



Terrorism Act 2006

2006 CHAPTER 11

PART 2

MISCELLANEOUS PROVISIONS

Other investigatory powers

31 Amendment of the Intelligence Services Act 1994

- (1) The Intelligence Services Act 1994 (c. 13) is amended as follows.
- (2) In subsection (1) of section 6 (persons under whose hand a warrant to act within the British Islands may be issued), after paragraph (c) insert “or
 - (d) in an urgent case where the Secretary of State has expressly authorised the issue of warrants in accordance with this paragraph by specified senior officials and a statement of that fact is endorsed on the warrant, under the hand of any of the specified officials.”
- (3) After that subsection insert—
 - “(1A) But a warrant issued in accordance with subsection (1)(d) may authorise the taking of an action only if the action is an action in relation to property which, immediately before the issue of the warrant, would, if done outside the British Islands, have been authorised by virtue of an authorisation under section 7 that was in force at that time.”
 - (1B) A senior official who issues a warrant in accordance with subsection (1)(d) must inform the Secretary of State about the issue of the warrant as soon as practicable after issuing it.”
- (4) In subsection (2)(b) of that section (duration of warrants issued by senior officials), for “second” substitute “fifth”.
- (5) In subsection (6)(b) of section 7 (duration of authorisations to act outside the British Islands that are issued by senior officials), for “second” substitute “fifth”.

Status: This is the original version (as it was originally enacted).

(6) After subsection (9) of that section insert—

“(10) Where—

- (a) a person is authorised by virtue of this section to do an act outside the British Islands in relation to property,
 - (b) the act is one which, in relation to property within the British Islands, is capable of being authorised by a warrant under section 5,
 - (c) a person authorised by virtue of this section to do that act outside the British Islands, does the act in relation to that property while it is within the British Islands, and
 - (d) the act is done in circumstances falling within subsection (11) or (12),
- this section shall have effect as if the act were done outside the British Islands in relation to that property.

(11) An act is done in circumstances falling within this subsection if it is done in relation to the property at a time when it is believed to be outside the British Islands.

(12) An act is done in circumstances falling within this subsection if it —

- (a) is done in relation to property which was mistakenly believed to be outside the British Islands either when the authorisation under this section was given or at a subsequent time or which has been brought within the British Islands since the giving of the authorisation; but
- (b) is done before the end of the fifth working day after the day on which the presence of the property in the British Islands first becomes known.

(13) In subsection (12) the reference to the day on which the presence of the property in the British Islands first becomes known is a reference to the day on which it first appears to a member of the Intelligence Service or of GCHQ, after the relevant time—

- (a) that the belief that the property was outside the British Islands was mistaken; or
- (b) that the property is within those Islands.

(14) In subsection (13) ‘the relevant time’ means, as the case may be—

- (a) the time of the mistaken belief mentioned in subsection (12)(a); or
- (b) the time at which the property was, or was most recently, brought within the British Islands.”

32 Interception warrants

(1) The Regulation of Investigatory Powers Act 2000 (c. 23) is amended as follows.

(2) In section 9(6) (period for which interception warrants can be issued or renewed), after paragraph (a) insert—

- “(ab) in relation to an unexpired warrant which is endorsed under the hand of the Secretary of State with a statement that the issue of the warrant is believed to be necessary on grounds falling within section 5(3)(a) or (c), means the period of six months beginning with the day of the warrant’s issue;”.

(3) For subsection (6) of section 10 (prohibition on modification of scheduled parts of warrant by the person to whom the warrant is addressed or his subordinates) substitute—

“(6) Subsection (4) authorises the modification of the scheduled parts of an interception warrant under the hand of a senior official who is either—

- (a) the person to whom the warrant is addressed, or
- (b) a person holding a position subordinate to that person,

only if the applicable condition specified in subsection (6A) is satisfied and a statement that the condition is satisfied is endorsed on the modifying instrument.

(6A) The applicable condition is—

- (a) in the case of an unrenewed warrant, that the warrant is endorsed with a statement that the issue of the warrant is believed to be necessary in the interests of national security; and
- (b) in the case of a renewed warrant, that the instrument by which it was last renewed is endorsed with a statement that the renewal is believed to be necessary in the interests of national security.”

(4) In subsection (9)(b) (modifications made otherwise than by Secretary of State ceasing to have effect after five days), after “(5A)(b)” insert “, (6)”.

(5) In section 16 (extra safeguards in the case of certificated warrants)—

- (a) in subsection (3)(b) (exception for communications sent during a specified three month period), for “a period of not more than three months specified in the certificate” substitute “a period specified in the certificate that is no longer than the permitted maximum”; and
- (b) in subsection (5)(c) (exception for material selected before the end of the first working day after a relevant change of circumstances), for the words from “the first working day” onwards substitute “the permitted period”.

(6) After subsection (3) of that section insert—

“(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.”

(7) After subsection (5) of that section insert—

“(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.”

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

33 Disclosure notices for the purposes of terrorist investigations

(1) In section 60 of the Serious Organised Crime and Police Act 2005 (c. 15) (investigatory powers of DPP etc.), in subsection (1), after “applies” insert “or in connection with a terrorist investigation”.

(2) After subsection (6) of that section insert—

“(7) In this Chapter ‘terrorist investigation’ means an investigation of—

- (a) the commission, preparation or instigation of acts of terrorism,
- (b) any act or omission which appears to have been for the purposes of terrorism and which consists in or involves the commission, preparation or instigation of an offence, or
- (c) the commission, preparation or instigation of an offence under the Terrorism Act 2000 (c. 11) or under Part 1 of the Terrorism Act 2006 other than an offence under section 1 or 2 of that Act.”

(3) In section 62 of that Act (disclosure notices), insert—

“(1A) If it appears to the Investigating Authority—

- (a) that any person has information (whether or not contained in a document) which relates to a matter relevant to a terrorist investigation, and
- (b) that there are reasonable grounds for believing that information which may be provided by that person in compliance with a disclosure notice is likely to be of substantial value (whether or not by itself) to that investigation,

he may give, or authorise an appropriate person to give, a disclosure notice to that person.”

(4) In section 70(1) of that Act (interpretation of Chapter 1)—

(a) before the definition of “appropriate person” insert—

“‘act of terrorism’ includes anything constituting an action taken for the purposes of terrorism, within the meaning of the Terrorism Act 2000 (see section 1(5) of that Act);”

(b) after the definition of “document” insert—

“‘terrorism’ has the same meaning as in the Terrorism Act 2000 (see section 1(1) to (4) of that Act);

‘terrorist investigation’ has the meaning given by section 60(7).”