



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 5

EQUIPMENT INTERFERENCE

Supplementary provision

133 Section 132: meaning of “excepted disclosure”

- (1) For the purposes of section 132, a disclosure made in relation to a warrant is an excepted disclosure if it falls within any of the Heads set out in—
- (a) subsection (2) (disclosures authorised by warrant etc.);
 - (b) subsection (3) (oversight bodies);
 - (c) subsection (4) (legal proceedings);
 - (d) subsection (6) (disclosures of a general nature).
- (2) Head 1 is—
- (a) a disclosure authorised by the warrant;
 - (b) a disclosure authorised by the person to whom the warrant is or was addressed or under any arrangements made by that person for the purposes of this section;
 - (c) a disclosure authorised by the terms of any requirement to provide assistance in giving effect to the warrant (including any requirement for disclosure imposed by virtue of section 126(4)).
- (3) Head 2 is—
- (a) a disclosure made to, or authorised by, a Judicial Commissioner;
 - (b) a disclosure made to [^{F1}the Director General of the Independent Office for Police Conduct] for the purposes of facilitating the carrying out of any of [^{F2}the Director General’s functions];
 - [^{F3}(ba) a disclosure made to the Service Police Complaints Commissioner for the purposes of facilitating the carrying out of any of the Commissioner’s functions;]

Changes to legislation: *Investigatory Powers Act 2016, Section 133 is up to date with all changes known to be in force on or before 12 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*

- (c) a disclosure made to the Intelligence and Security Committee of Parliament for the purposes of facilitating the carrying out of any of its functions.
- (4) Head 3 is—
 - (a) a disclosure made—
 - (i) in contemplation of, or in connection with, any legal proceedings, and
 - (ii) for the purposes of those proceedings;
 - (b) a disclosure made—
 - (i) by a professional legal adviser (“L”) to L's client or a representative of L's client, or
 - (ii) by L's client, or by a representative of L's client, to L,
 in connection with the giving, by L to L's client, of advice about the effect of the provisions of this Part.
- (5) But a disclosure within Head 3 is not an excepted disclosure if it is made with the intention of furthering a criminal purpose.
- (6) Head 4 is—
 - (a) a disclosure which—
 - (i) is made by a telecommunications operator in accordance with a requirement imposed by regulations made by the Secretary of State, and
 - (ii) consists of statistical information of a description specified in the regulations;
 - (b) a disclosure of information that does not relate to any particular warrant under this Part but relates to such warrants in general.

Textual Amendments

- F1** Words in s. 133(3)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 74(5)(b)**; S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F2** Words in s. 133(3)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 74(5)(a)**; S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F3** [S. 133\(3\)\(ba\)](#) inserted (1.11.2022 for specified purposes, 19.6.2023 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), s. 24(1), **Sch. 4 para. 2(5)**; S.I. 2022/1095, [reg. 3](#); S.I. 2023/621, [reg. 2](#)

Commencement Information

- I1** [S. 133](#) in force at 27.6.2018 by [S.I. 2018/652](#), **reg. 9(s)**

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\(3\)\(a\)](#)