



# Regulation of Investigatory Powers Act 2000

## 2000 CHAPTER 23

### PART I

#### COMMUNICATIONS

#### CHAPTER II

##### ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

### 23 Form and duration of authorisations and notices

- (1) An authorisation under section 22(3)—
  - (a) must be granted in writing or (if not in writing) in a manner that produces a record of its having been granted;
  - (b) must describe the conduct to which this Chapter applies that is authorised and the communications data in relation to which it is authorised;
  - (c) must specify the matters falling within section 22(2) by reference to which it is granted; and
  - (d) must specify the office, rank or position held by the person granting the authorisation.
- (2) A notice under section 22(4) requiring communications data to be disclosed or to be obtained and disclosed—
  - (a) must be given in writing or (if not in writing) must be given in a manner that produces a record of its having been given;
  - (b) must describe the communications data to be obtained or disclosed under the notice;
  - (c) must specify the matters falling within section 22(2) by reference to which the notice is given;
  - (d) must specify the office, rank or position held by the person giving it; and

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*Status: This is the original version (as it was originally enacted).*

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- (e) must specify the manner in which any disclosure required by the notice is to be made.
- (3) A notice under section 22(4) shall not require the disclosure of data to any person other than—
- (a) the person giving the notice; or
  - (b) such other person as may be specified in or otherwise identified by, or in accordance with, the provisions of the notice;
- but the provisions of the notice shall not specify or otherwise identify a person for the purposes of paragraph (b) unless he holds an office, rank or position with the same relevant public authority as the person giving the notice.
- (4) An authorisation under section 22(3) or notice under section 22(4)—
- (a) shall not authorise or require any data to be obtained after the end of the period of one month beginning with the date on which the authorisation is granted or the notice given; and
  - (b) in the case of a notice, shall not authorise or require any disclosure after the end of that period of any data not in the possession of, or obtained by, the postal or telecommunications operator at a time during that period.
- (5) An authorisation under section 22(3) or notice under section 22(4) may be renewed at any time before the end of the period of one month applying (in accordance with subsection (4) or subsection (7)) to that authorisation or notice.
- (6) A renewal of an authorisation under section 22(3) or of a notice under section 22(4) shall be by the grant or giving, in accordance with this section, of a further authorisation or notice.
- (7) Subsection (4) shall have effect in relation to a renewed authorisation or renewal notice as if the period of one month mentioned in that subsection did not begin until the end of the period of one month applicable to the authorisation or notice that is current at the time of the renewal.
- (8) Where a person who has given a notice under subsection (4) of section 22 is satisfied—
- (a) that it is no longer necessary on grounds falling within subsection (2) of that section for the requirements of the notice to be complied with, or
  - (b) that the conduct required by the notice is no longer proportionate to what is sought to be achieved by obtaining communications data to which the notice relates,
- he shall cancel the notice.
- (9) The Secretary of State may by regulations provide for the person by whom any duty imposed by subsection (8) is to be performed in a case in which it would otherwise fall on a person who is no longer available to perform it; and regulations under this subsection may provide for the person on whom the duty is to fall to be a person appointed in accordance with the regulations.