 para. 59
- s. 78(4) words inserted by 2016 c. 25 s. 242(5)(a)
- s. 81(1) words omitted by 2016 c. 25 Sch. 10 para. 6(3)
- s. 81(1) words omitted by 2016 c. 25 Sch. 10 para. 6(6)
- s. 81(1) words omitted by 2016 c. 25 Sch. 10 para. 49(2)(a)
- s. 81(1) words substituted by 2016 c. 25 Sch. 10 para. 6(2)
- s. 81(1) words substituted by 2016 c. 25 Sch. 10 para. 6(7)
- s. 81(1) words substituted by 2016 c. 25 Sch. 10 para. 49(2)(b)
- s. 81(4) words omitted by 2016 c. 25 Sch. 10 para. 49(3)
- s. 81(5) words omitted by 2016 c. 25 Sch. 10 para. 49(4)
- s. 81(9) words omitted by 2016 c. 25 Sch. 10 para. 60
- Sch. 1 para. 27 words substituted by 2006 c. 43 Sch. 1 para. 209(b) (Affected provision already repealed by the time this amendment was due to come into force)
- Sch. 1 para. 27A words substituted by 2006 c. 43 Sch. 1 para. 209(c) (Affected provision already repealed by the time this amendment was due to come into force)
- Sch. 2 para. 2(1)(a) word omitted by 2016 c. 25 Sch. 10 para. 66(2)(a)
- Sch. 2 para. 2(6)(b) word omitted by 2016 c. 25 Sch. 10 para. 66(4)(a)
- Sch. 2 para. 2(5) words inserted by 2016 c. 25 Sch. 10 para. 66(3)
- Sch. 4 para. 7(2) repealed by 2016 c. 25 Sch. 10 Pt. 8

- Sch. 4 para. 8(1) repealed by 2016 c. 25 Sch. 10 Pt. 8
- Sch. 4 para. 8(10)(11) repealed by 2016 c. 25 Sch. 10 Pt. 8
- Sch. 4 para. 9 repealed by 2016 c. 25 Sch. 10 Pt. 8

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(1)(df) inserted by 2018 c. 13 Sch. 3 para. 3(2)
- s. 18(2)(ze) inserted by 2018 c. 13 Sch. 3 para. 3(3)
- s. 30(6A)-(6D) inserted by 2016 anaw 6 s. 187(2)(b)
- s. 49(9A) inserted by 2016 c. 25 Sch. 10 para. 46(3)
- s. 65(6)(dza) inserted by 2016 c. 25 s. 243(1)(d)(ii)
- s. 65(6A) inserted by 2016 c. 25 s. 243(1)(e)
- s. 67A inserted by 2016 c. 25 s. 242(1)
- s. 68(4A)-(4E) inserted by 2016 c. 25 s. 242(3)
- s. 69(2)(j)(k) inserted by 2016 c. 25 s. 242(4)(b)
- s. 78(4A) inserted by 2016 c. 25 s. 242(5)(b)
- Sch. 1 para. 16A and cross-heading inserted by 2016 anaw 6 s. 187(3)
- Sch. 1 Pt. 1 para. 20H inserted by 2013 c. 32 Sch. 12 para. 74
- Sch. 2 para. 2(1)(c) and word inserted by 2016 c. 25 Sch. 10 para. 66(2)(b)
- Sch. 2 para. 2(6)(d) and word inserted by 2016 c. 25 Sch. 10 para. 66(4)(b)
- Sch. 2 para. 2(6A) inserted by 2016 c. 25 Sch. 10 para. 66(5)