

EXPLANATORY NOTES

REGULATION OF INVESTIGATORY POWERS ACT 2000

INTRODUCTION

SUMMARY AND BACKGROUND

OVERVIEW

Interception of Communications and the Acquisition and Disclosure of Communications Data

Surveillance and Covert Human Intelligence Sources

Investigation of Electronic Data Protected by Encryption

Scrutiny of Investigatory Powers and Codes of Practice

Miscellaneous and Supplemental

COMMENTARY ON SECTIONS

Section 1: Unlawful and authorised interception

“Private telecommunication system” is defined in Section 2(1).

There is an exception for conduct with “lawful authority”, as to which see subsection (5). For territorial limitation, see section 2(4).

“International mutual assistance agreement” is defined in Section 20

Section 2: Meaning and location of “interception”

“Wireless telegraphy” and “apparatus” are defined in Section 81.

For “while being transmitted”, see subsection (7).

Section 3: Lawful interception without an interception warrant

Section 4: Power to provide for lawful interception

For “prison”, see subsection (9).

“High security psychiatric service” and “hospital premises” are defined in subsection (8)

Section 5: Interception with a warrant

For “addressed” see section 7(3)

“Interception” is described in Section 2.

“Postal service” and “telecommunications system” are defined in Section 2(1).

“Serious crime” is defined in section 81(2) and (3)

"Detecting crime" is defined in section 81(5)

Section 6: Application for issue of interception warrants

Section 7: Issue of warrants

“Senior official” is defined in Section 81(1).

“International mutual assistance agreement” is defined in Section 20.

Section 8: Contents of warrant

“Person” is defined in Section 81(1).

“Interception” is described in Section 2.

“Communication” is defined in section 81(1).

“External communications” is defined in Section 20.

Section 9: Duration, cancellation and renewal of warrants.

“Relevant period” is defined in subsection (6).

“Working day” is defined in section 81(1).

“International mutual assistance agreement” is defined in Section 20.

Section 10: Modification of warrants and certificates

"Working day" is defined in Section 81(1).

Section 11: Implementation of warrants

For “provide assistance”, see subsection (9).

Section 12: Maintenance of interception capability

Section 13: Technical Advisory Board

Section 14: Grants for interception costs

Section 15: General safeguards

“Copy” is defined in subsection (8).

Section 16: Extra safeguards in the case of certificated warrants

Section 17: Exclusion of matters from legal proceedings

These notes refer to the Regulation of Investigatory Powers Act 2000 (c.23)

Section 18: Exceptions to section 17

“Relevant offence” is explained in subsection (12).

“Relevant judge” is explained in subsection (11).

Section 19: Offence for unauthorised disclosures

Section 20

Chapter II

Section 21: Lawful acquisition and disclosure of communications data

“Relevant enactment” is defined in subsection (5)

Section 22: Obtaining and disclosing communications data.

Section 23: Form and duration of authorisations and notices

Section 24: Arrangements for payments

Section 25: Interpretation of Chapter II

PART II: SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

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Section 26: Conduct to which Part II applies

Authorisation of surveillance and human intelligence sources

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Section 33: Rules for grant of authorisations

Section 34: Grant of authorisations for intrusive surveillance in the senior officer's absence

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Section 37: Quashing of police and customs authorisations for intrusive surveillance

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Grant, renewal and duration of authorisations

Section 43: General rules about grant, renewal and duration

Section 44: Special rules for intelligence services authorisations

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Section 46: Restrictions on authorisations extending to Scotland

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Section 48: Interpretation of Part II

PART III: INVESTIGATION OF ELECTRONIC DATA PROTECTED BY ENCRYPTION ETC

Section 49: Notices requiring disclosure

Intelligible is defined in section 56(3)

Senior officer is defined in section 49(10)

Section 50: Effect of notice imposing disclosure requirement

Relevant time is defined in section 50(10)

Section 51: Cases in which key required

Section 52: Arrangements for payments for disclosure

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Section 63: Assistant Surveillance Commissioners

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PART V: MISCELLANEOUS AND SUPPLEMENTAL

Section 73: Conduct in relation to Wireless Telegraphy

“Designated person” is defined in the inserted section 5(12)

Section 74: Warrants under the Intelligence Services Act 1994

Section 75: Authorisations under Part III of the Police Act 1997

Section 76: Surveillance operations beginning in Scotland

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Paragraph 1: Requirement that appropriate permission is granted by a judge

Paragraph 2: Data obtained under warrant

Paragraph 3: Data obtained by the intelligence services under statute but without a warrant

Paragraph 4: Data obtained under statute by other persons but without a warrant

Paragraph 5: Data obtained without the exercise of statutory powers

Paragraph 6: General requirements relating to the appropriate permission

These notes refer to the Regulation of Investigatory Powers Act 2000 (c.23)

Paragraph 7: Duration of permission

Paragraph 8: Formalities for permissions granted by the Secretary of State

Schedule 3: The Tribunal

Paragraph 1: Membership of the Tribunal

“‘High Judicial Office’ means any of the following offices; that is to say

‘Superior courts of Great Britain and Ireland’ means and includes

As to Scotland, the Court of Session.”

Paragraph 2: President and Vice-President

Paragraph 3: Members of the Tribunal with special responsibilities

Paragraph 4: Salaries and expenses

Paragraph 5: Officers

Paragraph 6: Parliamentary disqualification

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Paragraph 8: The Police Act 1997 (c.50)

COMMENCEMENT DATE

Hansard References