



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART I

COMMUNICATIONS

^{F1}CHAPTER I

INTERCEPTION

Restrictions on use of intercepted material etc.

16 Extra safeguards in the case of certificated warrants.

- (1) For the purposes of section 15 the requirements of this section, in the case of a warrant in relation to which there is a section 8(4) certificate, are that the intercepted material is read, looked at or listened to by the persons to whom it becomes available by virtue of the warrant to the extent only that it—
 - (a) has been certified as material the examination of which is necessary as mentioned in section 5(3)(a), (b) or (c); and
 - (b) falls within subsection (2).
- (2) Subject to subsections (3) and (4), intercepted material falls within this subsection so far only as it is selected to be read, looked at or listened to otherwise than according to a factor which—
 - (a) is referable to an individual who is known to be for the time being in the British Islands; and
 - (b) has as its purpose, or one of its purposes, the identification of material contained in communications sent by him, or intended for him.

Status: Point in time view as at 29/05/2018.

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 16 is up to date with all changes known to be in force on or before 28 December 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) Intercepted material falls within subsection (2), notwithstanding that it is selected by reference to any such factor as is mentioned in paragraph (a) and (b) of that subsection, if—

- (a) it is certified by the Secretary of State for the purposes of section 8(4) that the examination of material selected according to factors referable to the individual in question is necessary as mentioned in subsection 5(3)(a), (b) or (c); and
- (b) the material relates only to communications sent during [^{F1}a period specified in the certificate that is no longer than the permitted maximum] .

[^{F2}(3A) In subsection (3)(b) ‘the permitted maximum’ means—

- (a) in the case of material the examination of which is certified for the purposes of section 8(4) as necessary in the interests of national security, six months; and
- (b) in any other case, three months.]

(4) Intercepted material also falls within subsection (2), notwithstanding that it is selected by reference to any such factor as is mentioned in paragraph (a) and (b) of that subsection, if—

- (a) the person to whom the warrant is addressed believes, on reasonable grounds, that the circumstances are such that the material would fall within that subsection; or
- (b) the conditions set out in subsection (5) below are satisfied in relation to the selection of the material.

(5) Those conditions are satisfied in relation to the selection of intercepted material if—

- (a) it has appeared to the person to whom the warrant is addressed that there has been such a relevant change of circumstances as, but for subsection (4)(b), would prevent the intercepted material from falling within subsection (2);
- (b) since it first so appeared, a written authorisation to read, look at or listen to the material has been given by a senior official; and
- (c) the selection is made before the end of [^{F3}the permitted period] .

[^{F4}(5A) In subsection (5)(c) ‘the permitted period’ means—

- (a) in the case of material the examination of which is certified for the purposes of section 8(4) as necessary in the interests of national security, the period ending with the end of the fifth working day after it first appeared as mentioned in subsection (5)(a) to the person to whom the warrant is addressed; and
- (b) in any other case, the period ending with the end of the first working day after it first so appeared to that person.]

(6) References in this section to its appearing that there has been a relevant change of circumstances are references to its appearing either—

- (a) that the individual in question has entered the British Islands; or
- (b) that a belief by the person to whom the warrant is addressed in the individual’s presence outside the British Islands was in fact mistaken.

Textual Amendments

- F1** Words in s. 16(3)(b) substituted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), [ss. 32\(5\)\(a\)](#), 39(2); [S.I. 2006/1013](#), [art. 2\(2\)\(b\)](#)

Status: Point in time view as at 29/05/2018.

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 16 is up to date with all changes known to be in force on or before 28 December 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)

- F2** S. 16(3A) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **ss. 32(6)**, 39(2); S.I. 2006/1013, **art. 2(2)(b)**
- F3** Words in s. 16(5)(c) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **ss. 32(5)(b)**, 39(2); S.I. 2006/1013, **art. 2(2)(b)**
- F4** S. 16(5A) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **ss. 32(7)**, 39(2); S.I. 2006/1013, **art. 2(2)(b)**

Modifications etc. (not altering text)

- C1** S. 16 modified (temp.) (29.5.2018) by The Investigatory Powers Act 2016 (Commencement No. 5 and Transitional and Saving Provisions) Regulations 2018 (S.I. 2018/652), **reg. 15(3)(b)**

Status:

Point in time view as at 29/05/2018.

Changes to legislation:

Regulation of Investigatory Powers Act 2000, Section 16 is up to date with all changes known to be in force on or before 28 December 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.