



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART I

COMMUNICATIONS

CHAPTER II

ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

23 Form and duration of authorisations and notices.

- (1) An authorisation under section 22(3) [^{F1}, (3B) or (3F)]—
 - (a) must be granted in writing or (if not in writing) in a manner that produces a record of its having been granted;
 - (b) must describe the conduct to which this Chapter applies that is authorised and the communications data in relation to which it is authorised;
 - (c) must specify the matters falling within section 22(2) by reference to which it is granted; and
 - (d) must specify the office, rank or position held by the person granting the authorisation.
- (2) A notice under section 22(4) requiring communications data to be disclosed or to be obtained and disclosed—
 - (a) must be given in writing or (if not in writing) must be given in a manner that produces a record of its having been given;
 - (b) must describe the communications data to be obtained or disclosed under the notice;
 - (c) must specify the matters falling within section 22(2) by reference to which the notice is given;
 - (d) must specify the office, rank or position held by the person giving it; and

Status: Point in time view as at 01/11/2012. This version of this provision has been superseded.

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 23 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (e) must specify the manner in which any disclosure required by the notice is to be made.

[^{F2}(2A) The words in paragraph (a) of subsections (1) and (2) from “or” to the end of the paragraph do not apply in relation to—

- (a) an authorisation under section 22(3), (3B) or (3F) to which section 23A applies, or
- (b) a notice under section 22(4) to which section 23A applies.]

(3) A notice under section 22(4) shall not require the disclosure of data to any person other than—

- (a) the person giving the notice; or
- (b) such other person as may be specified in or otherwise identified by, or in accordance with, the provisions of the notice;

but the provisions of the notice shall not specify or otherwise identify a person for the purposes of paragraph (b) unless he holds an office, rank or position with the same relevant public authority as the person giving the notice [^{F3}(subject to subsections (3A) and (3D))].

[^{F4}(3A) The provisions of a notice under section 22(4) may specify or otherwise identify a person for the purposes of subsection (3)(b) above if—

- (a) the person giving the notice holds an office, rank or position with a police force (“notifying force”);
- (b) the chief officer of police of the notifying force has made an agreement under section 23(1) of the Police Act 1996 with the chief officer of police of one or more other police forces; and
- (c) the person specified in or otherwise identified in the notice holds an office, rank or position with a collaborative force.

(3B) For the purposes of subsection (3A) a police force is a collaborative force if—

- (a) its chief officer of police is a party to the agreement mentioned in subsection (3A)(b); and
- (b) the persons holding offices, ranks or positions with it are permitted by the terms of the agreement to be specified or otherwise identified in notices under section 22(4) given by a person holding an office, rank or position with the notifying force.

(3C) A reference in subsections (3A) and (3B) to a police force is to the following—

- (a) any police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
- (b) the metropolitan police force; and
- (c) the City of London police force.

(3D) The provisions of a notice under section 22(4) may also specify or otherwise identify a person for the purposes of subsection (3)(b) above if—

- (a) the person giving the notice holds an office, rank or position with a Scottish police force (“Scottish notifying force”);
- (b) the chief constable of the Scottish notifying force has made an agreement under section 12(1) of the Police (Scotland) Act 1967 with the chief constable of one or more other Scottish police forces; and
- (c) the person specified in or otherwise identified in the notice holds an office, rank or position with a collaborative force.

Status: Point in time view as at 01/11/2012. This version of this provision has been superseded.

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 23 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3E) For the purposes of subsection (3D) a Scottish police force is a collaborative force if—
- (a) its chief constable is a party to the agreement mentioned in subsection (3D) (b); and
 - (b) the persons holding offices, ranks or positions with it are permitted by the terms of the agreement to be specified or otherwise identified in notices under section 22(4) given by a person holding an office, rank or position with the Scottish notifying force.
- (3F) A reference in subsections (3D) and (3E) to a Scottish police force is to a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967.]
- (4) An authorisation under section 22(3) [^{F5}, (3B) or (3F)] or notice under section 22(4)—
- (a) shall not authorise or require any data to be obtained after the end of the period of one month beginning with the date on which the authorisation is granted or the notice given; and
 - (b) in the case of a notice, shall not authorise or require any disclosure after the end of that period of any data not in the possession of, or obtained by, the postal or telecommunications operator at a time during that period.
- (5) An authorisation under section 22(3) [^{F6}, (3B) or (3F)] or notice under section 22(4) may be renewed at any time before the end of the period of one month applying (in accordance with subsection (4) or subsection (7)) to that authorisation or notice.
- (6) A renewal of an authorisation under section 22(3) [^{F7}, (3B) or (3F)] or of a notice under section 22(4) shall be by the grant or giving, in accordance with this section, of a further authorisation or notice.
- (7) Subsection (4) shall have effect in relation to a renewed authorisation or renewal notice as if the period of one month mentioned in that subsection did not begin until the end of the period of one month applicable to the authorisation or notice that is current at the time of the renewal.
- (8) Where a person who has given a notice under subsection (4) of section 22 is satisfied—
- (a) that it is no longer necessary on grounds falling within subsection (2) of that section for the requirements of the notice to be complied with, or
 - (b) that the conduct required by the notice is no longer proportionate to what is sought to be achieved by obtaining communications data to which the notice relates,
- he shall cancel the notice.
- (9) The Secretary of State may by regulations provide for the person by whom any duty imposed by subsection (8) is to be performed in a case in which it would otherwise fall on a person who is no longer available to perform it; and regulations under this subsection may provide for the person on whom the duty is to fall to be a person appointed in accordance with the regulations.

Textual Amendments

F1 Words in s. 23(1)(4)(5)(6) inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 14](#); S.I. 2009/3096, [art. 3\(v\)](#)

F2 S. 23(2A) inserted (1.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 9 para. 8](#) (with s. 97); S.I. 2012/2075, [art. 4\(d\)](#)

Status: Point in time view as at 01/11/2012. This version of this provision has been superseded.

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 23 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F3** Words in s. 23(3) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 7(3)** 116; S.I. 2009/3096, **art. 3(b)**
- F4** S. 23(3A)-(3F) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 7(4)**, 116; S.I. 2009/3096, **art. 3(b)**
- F5** Words in s. 23(1)(4)(5)(6) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, **Sch. 7 para. 14**; S.I. 2009/3096, **art. 3(v)**
- F6** Words in s. 23(1)(4)(5)(6) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, **Sch. 7 para. 14**; S.I. 2009/3096, **art. 3(v)**
- F7** Words in s. 23(1)(4)(5)(6) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, **Sch. 7 para. 14**; S.I. 2009/3096, **art. 3(v)**

Status:

Point in time view as at 01/11/2012. This version of this provision has been superseded.

Changes to legislation:

Regulation of Investigatory Powers Act 2000, Section 23 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.