



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 1

#### GENERAL PRIVACY PROTECTIONS

##### *Restrictions on interference with equipment*

### **13 Mandatory use of equipment interference warrants**

- (1) An intelligence service may not, for the purpose of obtaining communications, private information or equipment data, engage in conduct which could be authorised by an equipment interference warrant except under the authority of such a warrant if—
  - (a) the intelligence service considers that the conduct would (unless done under lawful authority) constitute one or more offences under sections 1 to 3A of the Computer Misuse Act 1990 (computer misuse offences), and
  - (b) there is a British Islands connection.
- (2) For the purpose of this section, there is a British Islands connection if—
  - (a) any of the conduct would take place in the British Islands (regardless of the location of the equipment which would, or may, be interfered with),
  - (b) the intelligence service believes that any of the equipment which would, or may, be interfered with would, or may, be in the British Islands at some time while the interference is taking place, or
  - (c) a purpose of the interference is to obtain—
    - (i) communications sent by, or to, a person who is, or whom the intelligence service believes to be, for the time being in the British Islands,
    - (ii) private information relating to an individual who is, or whom the intelligence service believes to be, for the time being in the British Islands, or
    - (iii) equipment data which forms part of, or is connected with, communications or private information falling within subparagraph (i) or (ii).

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*Status: This is the original version (as it was originally enacted).*

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- (3) This section does not restrict the ability of the head of an intelligence service to apply for an equipment interference warrant in cases where—
- (a) the intelligence service does not consider that the conduct for which it is seeking authorisation would (unless done under lawful authority) constitute one or more offences under sections 1 to 3A of the Computer Misuse Act 1990, or
  - (b) there is no British Islands connection.
- (4) In this section—
- “communications”, “private information” and “equipment data” have the same meaning as in Part 5 (see section 135);
  - “equipment interference warrant” means—
    - (a) a targeted equipment interference warrant under Part 5;
    - (b) a bulk equipment interference warrant under Chapter 3 of Part 6.

#### **14 Restriction on use of section 93 of the Police Act 1997**

- (1) A person may not, for the purpose of obtaining communications, private information or equipment data, make an application under section 93 of the Police Act 1997 for authorisation to engage in conduct which could be authorised by a targeted equipment interference warrant under Part 5 if the applicant considers that the conduct would (unless done under lawful authority) constitute one or more offences under sections 1 to 3A of the Computer Misuse Act 1990 (computer misuse offences).
- (2) In this section, “communications”, “private information” and “equipment data” have the same meaning as in Part 5 (see section 135).