



Regulation of Investigatory Powers Act 2000

CHAPTER 23

REGULATION OF INVESTIGATORY POWERS ACT 2000

PART I

COMMUNICATIONS

CHAPTER I

INTERCEPTION

Unlawful and authorised interception

- 1 Unlawful interception.
- 2 Meaning and location of “interception” etc.
- 3 Lawful interception without an interception warrant.
- 4 Power to provide for lawful interception.
- 5 Interception with a warrant.

Interception warrants

- 6 Application for issue of an interception warrant.
- 7 Issue of warrants.
- 8 Contents of warrants.
- 9 Duration, cancellation and renewal of warrants.
- 10 Modification of warrants and certificates.
- 11 Implementation of warrants.

Status: Point in time view as at 21/01/2011.

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Interception capability and costs

- 12 Maintenance of interception capability.
- 13 Technical Advisory Board.
- 14 Grants for interception costs.

Restrictions on use of intercepted material etc.

- 15 General safeguards.
- 16 Extra safeguards in the case of certificated warrants.
- 17 Exclusion of matters from legal proceedings.
- 18 Exceptions to section 17.
- 19 Offence for unauthorised disclosures.

Interpretation of Chapter I

- 20 Interpretation of Chapter I.

CHAPTER II

ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

- 21 Lawful acquisition and disclosure of communications data.
- 22 Obtaining and disclosing communications data.
- 23 Form and duration of authorisations and notices.
- 24 Arrangements for payments.
- 25 Interpretation of Chapter II.

PART II

SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

Introductory

- 26 Conduct to which Part II applies.

Authorisation of surveillance and human intelligence sources

- 27 Lawful surveillance etc.
- 28 Authorisation of directed surveillance.
- 29 Authorisation of covert human intelligence sources.
- 30 Persons entitled to grant authorisations under ss. 28 and 29.
- 31 Orders under s. 30 for Northern Ireland.
- 32 Authorisation of intrusive surveillance.

Police and Revenue and Customs authorisations

- 33 Rules for grant of authorisations.
- 34 Grant of authorisations in the senior officer's absence.
- 35 Notification of authorisations for intrusive surveillance.
- 36 Approval required for authorisations to take effect.
- 37 Quashing of police and Revenue and Customs authorisations etc.
- 38 Appeals against decisions by Surveillance Commissioners.
- 39 Appeals to the Chief Surveillance Commissioner: supplementary.
- 40 Information to be provided to Surveillance Commissioners.

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Other authorisations

- 41 Secretary of State authorisations.
- 42 Intelligence services authorisations.

Grant, renewal and duration of authorisations

- 43 General rules about grant, renewal and duration.
- 44 Special rules for intelligence services authorisations.
- 45 Cancellation of authorisations.

Scotland

- 46 Restrictions on authorisations extending to Scotland.

Supplemental provision for Part II

- 47 Power to extend or modify authorisation provisions.
- 48 Interpretation of Part II.

PART III

INVESTIGATION OF ELECTRONIC DATA PROTECTED BY ENCRYPTION ETC.

Power to require disclosure

- 49 Notices requiring disclosure.
- 50 Effect of notice imposing disclosure requirement.
- 51 Cases in which key required.

Contributions to costs

- 52 Arrangements for payments for disclosure.

Offences

- 53 Failure to comply with a notice.
- 54 Tipping-off.

Safeguards

- 55 General duties of specified authorities.

Interpretation of Part III

- 56 Interpretation of Part III.

PART IV

SCRUTINY ETC. OF INVESTIGATORY POWERS AND OF THE FUNCTIONS OF THE INTELLIGENCE SERVICES

Commissioners

- 57 Interception of Communications Commissioner.
- 58 Co-operation with and reports by s. 57 Commissioner.
- 59 Intelligence Services Commissioner.
- 60 Co-operation with and reports by s. 59 Commissioner.
- 61 Investigatory Powers Commissioner for Northern Ireland.
- 62 Additional functions of Chief Surveillance Commissioner.

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- 63 Assistant Surveillance Commissioners.
- 64 Delegation of Commissioners' functions.

The Tribunal

- 65 The Tribunal.
- 66 Orders allocating proceedings to the Tribunal.
- 67 Exercise of the Tribunal's jurisdiction.
- 68 Tribunal procedure.
- 69 Tribunal rules.
- 70 Abolition of jurisdiction in relation to complaints.

Codes of practice

- 71 Issue and revision of codes of practice.
- 72 Effect of codes of practice.

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

- 73 Conduct in relation to wireless telegraphy.
- 74 Warrants under the Intelligence Services Act 1994.
- 75 Authorisations under Part III of the Police Act 1997.
- 76 Surveillance etc. operations beginning in Scotland.
- 76A Foreign surveillance operations

Supplemental

- 77 Ministerial expenditure etc.
- 78 Orders, regulations and rules.
- 79 Criminal liability of directors etc.
- 80 General saving for lawful conduct.
- 81 General interpretation.
- 82 Amendments, repeals and savings etc.
- 83 Short title, commencement and extent.

SCHEDULES

SCHEDULE A1 — MONETARY PENALTY NOTICES IN RELATION TO CERTAIN UNLAWFUL INTERCEPTIONS

PART 1 — MONETARY PENALTY NOTICES

General

- 1 (1) A monetary penalty notice is a notice requiring the...

Enforcement obligations

- 2 (1) The Commissioner may include one or more than one...

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Consultation requirements before service of notices

- 3 (1) The Commissioner must proceed in accordance with sub-paragraphs
(2)...

Variation or cancellation of notices

- 4 (1) The Commissioner may, subject as follows, vary or cancel...

Appeals against notices

- 5 (1) A person on whom a monetary penalty notice is...

Enforcement of notices

- 6 (1) Sub-paragraphs (2) and (3) apply in relation to any...

Guidance

- 7 (1) The Commissioner must prepare and issue guidance on how...

Interpretation: Part 1

- 8 In this Part— “ address ” means— in the case...
PART 2 — INFORMATION PROVISIONS

Information notices

- 9 (1) The Commissioner may by notice (“an information notice”) request...

Appeals against notices

- 10 (1) A person on whom an information notice is served...

Enforcement of notices

- 11 (1) The Commissioner may serve a Part 2 monetary penalty...

Technical assistance for the Commissioner

- 12 (1) OFCOM must comply with any reasonable request made by...

Interpretation: Part 2

- 13 In this Part— “ the Commissioner ” has the meaning...

SCHEDULE 1 — Relevant Public Authorities

Part I — RELEVANT AUTHORITIES FOR THE PURPOSES OF SS. 28 AND 29

Police forces etc.

- 1 Any police force.
1A The Civil Nuclear Constabulary.
2 The Serious Organised Crime Agency.
2A The Scottish Crime and Drug Enforcement Agency
3 The National Crime Squad.
4 The Serious Fraud Office.

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- 4A The force comprising the special constables appointed under section 79...
- 4B The force comprising the constables appointed under article 3 of...

The intelligence services

- 5 Any of the intelligence services.

The armed forces

- 6 Any of Her Majesty's forces.

Revenue and Customs

- 7 Her Majesty's Revenue and Customs.
- 8 The Commissioners of Inland Revenue.

Government departments

- 9 The Ministry of Agriculture, Fisheries and Food.
- 9ZA The Department for Business, Enterprise and Regulatory Reform.
- 9ZB The Department for Business, Innovation and Skills.
- 9A The Department for Communities and Local Government
- 10 The Ministry of Defence.
The Office of the Deputy Prime Minister.
The Department of Energy and Climate Change.
The Department for Environment, Food and Rural Affairs.
- 11 The Department of the Environment, Transport and the Regions.
- 12 The Department of Health.
- 13 The Home Office.
- 13ZA The Ministry of Justice
- 13A The Northern Ireland Office.
- 14 The Department of Social Security.
- 15 The Department of Trade and Industry.
The Department for Transport.
The Department for Transport, Local Government and the Regions.
The Department for Work and Pensions.

The Welsh Assembly Government

- 16 The Welsh Assembly Government.

Local authorities

- 17 Any county council or district council in England, a London...
- 17A Any fire and rescue authority under the Fire and Rescue...

Other bodies

- 17B The Charity Commission.
- 18 The Environment Agency.
- 19 The Financial Services Authority.
- 20 The Food Standards Agency.
- 20A Gambling Commission
- 20B The Office of Fair Trading.
- 20C The Office of the Police Ombudsman for Northern Ireland.

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- 20D The Postal Services Commission.
- 20E The Gangmasters Licensing Authority.
- 20F The Care Quality Commission.
- 20G The Health and Safety Executive.
- 21
- 22
- 23 A universal service provider (within the meaning of the Postal...
- 23A The Office of Communications.

Northern Ireland authorities

- 23A The Department of Agriculture and Rural Development.
- 23B The Department of Enterprise, Trade and Investment.
- 23C The Department of the Environment.
- 23D Any district council (within the meaning of section 44 of...
- 23E The Department of Justice.

Part II — RELEVANT AUTHORITIES FOR THE PURPOSES ONLY OF S. 28

The Health and Safety Executive

- 24 The Health and Safety Executive.

NHS bodies in England and Wales

- 25 A Health Authority established under section 8 of the National...
- 26 A Special Health Authority established under section 28 of the...
- 27 A National Health Service trust established under section 5 of...
- 27A Local Health Boards in Wales established under section 6 of...

HM Chief Inspector of Education, Children's Services and Skills

- 27B Her Majesty's Chief Inspector of Education, Children's Services and Skills....

The Information Commissioner

- 27C The Information Commissioner.

The Royal Parks Constabulary

- 27D

The General Pharmaceutical Council.

- 28 The General Pharmaceutical Council.

The Child Maintenance and Enforcement Commission

- 28A The Child Maintenance and Enforcement Commission.

Special constables nominated by the Dover Harbour Board

- 28B The force comprising the special constables appointed under section 79...

The Department for Work and Pensions

- 28C The Department for Work and Pensions.

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The Postal Services Commission

28D The Postal Services Commission

Universal service providers

28E A universal service provider (within the meaning of the Postal...

Northern Ireland authorities

- 29 The Department of Health, Social Services and Public Safety.
- 30 The Department for Regional Development.
- 31 The Department for Social Development.
- 32 The Department of Culture, Arts and Leisure.
- 33 The Foyle, Carlingford and Irish Lights Commission.
- 34 The Fisheries Conservancy Board for Northern Ireland.
- 35 A Health and Social Services trust established under Article 10...
- 36 A Health and Social Services Board established under Article 16...
- 37 The Health and Safety Executive for Northern Ireland.
- 38 The Northern Ireland Central Services Agency for the Health and...
- 39 The Fire Authority for Northern Ireland.
- 40 The Northern Ireland Housing Executive.

SCHEDULE 2 — Persons having the appropriate permission

Requirement that appropriate permission is granted by a judge

- 1 (1) Subject to the following provisions of this Schedule, a...

Data obtained under warrant etc.

- 2 (1) This paragraph applies in the case of protected information...

Data obtained by the intelligence services under statute but without a warrant

- 3 (1) This paragraph applies in the case of protected information...

Data obtained under statute by other persons but without a warrant

- 4 (1) This paragraph applies— (a) in the case of protected...

Data obtained without the exercise of statutory powers

- 5 (1) This paragraph applies in the case of protected information...

General requirements relating to the appropriate permission

- 6 (1) A person does not have the appropriate permission in...

Duration of permission

- 7 (1) A permission granted by any person under any provision...

Formalities for permissions granted by the Secretary of State

- 8 A permission for the purposes of any provision of this...

SCHEDULE 3 — The Tribunal

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Membership of the Tribunal

1 (1) A person shall not be appointed as a member...

President and Vice-President

2 (1) Her Majesty may by Letters Patent appoint as President...

Members of the Tribunal with special responsibilities

3 (1) The President of the Tribunal shall designate one or...

Salaries and expenses

4 (1) The Secretary of State shall pay to the members...

Officers

5 (1) The Secretary of State may, after consultation with the...

Parliamentary disqualification

6 In Part II of Schedule 1 to the House of...

SCHEDULE 4 — Consequential amendments

The Post Office Act 1953 (c. 36)

1

The Post Office Act 1969 (c. 48)

2

The Telecommunications Act 1984 (c. 12)

3 In section 45 of the Telecommunications Act 1984 (offence of...

The Security Service Act 1989 (c. 5)

4 (1) In section 1 of the Security Service Act 1989...

The Official Secrets Act 1989 (c. 6)

5 In section 4(3)(a) of the Official Secrets Act 1989 (offence...

The Intelligence Services Act 1994 (c. 13)

6 In section 11 of the Intelligence Services Act 1994 (interpretation),...

The Criminal Procedure and Investigations Act 1996 (c. 25)

7 (1) In each of sections 3(7), 7(6), 8(6) and 9(9)...

The Police Act 1997 (c. 50)

8 (1) In section 91(9) of the Police Act 1997 (staff...

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The Northern Ireland Act 1998 (c. 47)

- 9 In paragraph 17(b) of Schedule 2 to the Northern Ireland...

The Electronic Communications Act 2000 (c. 7)

- 10 In section 4(2) of the Electronic Communications Act 2000 (exception...

The Financial Services and Markets Act 2000 (c. 8)

- 11 In section 394(7) of the Financial Services and Markets Act...

The Terrorism Act 2000 (c. 11)

- 12 (1) In section 9(2)(d) of the Terrorism Act 2000 (proceedings...

SCHEDULE 5 — Repeals

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