



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART I

#### COMMUNICATIONS

#### CHAPTER I

#### INTERCEPTION

#### *Unlawful and authorised interception*

#### **1 Unlawful interception.**

- (1) It shall be an offence for a person intentionally and without lawful authority to intercept, at any place in the United Kingdom, any communication in the course of its transmission by means of—
  - (a) a public postal service; or
  - (b) a public telecommunication system.
- (2) It shall be an offence for a person—
  - (a) intentionally and without lawful authority, and
  - (b) otherwise than in circumstances in which his conduct is excluded by subsection (6) from criminal liability under this subsection,to intercept, at any place in the United Kingdom, any communication in the course of its transmission by means of a private telecommunication system.
- (3) Any interception of a communication which is carried out at any place in the United Kingdom by, or with the express or implied consent of, a person having the right to control the operation or the use of a private telecommunication system shall be

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actionable at the suit or instance of the sender or recipient, or intended recipient, of the communication if it is without lawful authority and is either—

- (a) an interception of that communication in the course of its transmission by means of that private system; or
- (b) an interception of that communication in the course of its transmission, by means of a public telecommunication system, to or from apparatus comprised in that private telecommunication system.

(4) Where the United Kingdom is a party to an international agreement which—

- (a) relates to the provision of mutual assistance in connection with, or in the form of, the interception of communications,
- (b) requires the issue of a warrant, order or equivalent instrument in cases in which assistance is given, and
- (c) is designated for the purposes of this subsection by an order made by the Secretary of State,

it shall be the duty of the Secretary of State to secure that no request for assistance in accordance with the agreement is made on behalf of a person in the United Kingdom to the competent authorities of a country or territory outside the United Kingdom except with lawful authority.

(5) Conduct has lawful authority for the purposes of this section if, and only if—

- (a) it is authorised by or under section 3 or 4;
- (b) it takes place in accordance with a warrant under section 5 (“an interception warrant”); or
- (c) it is in exercise, in relation to any stored communication, of any statutory power that is exercised (apart from this section) for the purpose of obtaining information or of taking possession of any document or other property;

and conduct (whether or not prohibited by this section) which has lawful authority for the purposes of this section by virtue of paragraph (a) or (b) shall also be taken to be lawful for all other purposes.

(6) The circumstances in which a person makes an interception of a communication in the course of its transmission by means of a private telecommunication system are such that his conduct is excluded from criminal liability under subsection (2) if—

- (a) he is a person with a right to control the operation or the use of the system; or
- (b) he has the express or implied consent of such a person to make the interception.

(7) A person who is guilty of an offence under subsection (1) or (2) shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;
- (b) on summary conviction, to a fine not exceeding the statutory maximum.

(8) No proceedings for any offence which is an offence by virtue of this section shall be instituted—

- (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions;
- (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

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**Annotations:**

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**Commencement Information**

- II** [S. 1](#) wholly in force; [S. 1](#) not in force at Royal Assent see [s. 83\(2\)](#); [S. 1](#) except for subsection (3) in force at 2.10.2000 and [S. 1\(3\)](#) in force at 24.10.2000 by [S.I. 2000/2543](#), [arts. 3, 4](#)

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

- s. 1(1A)(1B) inserted by [S.I. 2011/1340 reg. 2\(1\)](#)

**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):

- Sch. A1 inserted by [S.I. 2011/1340 reg. 2\(4\) Sch.](#)

**Commencement Orders yet to be applied to the Regulation of Investigatory Powers Act 2000:**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2007/2196 art. 2](#) commences (2000 c. 23)

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2007/935 art. 2-7](#) commences (2006 c. 40)
- [S.I. 2007/1442 art. 2](#) commences (2006 c. 52)
- [S.I. 2007/2045 art. 2](#) commences (2007 c. 6)
- [S.I. 2009/1059](#) Order transitional provisions for effects of commencing SI 2009/812
- [S.I. 2010/1621 art. 1 2](#) commences ([S.I. 2010/231](#))
- [S.I. 2010/2703 art. 2](#) commences (2010 c. 25)
- [S.I. 2011/2329 art. 2 3](#) commences (2011 c. 5)
- [S.S.I. 2007/84 art. 3](#) commences (2006 asp 10)