



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART I

COMMUNICATIONS

CHAPTER I

INTERCEPTION

Interception warrants

6 Application for issue of an interception warrant

- (1) An interception warrant shall not be issued except on an application made by or on behalf of a person specified in subsection (2).
- (2) Those persons are—
 - (a) the Director-General of the Security Service;
 - (b) the Chief of the Secret Intelligence Service;
 - (c) the Director of GCHQ;
 - (d) the Director General of the National Criminal Intelligence Service;
 - (e) the Commissioner of Police of the Metropolis;
 - (f) the Chief Constable of the Royal Ulster Constabulary;
 - (g) the chief constable of any police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967;
 - (h) the Commissioners of Customs and Excise;
 - (i) the Chief of Defence Intelligence;

- (j) a person who, for the purposes of any international mutual assistance agreement, is the competent authority of a country or territory outside the United Kingdom.
- (3) An application for the issue of an interception warrant shall not be made on behalf of a person specified in subsection (2) except by a person holding office under the Crown.

7 Issue of warrants

- (1) An interception warrant shall not be issued except—
- (a) under the hand of the Secretary of State; or
 - (b) in a case falling within subsection (2), under the hand of a senior official.
- (2) Those cases are—
- (a) an urgent case in which the Secretary of State has himself expressly authorised the issue of the warrant in that case; and
 - (b) a case in which the warrant is for the purposes of a request for assistance made under an international mutual assistance agreement by the competent authorities of a country or territory outside the United Kingdom and either—
 - (i) it appears that the interception subject is outside the United Kingdom; or
 - (ii) the interception to which the warrant relates is to take place in relation only to premises outside the United Kingdom.
- (3) An interception warrant—
- (a) must be addressed to the person falling within section 6(2) by whom, or on whose behalf, the application for the warrant was made; and
 - (b) in the case of a warrant issued under the hand of a senior official, must contain, according to whatever is applicable—
 - (i) one of the statements set out in subsection (4); and
 - (ii) if it contains the statement set out in subsection (4)(b), one of the statements set out in subsection (5).
- (4) The statements referred to in subsection (3)(b)(i) are—
- (a) a statement that the case is an urgent case in which the Secretary of State has himself expressly authorised the issue of the warrant;
 - (b) a statement that the warrant is issued for the purposes of a request for assistance made under an international mutual assistance agreement by the competent authorities of a country or territory outside the United Kingdom.
- (5) The statements referred to in subsection (3)(b)(ii) are—
- (a) a statement that the interception subject appears to be outside the United Kingdom;
 - (b) a statement that the interception to which the warrant relates is to take place in relation only to premises outside the United Kingdom.

8 Contents of warrants

- (1) An interception warrant must name or describe either—
- (a) one person as the interception subject; or

- (b) a single set of premises as the premises in relation to which the interception to which the warrant relates is to take place.
- (2) The provisions of an interception warrant describing communications the interception of which is authorised or required by the warrant must comprise one or more schedules setting out the addresses, numbers, apparatus or other factors, or combination of factors, that are to be used for identifying the communications that may be or are to be intercepted.
- (3) Any factor or combination of factors set out in accordance with subsection (2) must be one that identifies communications which are likely to be or to include—
 - (a) communications from, or intended for, the person named or described in the warrant in accordance with subsection (1); or
 - (b) communications originating on, or intended for transmission to, the premises so named or described.
- (4) Subsections (1) and (2) shall not apply to an interception warrant if—
 - (a) the description of communications to which the warrant relates confines the conduct authorised or required by the warrant to conduct falling within subsection (5); and
 - (b) at the time of the issue of the warrant, a certificate applicable to the warrant has been issued by the Secretary of State certifying—
 - (i) the descriptions of intercepted material the examination of which he considers necessary; and
 - (ii) that he considers the examination of material of those descriptions necessary as mentioned in section 5(3)(a), (b) or (c).
- (5) Conduct falls within this subsection if it consists in—
 - (a) the interception of external communications in the course of their transmission by means of a telecommunication system; and
 - (b) any conduct authorised in relation to any such interception by section 5(6).
- (6) A certificate for the purposes of subsection (4) shall not be issued except under the hand of the Secretary of State.

9 Duration, cancellation and renewal of warrants

- (1) An interception warrant—
 - (a) shall cease to have effect at the end of the relevant period; but
 - (b) may be renewed, at any time before the end of that period, by an instrument under the hand of the Secretary of State or, in a case falling within section 7(2)(b), under the hand of a senior official.
- (2) An interception warrant shall not be renewed under subsection (1) unless the Secretary of State believes that the warrant continues to be necessary on grounds falling within section 5(3).
- (3) The Secretary of State shall cancel an interception warrant if he is satisfied that the warrant is no longer necessary on grounds falling within section 5(3).
- (4) The Secretary of State shall cancel an interception warrant if, at any time before the end of the relevant period, he is satisfied in a case in which—

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- (a) the warrant is one which was issued containing the statement set out in section 7(5)(a) or has been renewed by an instrument containing the statement set out in subsection (5)(b)(i) of this section, and
 - (b) the latest renewal (if any) of the warrant is not a renewal by an instrument under the hand of the Secretary of State,
- that the person named or described in the warrant as the interception subject is in the United Kingdom.
- (5) An instrument under the hand of a senior official that renews an interception warrant must contain—
- (a) a statement that the renewal is for the purposes of a request for assistance made under an international mutual assistance agreement by the competent authorities of a country or territory outside the United Kingdom; and
 - (b) whichever of the following statements is applicable—
 - (i) a statement that the interception subject appears to be outside the United Kingdom;
 - (ii) a statement that the interception to which the warrant relates is to take place in relation only to premises outside the United Kingdom.
- (6) In this section “the relevant period”—
- (a) in relation to an unrenewed warrant issued in a case falling within section 7(2)(a) under the hand of a senior official, means the period ending with the fifth working day following the day of the warrant’s issue;
 - (b) in relation to a renewed warrant the latest renewal of which was by an instrument endorsed under the hand of the Secretary of State with a statement that the renewal is believed to be necessary on grounds falling within section 5(3)(a) or (c), means the period of six months beginning with the day of the warrant’s renewal; and
 - (c) in all other cases, means the period of three months beginning with the day of the warrant’s issue or, in the case of a warrant that has been renewed, of its latest renewal.

10 Modification of warrants and certificates

- (1) The Secretary of State may at any time—
- (a) modify the provisions of an interception warrant; or
 - (b) modify a section 8(4) certificate so as to include in the certified material any material the examination of which he considers to be necessary as mentioned in section 5(3)(a), (b) or (c).
- (2) If at any time the Secretary of State considers that any factor set out in a schedule to an interception warrant is no longer relevant for identifying communications which, in the case of that warrant, are likely to be or to include communications falling within section 8(3)(a) or (b), it shall be his duty to modify the warrant by the deletion of that factor.
- (3) If at any time the Secretary of State considers that the material certified by a section 8(4) certificate includes any material the examination of which is no longer necessary as mentioned in any of paragraphs (a) to (c) of section 5(3), he shall modify the certificate so as to exclude that material from the certified material.

- (4) Subject to subsections (5) to (8), a warrant or certificate shall not be modified under this section except by an instrument under the hand of the Secretary of State or of a senior official.
- (5) Unscheduled parts of an interception warrant shall not be modified under the hand of a senior official except in an urgent case in which—
- (a) the Secretary of State has himself expressly authorised the modification; and
 - (b) a statement of that fact is endorsed on the modifying instrument.
- (6) Subsection (4) shall not authorise the making under the hand of either—
- (a) the person to whom the warrant is addressed, or
 - (b) any person holding a position subordinate to that person,
- of any modification of any scheduled parts of an interception warrant.
- (7) A section 8(4) certificate shall not be modified under the hand of a senior official except in an urgent case in which—
- (a) the official in question holds a position in respect of which he is expressly authorised by provisions contained in the certificate to modify the certificate on the Secretary of State's behalf; or
 - (b) the Secretary of State has himself expressly authorised the modification and a statement of that fact is endorsed on the modifying instrument.
- (8) Where modifications in accordance with this subsection are expressly authorised by provision contained in the warrant, the scheduled parts of an interception warrant may, in an urgent case, be modified by an instrument under the hand of—
- (a) the person to whom the warrant is addressed; or
 - (b) a person holding any such position subordinate to that person as may be identified in the provisions of the warrant.
- (9) Where—
- (a) a warrant or certificate is modified by an instrument under the hand of a person other than the Secretary of State, and
 - (b) a statement for the purposes of subsection (5)(b) or (7)(b) is endorsed on the instrument, or the modification is made under subsection (8),
- that modification shall cease to have effect at the end of the fifth working day following the day of the instrument's issue.
- (10) For the purposes of this section—
- (a) the scheduled parts of an interception warrant are any provisions of the warrant that are contained in a schedule of identifying factors comprised in the warrant for the purposes of section 8(2); and
 - (b) the modifications that are modifications of the scheduled parts of an interception warrant include the insertion of an additional such schedule in the warrant;
- and references in this section to unscheduled parts of an interception warrant, and to their modification, shall be construed accordingly.

11 Implementation of warrants

- (1) Effect may be given to an interception warrant either—
- (a) by the person to whom it is addressed; or

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- (b) by that person acting through, or together with, such other persons as he may require (whether under subsection (2) or otherwise) to provide him with assistance with giving effect to the warrant.
- (2) For the purpose of requiring any person to provide assistance in relation to an interception warrant the person to whom it is addressed may—
- (a) serve a copy of the warrant on such persons as he considers may be able to provide such assistance; or
 - (b) make arrangements under which a copy of it is to be or may be so served.
- (3) The copy of an interception warrant that is served on any person under subsection (2) may, to the extent authorised—
- (a) by the person to whom the warrant is addressed, or
 - (b) by the arrangements made by him for the purposes of that subsection,
- omit any one or more of the schedules to the warrant.
- (4) Where a copy of an interception warrant has been served by or on behalf of the person to whom it is addressed on—
- (a) a person who provides a postal service,
 - (b) a person who provides a public telecommunications service, or
 - (c) a person not falling within paragraph (b) who has control of the whole or any part of a telecommunication system located wholly or partly in the United Kingdom,
- it shall (subject to subsection (5)) be the duty of that person to take all such steps for giving effect to the warrant as are notified to him by or on behalf of the person to whom the warrant is addressed.
- (5) A person who is under a duty by virtue of subsection (4) to take steps for giving effect to a warrant shall not be required to take any steps which it is not reasonably practicable for him to take.
- (6) For the purposes of subsection (5) the steps which it is reasonably practicable for a person to take in a case in which obligations have been imposed on him by or under section 12 shall include every step which it would have been reasonably practicable for him to take had he complied with all the obligations so imposed on him.
- (7) A person who knowingly fails to comply with his duty under subsection (4) shall be guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both.
- (8) A person's duty under subsection (4) to take steps for giving effect to a warrant shall be enforceable by civil proceedings by the Secretary of State for an injunction, or for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or for any other appropriate relief.
- (9) For the purposes of this Act the provision of assistance with giving effect to an interception warrant includes any disclosure to the person to whom the warrant is addressed, or to persons acting on his behalf, of intercepted material obtained by any interception authorised or required by the warrant, and of any related communications data.