



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

81 General interpretation.

(1) In this Act—

“apparatus” includes any equipment, machinery or device and any wire or cable;

“Assistant Commissioner of Police of the Metropolis” includes the Deputy Commissioner of Police of the Metropolis;

“Assistant Surveillance Commissioner” means any person holding office under section 63;

“civil proceedings” means any proceedings in or before any court or tribunal that are not criminal proceedings;

“communication” includes—

- (a) (except in the definition of “postal service” in section 2(1)) anything transmitted by means of a postal service;
- (b) anything comprising speech, music, sounds, visual images or data of any description; and
- (c) signals serving either for the impartation of anything between persons, between a person and a thing or between things or for the actuation or control of any apparatus;

“criminal”, in relation to any proceedings or prosecution, shall be construed in accordance with subsection (4);

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“document” includes a map, plan, design, drawing, picture or other image;

“enactment” includes—

- (a) an enactment passed after the passing of this Act; and
- (b) an enactment contained in Northern Ireland legislation;

“GCHQ” has the same meaning as in the ^{M1}Intelligence Services Act 1994;

“Her Majesty’s forces” has the same meaning as in the ^{M2}[^{F2}Armed Forces Act 2006];

“intelligence service” means the Security Service, the Secret Intelligence Service or GCHQ;

“interception” and cognate expressions shall be construed (so far as it is applicable) in accordance with section 2;

“interception warrant” means a warrant under section 5;

[^{F3}“justice of the peace” does not include a justice of the peace in Northern Ireland;]

“legal proceedings” means civil or criminal proceedings in or before any court or tribunal [^{F4}or proceedings before an officer in respect of a service offence within the meaning of the Armed Forces Act 2006];

“modification” includes alterations, additions and omissions, and cognate expressions shall be construed accordingly;

“ordinary Surveillance Commissioner” means a Surveillance Commissioner other than the Chief Surveillance Commissioner;

“person” includes any organisation and any association or combination of persons;

“police force” means any of the following—

- (a) any police force maintained under section 2 of the ^{M3}Police Act 1996 (police forces in England and Wales outside London);
- (b) the metropolitan police force;
- (c) the City of London police force;
- (d) any police force maintained under or by virtue of section 1 of the ^{M4}Police (Scotland) Act 1967
- (e) the Royal Ulster Constabulary;
- (f) the Ministry of Defence Police;
- (g) the [^{F5}Royal Navy Police];
- (h) the Royal Military Police;
- (i) the Royal Air Force Police;
- (j) the British Transport Police;

“postal service” and “public postal service” have the meanings given by section 2(1);

“private telecommunication system”, “public telecommunications service” and “public telecommunication system” have the meanings given by section 2(1);

“public authority” means any public authority within the meaning of section 6 of the ^{M5}Human Rights Act 1998 (acts of public authorities) other than a court or tribunal;

“senior official” means, subject to subsection (7), a member of the Senior Civil Service or a member of the Senior Management Structure of Her Majesty’s Diplomatic Service;

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“statutory”, in relation to any power or duty, means conferred or imposed by or under any enactment or subordinate legislation;

“subordinate legislation” means any subordinate legislation (within the meaning of the ^{M6}Interpretation Act 1978) or any statutory rules (within the meaning of the ^{M7}Statutory Rules (Northern Ireland) Order 1979);

“Surveillance Commissioner” means a Commissioner holding office under section 91 of the ^{M8}Police Act 1997 and “Chief Surveillance Commissioner” shall be construed accordingly;

“telecommunication system” and “telecommunications service” have the meanings given by section 2(1);

“the Tribunal” means the tribunal established under section 65;

“wireless telegraphy” has the same meaning as in the [^{F6}the Wireless Telegraphy Act 2006] and, in relation to wireless telegraphy, “interfere” has the same meaning as in that Act;

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the ^{M9}Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

(2) In this Act—

- (a) references to crime are references to conduct which constitutes one or more criminal offences or is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom would constitute one or more criminal offences; and
- (b) references to serious crime are references to crime that satisfies the test in subsection (3)(a) or (b).

(3) Those tests are—

- (a) that the offence or one of the offences that is or would be constituted by the conduct is an offence for which a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more;
- (b) that the conduct involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

(4) In this Act “criminal proceedings” includes—[^{F7} proceedings before a court in respect of a service offence within the meaning of the Armed Forces Act 2006,] and references in this Act to criminal prosecutions shall be construed accordingly.

(5) For the purposes of this Act detecting crime shall be taken to include—

- (a) establishing by whom, for what purpose, by what means and generally in what circumstances any crime was committed; and
- (b) the apprehension of the person by whom any crime was committed;

and any reference in this Act to preventing or detecting serious crime shall be construed accordingly, except that, in Chapter I of Part I, it shall not include a reference to gathering evidence for use in any legal proceedings.

(6) In this Act—

- (a) references to a person holding office under the Crown include references to any servant of the Crown and to any member of Her Majesty’s forces; and
- (b) references to a member of a police force, in relation to the [^{F8}Royal Navy Police], the Royal Military Police or the Royal Air Force Police, do not

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include references to any member of [^{F9}that force who is not for the time being attached to or serving either with that force or with another of those police forces].

- (7) If it appears to the Secretary of State that it is necessary to do so in consequence of any changes to the structure or grading of the [^{F10}statutory civil service (or any part of it)], he may by order make such amendments of the definition of “senior official” in subsection (1) as appear to him appropriate to preserve, so far as practicable, the effect of that definition.

[^{F11}(8) In subsection (7) “the statutory civil service” means—

- (a) the civil service within the meaning of Chapter 1 of Part 1 of the Constitutional Reform and Governance Act 2010 (see section 1(4) of that Act), but
- (b) also includes the Government Communications Headquarters.]

Textual Amendments

- F1** S. 81(1): definition of "customs officer" repealed (15.2.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 88, 92, 94, [Sch. 12 para. 27](#), [Sch. 14](#); S.I. 2008/219, [art. 2\(d\)\(ii\)](#)
- F2** S. 81(1): words in the definition of "Her Majesty's forces" substituted (28.3.2009 for certain purposes, otherwise 30.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 175\(2\)\(a\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F3** S. 81(1): definition inserted (1.4.2005) by 2002 c. 26, ss. 10, 87, [Sch. 4 para. 40](#); S.R. 2005/109, [art. 2](#), [Sch.](#)
- F4** S. 81(1): words in the definition of "legal proceedings" inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 175\(2\)\(b\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F5** S. 81(1): words in the definition of "police force" substituted (4.6.2007) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 175\(2\)\(c\)](#); S.I. 2007/1442, [art. 2\(1\)](#)
- F6** S. 81(1): words in the definition of "wireless telegraphy" substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 123, 126, [Sch. 7 para. 24](#)
- F7** S. 81(4): words substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) for s. 81(4)(a)-(c) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 175\(3\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F8** Words in s. 81(6)(b) substituted (4.6.2007) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 175\(4\)\(a\)](#); S.I. 2007/1442, [art. 2\(1\)](#)
- F9** Words in s. 81(6)(b) substituted (4.6.2007) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 175\(4\)\(b\)](#); S.I. 2007/1442, [art. 2\(1\)](#)
- F10** Words in s. 81(7) substituted (11.11.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 19, 52(2), [Sch. 2 para. 11\(2\)](#); S. I. 2010/2703, [art. 2\(a\)](#)
- F11** S. 81(8) inserted (11.11.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 19, 52(2), [Sch. 2 para. 11\(3\)](#); S. I. 2010/2703, [art. 2\(a\)](#)

Modifications etc. (not altering text)

- C1** S. 81(5) applied (25.9.2000) by 1989 c. 5, [s. 1\(5\)](#) (as inserted (25.9.200) by 2000 c. 23, ss. 82, 83(2), [Sch. 4 para. 4\(1\)](#))
S. 81(5) applied (25.9.2000) by 1994 c. 13, [s. 11\(1A\)](#) (as inserted (25.9.2000) by 2000 c. 23, ss. 82, 83(2), [Sch. 4 para. 6](#) (with s. 82(3)))
- C2** S. 81(5) applied (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 42(3), 178; S.I. 2005/3495, [art. 2\(1\)\(f\)](#) (subject to [art. 2\(2\)](#))
- C3** S. 81(5) applied (24.12.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), {ss. 21(4)}, 91, 100 (with s. 101(2)); S.I. 2008/3296, [art. 2](#)

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Marginal Citations

- M1** 1994 c. 13.
- M2** 1955 c. 18.
- M3** 1996 c. 16.
- M4** 1967 c. 77.
- M5** 1998 c. 42.
- M6** 1978 c. 30.
- M7** S.I. 1979/1573 (N.I. 12).
- M8** 1997 c. 50.
- M9** 1971 c. 80.

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