



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 1

GENERAL PRIVACY PROTECTIONS

Prohibitions against unlawful interception

4 Definition of “interception” etc.

Interception in relation to telecommunication systems

- (1) For the purposes of this Act, a person intercepts a communication in the course of its transmission by means of a telecommunication system if, and only if—
- (a) the person does a relevant act in relation to the system, and
 - (b) the effect of the relevant act is to make any content of the communication available, at a relevant time, to a person who is not the sender or intended recipient of the communication.

For the meaning of “content” in relation to a communication, see section 261(6).

- (2) In this section “relevant act”, in relation to a telecommunication system, means—
- (a) modifying, or interfering with, the system or its operation;
 - (b) monitoring transmissions made by means of the system;
 - (c) monitoring transmissions made by wireless telegraphy to or from apparatus that is part of the system.
- (3) For the purposes of this section references to modifying a telecommunication system include references to attaching any apparatus to, or otherwise modifying or interfering with—
- (a) any part of the system, or
 - (b) any wireless telegraphy apparatus used for making transmissions to or from apparatus that is part of the system.

Changes to legislation: Investigatory Powers Act 2016, Section 4 is up to date with all changes known to be in force on or before 05 September 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

- (4) In this section “relevant time”, in relation to a communication transmitted by means of a telecommunication system, means—
- (a) any time while the communication is being transmitted, and
 - (b) any time when the communication is stored in or by the system (whether before or after its transmission).
- (5) For the purposes of this section, the cases in which any content of a communication is to be taken to be made available to a person at a relevant time include any case in which any of the communication is diverted or recorded at a relevant time so as to make any content of the communication available to a person after that time.
- (6) In this section “wireless telegraphy” and “wireless telegraphy apparatus” have the same meaning as in the Wireless Telegraphy Act 2006 (see sections 116 and 117 of that Act).

Interception in relation to postal services

- (7) Section 125(3) of the Postal Services Act 2000 applies for the purposes of determining for the purposes of this Act whether a postal item is in the course of its transmission by means of a postal service as it applies for the purposes of determining for the purposes of that Act whether a postal packet is in course of transmission by post.

Interception carried out in the United Kingdom

- (8) For the purposes of this Act the interception of a communication is carried out in the United Kingdom if, and only if—
- (a) the relevant act or, in the case of a postal item, the interception is carried out by conduct within the United Kingdom, and
 - (b) the communication is intercepted—
 - (i) in the course of its transmission by means of a public telecommunication system or a public postal service, or
 - (ii) in the course of its transmission by means of a private telecommunication system in a case where the sender or intended recipient of the communication is in the United Kingdom.

Commencement Information

II S. 4 in force at 31.5.2018 by S.I. 2018/652, reg. 2(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\(3\)\(a\)](#)