



# 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, or which that person has reasonable grounds for believing, 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

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*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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- (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.
- (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 [<sup>F1</sup>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—
- [<sup>F2</sup>(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
    - [<sup>F3</sup>(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.

**Annotations:**

**Amendments (Textual)**

- F1** Words in s. 3(4)(a) substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 123, 126, [Sch. 7 para. 22\(2\)](#)
- F2** S. 3(5)(a) substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 123, 126, [Sch. 7 para. 22\(3\)\(a\)](#)
- F3** Words in s. 3(5)(c) substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 123, 126, [Sch. 7 para. 22\(3\)\(b\)](#)

**Changes to legislation:**

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

- s. 3(1) text amended by [S.I. 2011/1340 reg. 3](#)

**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)