
STATUTORY INSTRUMENTS

2011 No. 1340

The Regulation of Investigatory Powers (Monetary Penalty Notices and Consents for Interceptions) Regulations 2011

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Regulation of Investigatory Powers (Monetary Penalty Notices and Consents for Interceptions) Regulations 2011.

(2) These Regulations come into force 21 days after the day on which they are made.

(3) In these Regulations “the 2000 Act” means the Regulation of Investigatory Powers Act 2000⁽¹⁾.

Monetary penalty notices for certain unlawful interceptions of communications

2.—(1) After section 1(1) of the 2000 Act (unlawful interception of communications) insert—

“(1A) The Interception of Communications Commissioner may serve a monetary penalty notice on a person if the Commissioner—

(a) considers that the person—

(i) has without lawful authority intercepted, at any place in the United Kingdom, any communication in the course of its transmission by means of a public telecommunication system, and

(ii) was not, at the time of the interception, making an attempt to act in accordance with an interception warrant which might, in the opinion of the Commissioner, explain the interception concerned, and

(b) does not consider that the person has committed an offence under subsection (1).

(1B) Schedule A1 (which makes further provision about monetary penalty notices) has effect.”

(2) In section 71(2) of the 2000 Act (issue and revision by the Secretary of State of codes of practice) after “subordinate legislation” insert “and subject to subsection (10)”.

(3) After section 71(9) of the 2000 Act insert—

“(10) A code of practice under this section may not relate to any matter which is to be dealt with by guidance of the Interception of Communications Commissioner by virtue of paragraph 7 of Schedule A1.”

(4) Before Schedule 1 to the 2000 Act insert the Schedule set out in the Schedule to these Regulations.

Consent requirement for lawful interception of communications

3. In section 3(1) of the 2000 Act (lawful interception without an interception warrant where actual or believed consent) the words “, or which that person has reasonable grounds for believing,” are repealed.

Home Office
26th May 2011

James Brokenshire
Parliamentary Under Secretary of State