



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 2

LAWFUL INTERCEPTION OF COMMUNICATIONS

CHAPTER 3

OTHER PROVISIONS ABOUT INTERCEPTION

Restrictions on use or disclosure of material obtained under warrants etc.

56 Exclusion of matters from legal proceedings etc.

- (1) No evidence may be adduced, question asked, assertion or disclosure made or other thing done in, for the purposes of or in connection with any legal proceedings or Inquiries Act proceedings which (in any manner)—
- (a) discloses, in circumstances from which its origin in interception-related conduct may be inferred—
 - (i) any content of an intercepted communication, or
 - (ii) any secondary data obtained from a communication, or
 - (b) tends to suggest that any interception-related conduct has or may have occurred or may be going to occur.

This is subject to Schedule 3 (exceptions).

- (2) “Interception-related conduct” means—
- (a) conduct by a person within subsection (3) that is, or in the absence of any lawful authority would be, an offence under section 3(1) (offence of unlawful interception);
 - (b) a breach of the prohibition imposed by section 9 (restriction on requesting interception by overseas authorities);

Changes to legislation: *Investigatory Powers Act 2016, Section 56 is up to date with all changes known to be in force on or before 08 March 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*

- (c) a breach of the prohibition imposed by section 10 (restriction on requesting assistance under mutual assistance agreements etc.);
 - (d) the making of an application by any person for a warrant, or the issue of a warrant, under Chapter 1 of this Part;
 - (e) the imposition of any requirement on any person to provide assistance in giving effect to a targeted interception warrant or mutual assistance warrant.
- (3) The persons referred to in subsection (2)(a) are—
- (a) any person who is an intercepting authority (see section 18);
 - (b) any person holding office under the Crown;
 - (c) any person deemed to be the proper officer of Revenue and Customs by virtue of section 8(2) of the Customs and Excise Management Act 1979;
 - (d) any person employed by, or for the purposes of, a police force [^{F1}or the tri-service serious crime unit];
 - (e) any postal operator or telecommunications operator;
 - (f) any person employed or engaged for the purposes of the business of a postal operator or telecommunications operator.
- (4) Any reference in subsection (1) to interception-related conduct also includes any conduct taking place before the coming into force of this section and consisting of—
- (a) conduct by a person within subsection (3) that—
 - (i) was an offence under section 1(1) or (2) of the Regulation of Investigatory Powers Act 2000 (“RIPA”), or
 - (ii) would have been such an offence in the absence of any lawful authority (within the meaning of section 1(5) of RIPA);
 - (b) conduct by a person within subsection (3) that—
 - (i) was an offence under section 1 of the Interception of Communications Act 1985, or
 - (ii) would have been such an offence in the absence of subsections (2) and (3) of that section;
 - (c) a breach by the Secretary of State of the duty under section 1(4) of RIPA (restriction on requesting assistance under mutual assistance agreements);
 - (d) the making of an application by any person for a warrant, or the issue of a warrant, under—
 - (i) Chapter 1 of Part 1 of RIPA, or
 - (ii) the Interception of Communications Act 1985;
 - (e) the imposition of any requirement on any person to provide assistance in giving effect to a warrant under Chapter 1 of Part 1 of RIPA.
- (5) In this section—
- “Inquiries Act proceedings” means proceedings of an inquiry under the Inquiries Act 2005;
 - “intercepted communication” means any communication intercepted in the course of its transmission by means of a postal service or telecommunication system.

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Textual Amendments

- F1** Words in [s. 56\(3\)\(d\)](#) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), [Sch. 5 para. 44](#); [S.I. 2022/471](#), reg. 2(e); [S.I. 2022/1095](#), reg. 4
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Commencement Information

- I1** [S. 56](#) in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(s\)](#) (with [reg. 17](#))

Changes to legislation:

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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):

- s. 58(4)(e) inserted by [2023 c. 41 Sch. 13 para. 9](#)