Investigatory Powers Act 2016

2016 CHAPTER 25

PART 1

GENERAL PRIVACY PROTECTIONS

Prohibitions against unlawful interception

3 Offence of unlawful interception

(1) A person commits an offence if—

(a) the person intentionally intercepts a communication in the course of its transmission by means of—

(i) a public telecommunication system,

(ii) a private telecommunication system, or

(iii) a public postal service,

(b) the interception is carried out in the United Kingdom, and

(c) the person does not have lawful authority to carry out the interception.

(2) But it is not an offence under subsection (1) for a person to intercept a communication in the course of its transmission by means of a private telecommunication system if the person—

(a) is a person with a right to control the operation or use of the system, or

(b) has the express or implied consent of such a person to carry out the interception.

(3) Sections 4 and 5 contain provision about—

(a) the meaning of "interception", and

(b) when interception is to be regarded as carried out in the United Kingdom.

(4) Section 6 contains provision about when a person has lawful authority to carry out an interception.

Changes to legislation: *Investigatory Powers Act 2016, Section 3 is up to date with all changes known to be in force on or before 04 June 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) View outstanding changes*

(5) For the meaning of the terms used in subsection (1)(a)(i) to (iii), see sections 261 and 262.

(6) A person who is guilty of an offence under subsection (1) is liable—

(a) on summary conviction in England and Wales, to a fine;

(b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;

(c) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

(7) No proceedings for any offence which is an offence by virtue of this section may be instituted—

(a) in England and Wales, except by or with the consent of the Director of Public Prosecutions;

(b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Commencement Information

I1 S. 3 in force at 27.6.2018 by S.I. 2018/652, **reg. 7(b)**

Changes to legislation:
Investigatory Powers Act 2016, Section 3 is up to date with all changes known to be in force on or before 04 June 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.
View outstanding changes

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):

- Pt. 7A inserted by 2024 c. 9 s. 2
- Pt. 7B inserted by 2024 c. 9 s. 5
- s. 2(1)(ja)(jb) inserted by 2024 c. 9 s. 6(3)(c)
- s. 11(3A)(3B) inserted by 2024 c. 9 s. 12(3)
- s. 12(2B)-(2D) inserted by 2024 c. 9 s. 14(4)
- s. 12(5A)(5B) inserted by 2024 c. 9 s. 14(6)
- s. 26(2)(a) words renumbered as s. 26(2)(a) by 2024 c. 9 s. 22(2)(a)
- s. 26(2)(b) and word inserted by 2024 c. 9 s. 22(2)(b)
- s. 26(2A)-(2F) inserted by 2024 c. 9 s. 22(3)
- s. 62(5A)-(5C) inserted by 2024 c. 9 s. 15(4)
- s. 87(4)(aa) inserted by 2024 c. 9 s. 16(2)(c)
- s. 87(4A) inserted by 2024 c. 9 s. 16(3)
- s. 87(6A)(6B) inserted by 2024 c. 9 s. 20(2)
- s. 90(4)-(4B) substituted for s. 90(4) by 2024 c. 9 s. 18(2)(a)
- s. 90(5A) inserted by 2024 c. 9 s. 18(2)(c)
- s. 90(9A)(9B) inserted by 2024 c. 9 s. 18(2)(d)
- s. 90(11A) inserted by 2024 c. 9 s. 18(2)(f)
- s. 90(14)-(16) inserted by 2024 c. 9 s. 18(2)(g)
- s. 94A inserted by 2024 c. 9 s. 20(4)
- s. 111(3)(a) words renumbered as s. 111(3)(a) by 2024 c. 9 s. 23(2)(a)
- s. 111(3)(b) and word inserted by 2024 c. 9 s. 23(2)(b)
- s. 111(6)(a) words renumbered as s. 111(6)(a) by 2024 c. 9 s. 23(3)(a)
- s. 111(6)(b) and word inserted by 2024 c. 9 s. 23(3)(b)
- s. 111(7A)-(7E) inserted by 2024 c. 9 s. 23(4)
- s. 121(4) inserted by 2024 c. 9 s. 25
- s. 195195A substituted for s. 195 by 2024 c. 9 s. 27(2)
- s. 200(1)(a) words renumbered as s. 200(1)(a) by 2024 c. 9 s. 1(4)(a)(i)
- s. 200(1)(b) and word inserted by 2024 c. 9 s. 1(4)(a)(ii)
- s. 200(2)(a) words renumbered as s. 200(2)(a) by 2024 c. 9 s. 1(4)(b)(i)
- s. 200(2)(b) and word inserted by 2024 c. 9 s. 1(4)(b)(ii)
- s. 202(5) inserted by 2024 c. 9 s. 4(2)(c)
- s. 206(8) inserted by 2024 c. 9 s. 4(3)(b)
- s. 219(9) inserted by 2024 c. 9 s. 4(4)(c)
- s. 220(6) inserted by 2024 c. 9 s. 1(7)(b)
- s. 220(7) inserted by 2024 c. 9 s. 4(5)(b)
- s. 225(4)(a) words renumbered as s. 225(4)(a) by 2024 c. 9 s. 1(8)(a)(i)
- s. 225(4)(b) and word inserted by 2024 c. 9 s. 1(8)(a)(ii)
- s. 225(13)(a) words renumbered as s. 225(13)(a) by 2024 c. 9 s. 1(8)(b)(i)
- s. 225(13)(b) and word inserted by 2024 c. 9 s. 1(8)(b)(ii)
- s. 225(15) inserted by 2024 c. 9 s. 4(6)(c)
- s. 227(6A)(6B) inserted by 2024 c. 9 s. 7(2)
- s. 227(8)-(8D) substituted for s. 227(8)(9) by 2024 c. 9 s. 8(2)
- s. 227(10A) inserted by 2024 c. 9 s. 8(4)
- s. 227(14) inserted by 2024 c. 9 s. 8(6)
- s. 228(6) inserted by 2024 c. 9 s. 7(3)
- s. 228A inserted by 2024 c. 9 s. 9
- s. 229(3E) inserted by 2024 c. 9 s. 10(2)(b)
- s. 229(8)(fb) inserted by 2024 c. 9 s. 27(3)

- s. 230(1)(d) and word inserted by 2024 c. 9 s. 10(3)(b)
- s. 231(10) inserted by 2024 c. 9 s. 10(4)(b)
- s. 235A inserted by 2024 c. 9 s. 11(1)
- s. 255(5A)(5B) inserted by 2024 c. 9 s. 20(6)
- s. 256A inserted by 2024 c. 9 s. 20(7)
- s. 257(3)-(3B) substituted for s. 257(3) by 2024 c. 9 s. 18(5)(a)
- s. 257(4A) inserted by 2024 c. 9 s. 18(5)(c)
- s. 257(8A)(8B) inserted by 2024 c. 9 s. 18(5)(d)
- s. 257(10A) inserted by 2024 c. 9 s. 18(5)(f)
- s. 257(13)-(15) inserted by 2024 c. 9 s. 18(5)(g)
- s. 258A258B inserted by 2024 c. 9 s. 21(2)
- s. 261(5A)(5B) inserted by 2024 c. 9 s. 13(3)
- s. 261(10)(c) and word inserted by 2024 c. 9 s. 19(2)(b)
- s. 267(3)(ja) inserted by 2024 c. 9 s. 21(3)(b)
- s. 267(5)(aa) inserted by 2024 c. 9 s. 14(8)
- Sch. 2A inserted by 2024 c. 9 s. 14(9)
- Sch. 3 para. 12A and cross-heading inserted by 2024 c. 9 s. 28(2)
- Sch. 3 para. 2526 inserted by 2024 c. 9 s. 28(3)