



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

74 Warrants under the Intelligence Services Act 1994.

- (1) In subsection (2) of section 5 of the ^{M1}Intelligence Services Act 1994 (the circumstances in which the Secretary of State may issue a warrant authorising interference with property or wireless telegraphy)—
 - (a) in paragraph (a), for “on the ground that it is likely to be of substantial value in” there shall be substituted “for the purpose of”; and
 - (b) for paragraph (b) there shall be substituted—
 - “(b) is satisfied that the taking of the action is proportionate to what the action seeks to achieve;”.
- (2) After that subsection, there shall be inserted—
 - “(2A) The matters to be taken into account in considering whether the requirements of subsection (2)(a) and (b) are satisfied in the case of any warrant shall include whether what it is thought necessary to achieve by the conduct authorised by the warrant could reasonably be achieved by other means.”
- (3) In each of sections 6(1)(b) and 7(5)(b) of that Act (warrants issued under the hand of a senior official of the Secretary of State’s department), the words “of his department” shall be omitted.
- (4) In section 11 of that Act (interpretation), for paragraph (1)(d) there shall be substituted—

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 74 is up to date with all changes known to be in force on or before 17 August 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) [View outstanding changes](#)

“(d) “senior official” has the same meaning as in the Regulation of Investigatory Powers Act 2000;”.

Marginal Citations

M1 1994 c. 13.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(6A)-(6D) inserted by [2016 anaw 6 s. 187\(2\)\(b\)](#)
- Sch. 1 para. 16A and cross-heading inserted by [2016 anaw 6 s. 187\(3\)](#)
- Sch. 1 Pt. 1 para. 20H inserted by [2013 c. 32 Sch. 12 para. 74](#)