



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 2

LAWFUL INTERCEPTION OF COMMUNICATIONS

CHAPTER 2

OTHER FORMS OF LAWFUL INTERCEPTION

Interception taking place in certain institutions

49 Interception in prisons

- (1) Conduct taking place in a prison is authorised by this section if it is conduct in exercise of any power conferred by or under prison rules.
- (2) In this section “prison rules” means any rules made under—
 - (a) section 47 of the Prison Act 1952,
 - (b) section 39 of the Prisons (Scotland) Act 1989, or
 - (c) section 13 of the Prison Act (Northern Ireland) 1953.
- (3) In this section “prison” means—
 - (a) any prison, young offender institution, young offenders centre, secure training centre, secure college or remand centre which—
 - (i) is under the general superintendence of, or is provided by, the Secretary of State under the Prison Act 1952, or
 - (ii) is under the general superintendence of, or is provided by, the Department of Justice in Northern Ireland under the Prison Act (Northern Ireland) 1953, or
 - (b) any prison, young offenders institution or remand centre which is under the general superintendence of the Scottish Ministers under the Prisons (Scotland) Act 1989,

Changes to legislation: *Investigatory Powers Act 2016, Section 49 is up to date with all changes known to be in force on or before 15 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*

and includes any contracted out prison, within the meaning of Part 4 of the Criminal Justice Act 1991 or section 106(4) of the Criminal Justice and Public Order Act 1994, and any legalised police cells within the meaning of section 14 of the Prisons (Scotland) Act 1989.

Commencement Information

II [S. 49](#) in force at 27.6.2018 by [S.I. 2018/652](#), [reg. 8\(p\)](#)

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