



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 5

#### EQUIPMENT INTERFERENCE

##### *Warrants under this Part*

#### **99 Warrants under this Part: general**

- (1) There are two kinds of warrants which may be issued under this Part—
  - (a) targeted equipment interference warrants (see subsection (2));
  - (b) targeted examination warrants (see subsection (9)).
- (2) A targeted equipment interference warrant is a warrant which authorises or requires the person to whom it is addressed to secure interference with any equipment for the purpose of obtaining—
  - (a) communications (see section 135);
  - (b) equipment data (see section 100);
  - (c) any other information.
- (3) A targeted equipment interference warrant—
  - (a) must also authorise or require the person to whom it is addressed to secure the obtaining of the communications, equipment data or other information to which the warrant relates;
  - (b) may also authorise that person to secure the disclosure, in any manner described in the warrant, of anything obtained under the warrant by virtue of paragraph (a).
- (4) The reference in subsections (2) and (3) to the obtaining of communications or other information includes doing so by—
  - (a) monitoring, observing or listening to a person's communications or other activities;
  - (b) recording anything which is monitored, observed or listened to.

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**Changes to legislation:** Investigatory Powers Act 2016, Cross Heading: Warrants under this Part is up to date with all changes known to be in force on or before 20 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

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- (5) A targeted equipment interference warrant also authorises the following conduct (in addition to the conduct described in the warrant)—
- (a) any conduct which it is necessary to undertake in order to do what is expressly authorised or required by the warrant, including conduct for securing the obtaining of communications, equipment data or other information;
  - (b) any conduct by any person which is conduct in pursuance of a requirement imposed by or on behalf of the person to whom the warrant is addressed to be provided with assistance in giving effect to the warrant.
- (6) A targeted equipment interference warrant may not, by virtue of subsection (3), authorise or require a person to engage in conduct, in relation to a communication other than a stored communication, which would (unless done with lawful authority) constitute an offence under section 3(1) (unlawful interception).
- (7) Subsection (5)(a) does not authorise a person to engage in conduct which could not be expressly authorised under the warrant because of the restriction imposed by subsection (6).
- (8) In subsection (6), “stored communication” means a communication stored in or by a telecommunication system (whether before or after its transmission).
- (9) A targeted examination warrant is a warrant which authorises the person to whom it is addressed to carry out the selection of protected material obtained under a bulk equipment interference warrant for examination, in breach of the prohibition in section 193(4) (prohibition on seeking to identify communications of, or private information relating to, individuals in the British Islands).
- In this Part, “protected material”, in relation to a targeted examination warrant, means any material obtained under a bulk equipment interference warrant under Chapter 3 of Part 6, other than material which is—
- (a) equipment data;
  - (b) information (other than a communication or equipment data) which is not private information.
- (10) For provision enabling the combination of targeted equipment interference warrants with certain other warrants or authorisations (including targeted examination warrants), see Schedule 8.
- (11) Any conduct which is carried out in accordance with a warrant under this Part is lawful for all purposes.

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**Commencement Information**

**II** [S. 99](#) in force at 31.5.2018 by [S.I. 2018/652](#), [reg. 4\(a\)](#)

## 100 Meaning of “equipment data”

- (1) In this Part, “equipment data” means—
- (a) systems data;
  - (b) data which falls within subsection (2).
- (2) The data falling within this subsection is identifying data which—

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- (a) is, for the purposes of a relevant system, comprised in, included as part of, attached to or logically associated with a communication (whether by the sender or otherwise) or any other item of information,
  - (b) is capable of being logically separated from the remainder of the communication or the item of information, and
  - (c) if it were so separated, would not reveal anything of what might reasonably be considered to be the meaning (if any) of the communication or the item of information, disregarding any meaning arising from the fact of the communication or the existence of the item of information or from any data relating to that fact.
- (3) In subsection (2), “relevant system” means any system on or by means of which the data is held.
- (4) For the meaning of “systems data” and “identifying data”, see section 263.

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**Commencement Information**

**I2** [S. 100](#) in force at 31.5.2018 by [S.I. 2018/652](#), [reg. 4\(b\)](#)

## **101 Subject-matter of warrants**

- (1) A targeted equipment interference warrant may relate to any one or more of the following matters—
- (a) equipment belonging to, used by or in the possession of a particular person or organisation;
  - (b) equipment belonging to, used by or in the possession of a group of persons who share a common purpose or who carry on, or may carry on, a particular activity;
  - (c) equipment belonging to, used by or in the possession of more than one person or organisation, where the interference is for the purpose of a single investigation or operation;
  - (d) equipment in a particular location;
  - (e) equipment in more than one location, where the interference is for the purpose of a single investigation or operation;
  - (f) equipment which is being, or may be, used for the purposes of a particular activity or activities of a particular description;
  - (g) equipment which is being, or may be, used to test, maintain or develop capabilities relating to interference with equipment for the purpose of obtaining communications, equipment data or other information;
  - (h) equipment which is being, or may be, used for the training of persons who carry out, or are likely to carry out, such interference with equipment.
- (2) A targeted examination warrant may relate to any one or more of the following matters—
- (a) a particular person or organisation;
  - (b) a group of persons who share a common purpose or who carry on, or may carry on, a particular activity;
  - (c) more than one person or organisation, where the conduct authorised by the warrant is for the purpose of a single investigation or operation;

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- (d) the testing, maintenance or development of capabilities relating to the selection of protected material for examination;
- (e) the training of persons who carry out, or are likely to carry out, the selection of such material for examination.

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**Commencement Information**

**I3** [S. 101](#) in force at 31.5.2018 by [S.I. 2018/652](#), [reg. 4\(c\)](#)

**Changes to legislation:**

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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):

- Sch. 3 para. 8A and cross-heading inserted by [2023 c. 32 Sch. 18 para. 10\(2\)](#)
- Sch. 3 para. 20(2)(ha)(hb) inserted by [2023 c. 32 Sch. 18 para. 10\(3\)\(a\)](#)