



Intelligence Services Act 1994

1994 CHAPTER 13

An Act to make provision about the Secret Intelligence Service and the Government Communications Headquarters, including provision for the issue of warrants and authorisations enabling certain actions to be taken and for the issue of such warrants and authorisations to be kept under review; to make further provision about warrants issued on applications by the Security Service; to establish a procedure for the investigation of complaints about the Secret Intelligence Service and the Government Communications Headquarters; to make provision for the establishment of an Intelligence and Security Committee to scrutinise all three of those bodies; and for connected purposes. [26th May 1994]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Commencement Information

- II** Act wholly in force at 15.12.1994; Act not in force at Royal Assent, see [s. 12\(2\)](#); Act in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by [S.I. 1994/2734](#), [art. 2](#)

The Secret Intelligence Service

1 The Secret Intelligence Service.

- (1) There shall continue to be a Secret Intelligence Service (in this Act referred to as “the Intelligence Service”) under the authority of the Secretary of State; and, subject to subsection (2) below, its functions shall be—
- to obtain and provide information relating to the actions or intentions of persons outside the British Islands; and
 - to perform other tasks relating to the actions or intentions of such persons.

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

- (2) The functions of the Intelligence Service shall be exercisable only—
- (a) in the interests of national security, with particular reference to the defence and foreign policies of Her Majesty's Government in the United Kingdom; or
 - (b) in the interests of the economic well-being of the United Kingdom; or
 - (c) in support of the prevention or detection of serious crime.

Commencement Information

I2 S. 1 wholly in force at 15.12.1994; S. 1 not in force at Royal Assent, see s. 12(2); s. 1 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, art. 2

2 The Chief of the Intelligence Service.

- (1) The operations of the Intelligence Service shall continue to be under the control of a Chief of that Service appointed by the Secretary of State.
- (2) The Chief of the Intelligence Service shall be responsible for the efficiency of that Service and it shall be his duty to ensure—
- (a) that there are arrangements for securing that no information is obtained by the Intelligence Service except so far as necessary for the proper discharge of its functions and that no information is disclosed by it except so far as necessary—
 - (i) for that purpose;
 - (ii) in the interests of national security;
 - (iii) for the purpose of the prevention or detection of serious crime; or
 - (iv) for the purpose of any criminal proceedings; and
 - (b) that the Intelligence Service does not take any action to further the interests of any United Kingdom political party.
- (3) Without prejudice to the generality of subsection (2)(a) above, the disclosure of information shall be regarded as necessary for the proper discharge of the functions of the Intelligence Service if it consists of—
- (a) the disclosure of records subject to and in accordance with the ^{M1}Public Records Act 1958; or
 - (b) the disclosure, subject to and in accordance with arrangements approved by the Secretary of State, of information to the Comptroller and Auditor General for the purposes of his functions.
- (4) The Chief of the Intelligence Service shall make an annual report on the work of the Intelligence Service to the Prime Minister and the Secretary of State and may at any time report to either of them on any matter relating to its work.

Commencement Information

I3 S. 2 wholly in force at 15.12.1994; S. 2 not in force at Royal Assent, see s. 12(2); s. 2 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, art. 2

Marginal Citations

M1 1958 c. 51.

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

GCHQ

3 The Government Communications Headquarters.

- (1) There shall continue to be a Government Communications Headquarters under the authority of the Secretary of State; and, subject to subsection (2) below, its functions shall be—
- (a) to monitor [^{F1}, make use of] or interfere with electromagnetic, acoustic and other emissions and any equipment producing such emissions and to obtain and provide information derived from or related to such emissions or equipment and from encrypted material; and
 - (b) to provide advice and assistance about—
 - (i) languages, including terminology used for technical matters, and
 - (ii) cryptography and other matters relating to the protection of information and other material,to the armed forces of the Crown, to Her Majesty's Government in the United Kingdom or to a Northern Ireland Department [^{F2}or, in such cases as it considers appropriate, to other organisations or persons, or to the general public, in the United Kingdom or elsewhere.]
- (2) The functions referred to in subsection (1)(a) above shall be exercisable only—
- (a) in the interests of national security, with particular reference to the defence and foreign policies of Her Majesty's Government in the United Kingdom; or
 - (b) in the interests of the economic well-being of the United Kingdom in relation to the actions or intentions of persons outside the British Islands; or
 - (c) in support of the prevention or detection of serious crime.
- (3) In this Act the expression "GCHQ" refers to the Government Communications Headquarters and to any unit or part of a unit of the armed forces of the Crown which is for the time being required by the Secretary of State to assist the Government Communications Headquarters in carrying out its functions.

Textual Amendments

F1 Words in s. 3(1)(a) inserted (13.2.2017) by [Investigatory Powers Act 2016 \(c. 25\)](#), **ss. 251(2)(a)**, 272(1) (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2017/137](#), [reg. 2\(r\)](#)

F2 Words in s. 3(1)(b) substituted (13.2.2017) by [Investigatory Powers Act 2016 \(c. 25\)](#), **ss. 251(2)(b)**, 272(1) (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2017/137](#), [reg. 2\(r\)](#)

Commencement Information

I4 S. 3 wholly in force at 15.12.1994; S. 3 not in force at Royal Assent, see s. 12(2); s. 3 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by [S.I. 1994/2734](#), **art. 2**

4 The Director of GCHQ.

- (1) The operations of GCHQ shall continue to be under the control of a Director appointed by the Secretary of State.
- (2) The Director shall be responsible for the efficiency of GCHQ and it shall be his duty to ensure—

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

- (a) that there are arrangements for securing that no information is obtained by GCHQ except so far as necessary for the proper discharge of its functions and that no information is disclosed by it except so far as necessary for that purpose or for the purpose of any criminal proceedings; and
 - (b) that GCHQ does not take any action to further the interests of any United Kingdom political party.
- (3) Without prejudice to the generality of subsection (2)(a) above, the disclosure of information shall be regarded as necessary for the proper discharge of the functions of GCHQ if it consists of—
- (a) the disclosure of records subject to and in accordance with the ^{M2}Public Records Act 1958; or
 - (b) the disclosure, subject to and in accordance with arrangements approved by the Secretary of State, of information to the Comptroller and Auditor General for the purposes of his functions.
- (4) The Director shall make an annual report on the work of GCHQ to the Prime Minister and the Secretary of State and may at any time report to either of them on any matter relating to its work.

Commencement Information

I5 S. 4 wholly in force at 15.12.1994; S. 4 not in force at Royal Assent, see s. 12(2); s. 4 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, art. 2

Marginal Citations

M2 1958 c. 51.

Authorisation of certain actions

5 Warrants: general.

- (1) No entry on or interference with property or with wireless telegraphy shall be unlawful if it is authorised by a warrant issued by the Secretary of State under this section.
- (2) The Secretary of State may, on an application made by the Security Service, the Intelligence Service or GCHQ, issue a warrant under this section authorising the taking ^{F3}... of such action as is specified in the warrant in respect of any property so specified or in respect of wireless telegraphy so specified if the Secretary of State—
- (a) thinks it necessary for the action to be taken [^{F4}for the purpose of] assisting, as the case may be,—
 - (i) the Security Service in carrying out any of its functions under the 1989 Act; or
 - (ii) the Intelligence Service in carrying out any of its functions under section 1 above; or
 - (iii) GCHQ in carrying out any function which falls within section 3(1)(a) above; and
 - [^{F5}(b) is satisfied that the taking of the action is proportionate to what the action seeks to achieve;]
 - (c) is satisfied that satisfactory arrangements are in force under section 2(2)(a) of the 1989 Act (duties of the Director-General of the Security Service),

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

section 2(2)(a) above or section 4(2)(a) above with respect to the disclosure of information obtained by virtue of this section and that any information obtained under the warrant will be subject to those arrangements.

[^{F6}(2A) The matters to be taken into account in considering whether the requirements of subsection (2)(a) and (b) are satisfied in the case of any warrant shall include whether what it is thought necessary to achieve by the conduct authorised by the warrant could reasonably be achieved by other means.]

[^{F7}(3) ^{F8}.....]

(3A) A warrant issued on the application of the Security Service for the purposes of the exercise of their function under section 1(4) of the ^{M3}Security Service Act 1989 [^{F9}, or on the application of the Intelligence Service or GCHQ for the purposes of the exercise of their functions by virtue of section 1(2)(c) or 3(2)(c),] may not relate to property in the British Islands unless it authorises the taking of action in relation to conduct within subsection (3B) below.

(3B) Conduct is within this subsection if it constitutes (or, if it took place in the United Kingdom, would constitute) one or more offences, and either—

- (a) it involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose; or
- (b) the offence or one of the offences is an offence for which a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more.]

(4) Subject to subsection (5) below, the Security Service may make an application under subsection (2) above for a warrant to be issued authorising that Service (or a person acting on its behalf) to take such action as is specified in the warrant on behalf of the Intelligence Service or GCHQ and, where such a warrant is issued, the functions of the Security Service shall include the carrying out of the action so specified, whether or not it would otherwise be within its functions.

(5) The Security Service may not make an application for a warrant by virtue of subsection (4) above except where the action proposed to be authorised by the warrant—

- (a) is action in respect of which the Intelligence Service or, as the case may be, GCHQ could make such an application; and
- (b) is to be taken otherwise than in support of the prevention or detection of serious crime.

Textual Amendments

- F3** Words in s. 5(2) omitted (13.2.2017) by virtue of [Investigatory Powers Act 2016 \(c. 25\), ss. 251\(3\)\(a\), 272\(1\)](#) (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2017/137, reg. 2(r)
- F4** Words in s. 5(2)(a) substituted (25.9.2000) by [2000 c. 23, s. 74\(1\)\(a\)](#) (with s. 82(3)); S.I. 2000/2543, [art. 2](#)
- F5** S. 5(2)(b) substituted (25.9.2000) by [2000 c. 23, s. 74\(1\)\(b\)](#) (with s. 82(3)); S.I. 2000/2543, [art. 2](#)
- F6** S. 5(2A) inserted (25.9.2000) by [2000 c. 23, s. 74\(2\)](#) (with s. 82(3)); S.I. 2000/2543, [art. 2](#)
- F7** S. 5(3)(3A)(3B) substituted for s. 5(3) (14.10.1996) by [1996 c. 35, s. 2](#); S.I. 1996/2454, [art. 2](#)
- F8** S. 5(3) omitted (13.2.2017) by virtue of [Investigatory Powers Act 2016 \(c. 25\), ss. 251\(3\)\(b\), 272\(1\)](#) (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2017/137, reg. 2(r)

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

- F9** Words in s. 5(3A) inserted (13.2.2017) by Investigatory Powers Act 2016 (c. 25), **ss. 251(3)(c)**, 272(1) (with **Sch. 9** paras. 7, 8, 10); S.I. 2017/137, reg. 2(r)

Modifications etc. (not altering text)

- C1** S. 5: Certain functions transferred (S.) (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1**
S. 5 amended (2.10.2000) by 2000 c. 23, s. 59(2)(a) (with s. 82(3)); S.I. 2000/2543, art. 3
- C2** S. 5: certain functions made exercisable (S.) (30.6.1999) by S.I. 1999/1748, art. 3, **Sch. 1 para. 15(1)**
- C3** S. 5(1) extended (with modifications) (Jersey, Guernsey) (15.12.1994) by S.I. 1994/2955, art. 2, **Sch.**

Commencement Information

- I6** S. 5 wholly in force at 15.12.1994; S. 5 not in force at Royal Assent, see s. 12(2); s. 5 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, art. 2

Marginal Citations

- M3** 1989 c. 5.

6 Warrants: procedure and duration, etc.

(1) A warrant shall not be issued except—

- (a) under the hand of the Secretary of State ^[^{F10}] or in the case of a warrant by the Scottish Minister (by virtue of provision made under section 63 of the Scotland Act 1998), a member of the Scottish Executive] ; or
- (b) in an urgent case where the Secretary of State has expressly authorised its issue and a statement of that fact is endorsed on it, under the hand of a senior official ^{[^{F11} . . . [^{F12}]}; or
- (c) in an urgent case where, the Scottish Ministers have (by virtue of provision made under section 63 of the Scotland Act 1998) expressly authorised its issue and a statement of that fact is endorsed thereon, under the hand of a member of the staff of the Scottish Administration who is in the Senior Civil Service and is designated by the Scottish Ministers as a person under whose hand a warrant may be issued in such a case.]]^[^{F13}] or
- (d) in an urgent case where the Secretary of State has expressly authorised the issue of warrants in accordance with this paragraph by specified senior officials and a statement of that fact is endorsed on the warrant, under the hand of any of the specified officials.]

^[^{F14}](1A) But a warrant issued in accordance with subsection (1)(d) may authorise the taking of an action only if the action is an action in relation to property which, immediately before the issue of the warrant, would, if done outside the British Islands, have been authorised by virtue of an authorisation under section 7 that was in force at that time.”

(1B) A senior official who issues a warrant in accordance with subsection (1)(d) must inform the Secretary of State about the issue of the warrant as soon as practicable after issuing it.]

(2) A warrant shall, unless renewed under subsection (3) below, cease to have effect—

- (a) if the warrant was under the hand of the Secretary of State ^[^{F15}] or, in the case of a warrant issued by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), a member of the Scottish Executive], at the end of the period of six months beginning with the day on which it was issued; and

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

- (b) in any other case, at the end of the period ending with the [^{F16} fifth] working day following that day.
- (3) If at any time before the day on which a warrant would cease to have effect the Secretary of State considers it necessary for the warrant to continue to have effect for the purpose for which it was issued, he may by an instrument under his hand renew it for a period of six months beginning with that day.
- (4) The Secretary of State shall cancel a warrant if he is satisfied that the action authorised by it is no longer necessary.
- (5) In the preceding provisions of this section “warrant ” means a warrant under section 5 above.
- (6) As regards the Security Service, this section and section 5 above have effect in place of section 3 (property warrants) of the 1989 Act, and accordingly—
- (a) a warrant issued under that section of the 1989 Act and current when this section and section 5 above come into force shall be treated as a warrant under section 5 above, but without any change in the date on which the warrant was in fact issued or last renewed; and
- (b) section 3 of the 1989 Act shall cease to have effect.

Textual Amendments

- F10** Words in s. 6(1)(a) inserted (1.7.1999) by S.I. 1999/1750, art. 6(1), **Sch. 5 para. 14(2)(a)(i)**
- F11** Words in s. 6(1)(b) repealed (25.9.2000) by 2000 c. 23, ss. 74(3), 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F12** S. 6(1)(c) and word immediately before it inserted (1.7.1999) by S.I. 1999/1750, art. 6(1), **Sch. 5 para. 14(1)(2)(a)(ii)**
- F13** S. 6(1)(d) and word inserted (13.4.2006) by **Terrorism Act 2006** (c. 11), **ss. 31(2)**, 39(2); S.I. 2006/1013, **art. 2(2)(b)**
- F14** S. 6(1A)(1B) inserted (13.4.2006) by **Terrorism Act 2006** (c. 11), **ss. 31(3)**, 39(2); S.I. 2006/1013, **art. 2(2)(b)**
- F15** Words in s. 6(2) inserted (1.7.1999) by S.I. 1999/1750, art. 6(1), **Sch. 5 para. 14(1)(2)(b)**
- F16** Word in s. 6(2)(b) substituted (13.4.2006) by **Terrorism Act 2006** (c. 11), **ss. 31(4)**, 39(2); S.I. 2006/1013, **art. 2(2)(b)**

Modifications etc. (not altering text)

- C4** S. 6 amended (2.10.2000) by 2000 c. 23, **s. 59(2)(a)** (with s. 82(3)); S.I. 2000/2543, **art. 3**
- C5** S. 6: certain functions transferred (1.7.1999) by S.I. 1999/1750, **art. 2**, **Sch. 1**
- C6** S. 6(6) extended (with modifications) (Jersey, Guernsey) (15.12.1994) by S.I. 1994/2955, **art. 2**, **Sch.**

Commencement Information

- I7** S. 6 wholly in force at 15.12.1994; S. 6 not in force at Royal Assent, see s. 12(2); s. 6 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, **art. 2**

7 Authorisation of acts outside the British Islands.

- (1) If, apart from this section, a person would be liable in the United Kingdom for any act done outside the British Islands, he shall not be so liable if the act is one which is authorised to be done by virtue of an authorisation given by the Secretary of State under this section.

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

- (2) In subsection (1) above “liable in the United Kingdom ” means liable under the criminal or civil law of any part of the United Kingdom.
- (3) The Secretary of State shall not give an authorisation under this section unless he is satisfied—
- (a) that any acts which may be done in reliance on the authorisation or, as the case may be, the operation in the course of which the acts may be done will be necessary for the proper discharge of a function of the Intelligence Service [^{F17}or GCHQ]; and
 - (b) that there are satisfactory arrangements in force to secure—
 - (i) that nothing will be done in reliance on the authorisation beyond what is necessary for the proper discharge of a function of the Intelligence Service [^{F17}or GCHQ]; and
 - (ii) that, in so far as any acts may be done in reliance on the authorisation, their nature and likely consequences will be reasonable, having regard to the purposes for which they are carried out; and
 - (c) that there are satisfactory arrangements in force under section 2(2)(a) [^{F18}or 4(2)(a)] above with respect to the disclosure of information obtained by virtue of this section and that any information obtained by virtue of anything done in reliance on the authorisation will be subject to those arrangements.
- (4) Without prejudice to the generality of the power of the Secretary of State to give an authorisation under this section, such an authorisation—
- (a) may relate to a particular act or acts, to acts of a description specified in the authorisation or to acts undertaken in the course of an operation so specified;
 - (b) may be limited to a particular person or persons of a description so specified; and
 - (c) may be subject to conditions so specified.
- (5) An authorisation shall not be given under this section except—
- (a) under the hand of the Secretary of State; or
 - (b) in an urgent case where the Secretary of State has expressly authorised it to be given and a statement of that fact is endorsed on it, under the hand of a senior official ^{F19} . . .
- (6) An authorisation shall, unless renewed under subsection (7) below, cease to have effect—
- (a) if the authorisation was given under the hand of the Secretary of State, at the end of the period of six months beginning with the day on which it was given;
 - (b) in any other case, at the end of the period ending with the [^{F20}fifth] working day following the day on which it was given.
- (7) If at any time before the day on which an authorisation would cease to have effect the Secretary of State considers it necessary for the authorisation to continue to have effect for the purpose for which it was given, he may by an instrument under his hand renew it for a period of six months beginning with that day.
- (8) The Secretary of State shall cancel an authorisation if he is satisfied that any act authorised by it is no longer necessary.
- [^{F21}(9) For the purposes of this section the reference in subsection (1) to an act done outside the British Islands includes a reference to any act which—

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

- (a) is done in the British Islands; but
- (b) is or is intended to be done in relation to apparatus that is believed to be outside the British Islands, or in relation to anything appearing to originate from such apparatus;

and in this subsection “apparatus ” has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23).]

[^{F22}(10) Where—

- (a) a person is authorised by virtue of this section to do an act outside the British Islands in relation to property,
- (b) the act is one which, in relation to property within the British Islands, is capable of being authorised by a warrant under section 5,
- (c) a person authorised by virtue of this section to do that act outside the British Islands, does the act in relation to that property while it is within the British Islands, and
- (d) the act is done in circumstances falling within subsection (11) or (12),

this section shall have effect as if the act were done outside the British Islands in relation to that property.

(11) An act is done in circumstances falling within this subsection if it is done in relation to the property at a time when it is believed to be outside the British Islands.

(12) An act is done in circumstances falling within this subsection if it —

- (a) is done in relation to property which was mistakenly believed to be outside the British Islands either when the authorisation under this section was given or at a subsequent time or which has been brought within the British Islands since the giving of the authorisation; but
- (b) is done before the end of the fifth working day after the day on which the presence of the property in the British Islands first becomes known.

(13) In subsection (12) the reference to the day on which the presence of the property in the British Islands first becomes known is a reference to the day on which it first appears to a member of the Intelligence Service or of GCHQ, after the relevant time—

- (a) that the belief that the property was outside the British Islands was mistaken; or
- (b) that the property is within those Islands.

(14) In subsection (13) ‘the relevant time’ means, as the case may be—

- (a) the time of the mistaken belief mentioned in subsection (12)(a); or
- (b) the time at which the property was, or was most recently, brought within the British Islands.]

Textual Amendments

F17 Words in s. 7(3)(a) and (b)(i) inserted (14.12.2001) by 2001 c. 24, ss. 116(1)(a), 127(2)(h)

F18 Words in s. 7(3)(c) inserted (14.12.2001) by 2001 c. 24, ss. 116(1)(b), 127(2)(h)

F19 Words in s. 7(5)(b) repealed (25.9.2000) by 2000 c. 23, ss. 74(3), 82(2), Sch. 5 (with s. 82(3)); S.I. 2000/2543, art. 2

F20 Word in s. 7(6)(b) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), ss. 31(5), 39(2); S.I. 2006/1013, art. 2(2)(b)

F21 S. 7(9) inserted (14.12.2001) by 2001 c. 24, ss. 116(2), 127(2)(h)

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

F22 S. 7(10)-(14) inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), [ss. 31\(6\)](#), 39(2); S.I. 2006/1013, [art. 2\(2\)\(b\)](#)

Modifications etc. (not altering text)

C7 S. 7 amended (2.10.2000) by [2000 c. 23](#), [s. 59\(2\)\(a\)](#) (with [s. 82\(3\)](#)); S.I. 2000/2543, [art. 3](#)

Commencement Information

I8 S. 7 wholly in force at 15.12.1994; S. 7 not in force at Royal Assent, see [s. 12\(2\)](#); s. 7 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by [S.I. 1994/2734](#), [art. 2](#)

The Commissioner, the Tribunal and the investigation of complaints

F23⁸

Textual Amendments

F23 S. 8 repealed (2.10.2000) by [2000 c. 23](#), [ss. 59\(8\)](#), 82(2), [Sch. 5](#) (with [s. 82\(3\)](#)); S.I. 2000/2543, [art. 3](#)

F24⁹

Textual Amendments

F24 S. 9 repealed (2.10.2000) by [2000 c. 23](#), [ss. 70\(2\)\(b\)](#), 82(2), [Sch. 5](#) (with [s. 82\(3\)](#)); S.I. 2000/2543, [art. 3](#) (with transitional provisions in [art. 6](#))

The Intelligence and Security Committee

F25¹⁰ **The Intelligence and Security Committee.**

.....

Textual Amendments

F25 S. 10 repealed (25.6.2013) by [Justice and Security Act 2013 \(c. 18\)](#), [s. 20\(1\)](#), [Sch. 2 para. 1\(a\)](#); S.I. 2013/1482, [art. 2](#) (with [arts. 3, 4](#))

Supplementary

11 Interpretation and consequential amendments.

(1) In this Act—

(a) “the 1989 Act ” means the ^{M4}Security Service Act 1989;

^{F26}(b)

^{F27}(c)

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

- [^{F28}(d) “senior official ” has the same meaning as in the Regulation of Investigatory Powers Act 2000;]
- (e) “wireless telegraphy ” has the same meaning as in [^{F29}the Wireless Telegraphy Act 2006] and, in relation to wireless telegraphy, “interfere ” has the same meaning as in that Act;
- (f) “working day ” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the ^{M5}Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

[^{F30}(1A) Section 81(5) of the Regulation of Investigatory Powers Act 2000 (meaning of “prevention ” and “detection ”), so far as it relates to serious crime, shall [^{F31}apply for the purposes of this Act as it applies for the purposes of that Act, except that for the purposes of section 3 above it shall not include a reference to gathering evidence for use in any legal proceedings (within the meaning of that Act).]]

- (2) In consequence of the preceding provisions of this Act, the 1989 Act, the ^{M6}Official Secrets Act 1989 and the ^{M7}Official Secrets Act 1989 (Prescription) Order 1990 shall have effect subject to the amendments in Schedule 4 to this Act.

Textual Amendments

- F26** S. 11(1)(b) repealed (2.10.2000) by 2000 c. 23, s. 82(2), **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 3**
- F27** S. 11(1)(c) repealed (25.6.2013) by Justice and Security Act 2013 (c. 18), s. 20(1), **Sch. 2 para. 1(b)**; S.I. 2013/1482, **art. 2** (with arts. 3, 4)
- F28** S. 11(d) substituted (25.9.2000) by 2000 c. 23, s. 74(4) (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F29** Words in s. 11(1)(e) substituted (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), s. 126(2), **Sch. 7 para. 14**
- F30** S. 11(1A) inserted (25.9.2000) by 2000 c. 23, s. 82(1), **Sch. 4 para. 6** (with s. 82(3)); S.I. 2000/2543, **art. 2**
- F31** Words in s. 11(1A) substituted (27.12.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 38** (with **Sch. 9 paras. 7, 8, 10**); S.I. 2018/940, reg. 5(d)

Modifications etc. (not altering text)

- C8** S. 11(1) extended (with modifications) (Jersey, Guernsey) (15.12.1994) by S.I. 1994/2955, **art. 2, Sch.**

Commencement Information

- I9** S. 11 wholly in force at 15.12.1994; S. 11 not in force at Royal Assent, see s. 12(2); s. 11 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, **art. 2**

Marginal Citations

- M4** 1989 c. 5.
M5 1971 c. 80.
M6 1989 c. 6.
M7 S.I. 1990/200.

12 Short title, commencement and extent.

- (1) This Act may be cited as the Intelligence Services Act 1994.
- (2) This Act shall come into force on such day as the Secretary of State may by an order made by statutory instrument appoint, and different days may be so appointed for different provisions or different purposes.

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

- (3) This Act extends to Northern Ireland.
- (4) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend, with such exceptions, adaptations and modifications as appear to Her to be necessary or expedient, to the Isle of Man, any of the Channel Islands or any colony.

Subordinate Legislation Made

P1 [S. 12\(2\)](#) power fully exercised (15.10.1994): different dates appointed for the Act by [S.I. 1994/2734](#), [art. 2](#)

Modifications etc. (not altering text)

C9 [S. 12\(1\)](#) extended (with modifications)(Jersey, Guernsey) (15.12.1994) by [S.I. 1994/2955](#), [art. 2](#), [Sch.](#)

Commencement Information

I10 [S. 12](#) wholly in force at 15.12.1994; [s. 12](#) not in force at Royal Assent see [s. 12\(2\)](#); [s. 12](#) in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by [S.I. 1994/2734](#)

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

SCHEDULES

^{F32}SCHEDULE 1

Textual Amendments

F32 Sch. 1 repealed (2.10.2000) by 2000 c. 23, ss. 70(2)(b), 82(2), Sch. 5 (with s. 82(3)); S.I. 2000/2543, art. 3 (with transitional provisions in art. 6)

^{F37}SCHEDULE 2

Textual Amendments

F37 Sch. 2 repealed (2.10.2000) by 2000 c. 23, ss. 70(2)(b), 82(2), Sch. 5 (with s. 82(3)); S.I. 2000/2543, art. 3 (with transitional provisions in art. 6)

^{F38}SCHEDULE 3

Section 10(4).

Textual Amendments

F38 Sch. 3 repealed (25.6.2013) by Justice and Security Act 2013 (c. 18), s. 20(1), Sch. 2 para. 1(c); S.I. 2013/1482, art. 2 (with arts. 3, 4)

SCHEDULE 4

Section 11(2).

CONSEQUENTIAL AMENDMENTS

The Security Service Act 1989

- (1) In section 2 of the ^{M11}Security Service Act 1989 (duties of the Director-General of the Security Service) in subsection (2) after the words “serious crime” there shall be inserted “or for the purpose of any criminal proceedings”.

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

(2) After subsection (3) of that section there shall be inserted the following subsection—

“(3A) Without prejudice to the generality of subsection (2)(a) above, the disclosure of information shall be regarded as necessary for the proper discharge of the functions of the Security Service if it consists of—

- (a) the disclosure of records subject to and in accordance with the Public Records Act 1958; or
- (b) the disclosure, subject to and in accordance with arrangements approved by the Secretary of State, of information to the Comptroller and Auditor General for the purposes of his functions.”

Commencement Information

I29 Sch. 4 para. 1 wholly in force at 15.12.1994; Sch. 4 para. 1 not in force at Royal Assent, see s. 12(2); Sch. 4 para. 1 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, art. 2

Marginal Citations

M11 1989 c. 5.

- 2 In section 4(3) of that Act (Security Service Commissioner to review exercise of powers by Secretary of State), for the words “powers under section 3 above ” there shall be substituted “ powers, so far as they relate to applications made by the Service, under sections 5 and 6 of the Intelligence Services Act 1994. ”

Commencement Information

I30 Sch. 4 para. 2 wholly in force at 15.12.1994; Sch. 4 para. 2 not in force at Royal Assent, see s. 12(2); Sch. 4 para. 2 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, art. 2

- 3 In paragraph 4(1) of Schedule 1 to that Act (Security Service Commissioner to investigate whether the Secretary of State acted properly in issuing or renewing warrant), after the words “section 3 of this Act ” there shall be inserted “ or section 5 of the Intelligence Services Act 1994 ”.

Commencement Information

I31 Sch. 4 para. 3 wholly in force at 15.12.1994; Sch. 4 para. 3 not in force at Royal Assent, see s. 12(2); Sch. 4 para. 3 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, art. 2

The Official Secrets Act 1989

- 4 In section 4 of the ^{M12}Official Secrets Act 1989 (disclosure of information which results in commission of an offence etc.) in subsection (3)(b) after the words “under section 3 of the Security Service Act 1989 ” there shall be inserted “ or under section 5 of the Intelligence Services Act 1994 or by an authorisation given under section 7 of that Act ”.

Status: Point in time view as at 27/12/2018.

Changes to legislation: Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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)

Commencement Information

I32 Sch. 4 para. 4 wholly in force at 15.12.1994; Sch. 4 para. 4 not in force at Royal Assent, see s. 12(2); Sch. 4 para. 4 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, art. 2

Marginal Citations

M12 1989 c. 6.

The Official Secrets Act 1989 (Prescription) Order 1990

5 At the end of Schedule 3 to the ^{M13}Official Secrets Act 1989 (Prescription) Order 1990 (bodies giving official authorisations etc.) there shall be added the following entry—

“The Tribunal established under Section 7(5)
section 9 of the Intelligence Services
Act 1994.

Commencement Information

I33 Sch. 4 para. 5 wholly in force at 15.12.1994; Sch. 4 para. 5 not in force at Royal Assent, see s. 12(2); Sch. 4 para. 5 in force at 2.11.1994 for certain purposes and wholly in force at 15.12.1994 by S.I. 1994/2734, art. 2

Marginal Citations

M13 S.I. 1990/200.

Status:

Point in time view as at 27/12/2018.

Changes to legislation:

Intelligence Services Act 1994 is up to date with all changes known to be in force on or before 10 May 2023. 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.