



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART I

COMMUNICATIONS

CHAPTER I

INTERCEPTION

Interception warrants

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.

Status: This is the original version (as it was originally enacted).

- (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.