



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART I

COMMUNICATIONS

CHAPTER I

INTERCEPTION

Unlawful and authorised interception

- 3 Lawful interception without an interception warrant.**
- (1) Conduct by any person consisting in the interception of a communication is authorised by this section if the communication is one which^{F1} . . . is both—
 - (a) a communication sent by a person who has consented to the interception; and
 - (b) a communication the intended recipient of which has so consented.
 - (2) Conduct by any person consisting in the interception of a communication is authorised by this section if—
 - (a) the communication is one sent by, or intended for, a person who has consented to the interception; and
 - (b) surveillance by means of that interception has been authorised under Part II.
 - (3) Conduct consisting in the interception of a communication is authorised by this section if—
 - (a) it is conduct by or on behalf of a person who provides a postal service or a telecommunications service; and

Status: Point in time view as at 17/06/2011. This version of this provision has been superseded.

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 3 is up to date with all changes known to be in force on or before 19 May 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)

- (b) it takes place for purposes connected with the provision or operation of that service or with the enforcement, in relation to that service, of any enactment relating to the use of postal services or telecommunications services.
- [^{F2}(3A) Conduct consisting in the interception of a communication in the course of its transmission by means of a public postal service is authorised by this section if it is conduct—
- (a) under section 159 of the Customs and Excise Management Act 1979 as applied by virtue of—
- (i) section 105 of the Postal Services Act 2000 (power to open postal items etc.); or
- (ii) that section 105 and another enactment; and
- (b) by an officer of Revenue and Customs.]
- (4) Conduct by any person consisting in the interception of a communication in the course of its transmission by means of wireless telegraphy is authorised by this section if it takes place—
- (a) with the authority of a designated person under [^{F3}section 48 of the Wireless Telegraphy Act 2006 (interception and disclosure of wireless telegraphy messages)] ; and
- (b) for purposes connected with anything falling within subsection (5).
- (5) Each of the following falls within this subsection—
- [^{F4}(a) the grant of wireless telegraphy licences under the Wireless Telegraphy Act 2006;]
- (b) the prevention or detection of anything which constitutes interference with wireless telegraphy; and
- (c) the enforcement of
- [^{F5}(i) any provision of Part 2 (other than Chapter 2 and sections 27 to 31) or Part 3 of that Act, or
- (ii) any enactment not falling within sub-paragraph (i)]
- that relates to such interference.

Textual Amendments

- F1** Words in s. 3(1) repealed (17.6.2011) by [The Regulation of Investigatory Powers \(Monetary Penalty Notices and Consents for Interceptions\) Regulations 2011 \(S.I. 2011/1340\)](#), regs. 1(2), **3**
- F2** S. 3(3A) inserted (12.11.2009) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 100(1)**, 116(5)(b)
- F3** Words in s. 3(4)(a) substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 123, 126, **Sch. 7 para. 22(2)**
- F4** S. 3(5)(a) substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 123, 126, **Sch. 7 para. 22(3)(a)**
- F5** Words in s. 3(5)(c) substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 123, 126, **Sch. 7 para. 22(3)(b)**

Status:

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