



Data Retention and Investigatory Powers Act 2014

2014 CHAPTER 27

Investigatory powers

4 Extra-territoriality in Part 1 of RIPA

- (1) Part 1 of the Regulation of Investigatory Powers Act 2000 (communications) is amended as follows.
- (2) In section 11 (implementation of interception warrants), after subsection (2) insert—
 - “(2A) A copy of a warrant may be served under subsection (2) on a person outside the United Kingdom (and may relate to conduct outside the United Kingdom).
 - (2B) Service under subsection (2) of a copy of a warrant on a person outside the United Kingdom may (in addition to electronic or other means of service) be effected in any of the following ways—
 - (a) by serving it at the person’s principal office within the United Kingdom or, if the person has no such office in the United Kingdom, at any place in the United Kingdom where the person carries on business or conducts activities;
 - (b) if the person has specified an address in the United Kingdom as one at which the person, or someone on the person’s behalf, will accept service of documents of the same description as a copy of a warrant, by serving it at that address;
 - (c) by making it available for inspection (whether to the person or to someone acting on the person’s behalf) at a place in the United Kingdom (but this is subject to subsection (2C)).
 - (2C) Service under subsection (2) of a copy of a warrant on a person outside the United Kingdom may be effected in the way mentioned in paragraph (c) of subsection (2B) only if—

- (a) it is not reasonably practicable for service to be effected by any other means (whether as mentioned in subsection (2B)(a) or (b) or otherwise), and
- (b) the person to whom the warrant is addressed takes such steps as the person thinks appropriate for the purpose of bringing the contents of the warrant, and the availability of a copy for inspection, to the attention of the person outside the United Kingdom.

The steps mentioned in paragraph (b) must be taken as soon as reasonably practicable after the copy of the warrant is made available for inspection.”

(3) In subsection (4) of that section, after “that person” insert “(whether or not the person is in the United Kingdom)”.

(4) After subsection (5) of that section insert—

“(5A) Where a person outside the United Kingdom is under a duty by virtue of subsection (4) to take any steps in a country or territory outside the United Kingdom for giving effect to a warrant, in determining for the purposes of subsection (5) whether the steps are reasonably practicable for the person to take, regard is to be had (amongst other matters) to—

- (a) any requirements or restrictions under the law of that country or territory relevant to the taking of those steps, and
- (b) the extent to which it is reasonably practicable to give effect to the warrant in a way that does not breach any such requirements or restrictions.”

(5) In subsection (8) of that section, after “enforceable” insert “(including in the case of a person outside the United Kingdom)”.

(6) In section 12 (maintenance of interception capability), after subsection (3) insert—

“(3A) An obligation may be imposed in accordance with an order under this section on, and a notice under subsection (2) given to, persons outside the United Kingdom (and may be so imposed or given in relation to conduct outside the United Kingdom).

(3B) Where a notice under subsection (2) is to be given to a person outside the United Kingdom, the notice may (in addition to electronic or other means of giving a notice) be given to the person—

- (a) by delivering it to the person’s principal office within the United Kingdom or, if the person has no such office in the United Kingdom, to any place in the United Kingdom where the person carries on business or conducts activities, or
- (b) if the person has specified an address in the United Kingdom as one at which the person, or someone on the person’s behalf, will accept documents of the same description as a notice, by delivering it to that address.”

(7) In subsection (7) of that section—

- (a) after “person” insert “(whether or not the person is in the United Kingdom)”, and
- (b) after “enforceable” insert “(including in the case of a person outside the United Kingdom)”.

- (8) In section 22 (obtaining and disclosing communications data), after subsection (5) insert—
- “(5A) An authorisation under subsection (3) or (3B), or a requirement imposed in accordance with a notice under subsection (4), may relate to conduct outside the United Kingdom (and any such notice may be given to a person outside the United Kingdom).
- (5B) Where a notice under subsection (4) is to be given to a person outside the United Kingdom, the notice may (in addition to electronic or other means of giving a notice) be given to the person in any of the following ways—
- (a) by delivering it to the person’s principal office within the United Kingdom or, if the person has no such office in the United Kingdom, to any place in the United Kingdom where the person carries on business or conducts activities;
 - (b) if the person has specified an address in the United Kingdom as one at which the person, or someone on the person’s behalf, will accept documents of the same description as a notice, by delivering it to that address;
 - (c) by notifying the person of the requirements imposed by the notice by such other means as the person giving the notice thinks appropriate (which may include notifying the person orally, except where the notice is one to which section 23A applies).”
- (9) In subsection (6) of that section, after “operator” insert “(whether or not the operator is in the United Kingdom)”.
- (10) In subsection (8) of that section, after “enforceable” insert “(including in the case of a person outside the United Kingdom)”.