



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 1

#### GENERAL PRIVACY PROTECTIONS

##### *Prohibitions against unlawful interception*

### **3 Offence of unlawful interception**

- (1) A person commits an offence if—
  - (a) the person intentionally intercepts a communication in the course of its transmission by means of—
    - (i) a public telecommunication system,
    - (ii) a private telecommunication system, or
    - (iii) a public postal service,
  - (b) the interception is carried out in the United Kingdom, and
  - (c) the person does not have lawful authority to carry out the interception.
- (2) But it is not an offence under subsection (1) for a person to intercept a communication in the course of its transmission by means of a private telecommunication system if the person—
  - (a) is a person with a right to control the operation or use of the system, or
  - (b) has the express or implied consent of such a person to carry out the interception.
- (3) Sections 4 and 5 contain provision about—
  - (a) the meaning of “interception”, and
  - (b) when interception is to be regarded as carried out in the United Kingdom.
- (4) Section 6 contains provision about when a person has lawful authority to carry out an interception.

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**Changes to legislation:** *Investigatory Powers Act 2016, Section 3 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*

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- (5) For the meaning of the terms used in subsection (1)(a)(i) to (iii), see sections 261 and 262.
- (6) A person who is guilty of an offence under subsection (1) is liable—
- (a) on summary conviction in England and Wales, to a fine;
  - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
  - (c) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.
- (7) No proceedings for any offence which is an offence by virtue of this section may be instituted—
- (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions;
  - (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

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**Commencement Information**

**II**    **S. 3** in force at 27.6.2018 by **S.I. 2018/652**, **reg. 7(b)**

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