



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 2

LAWFUL INTERCEPTION OF COMMUNICATIONS

CHAPTER 2

OTHER FORMS OF LAWFUL INTERCEPTION

Interception in accordance with overseas requests

52 Interception in accordance with overseas requests

- (1) The interception of a communication in the course of its transmission by means of a telecommunication system is authorised by this section if conditions A to D are met.
- (2) Condition A is that the interception—
 - (a) is carried out by or on behalf of a telecommunications operator, and
 - (b) relates to the use of a telecommunications service provided by the telecommunications operator.

- (3) Condition B is that the interception is carried out in response to a request made in accordance with a relevant international agreement by the competent authorities of a country or territory outside the United Kingdom.

In this subsection “relevant international agreement” means an international agreement to which the United Kingdom is a party and which is designated as a relevant international agreement by regulations made by the Secretary of State [^{F1}(see further subsections (6) and (7))].

- (4) Condition C is that the interception is carried out for the purpose of obtaining information about the communications of an individual—
 - (a) who is outside the United Kingdom, or

Changes to legislation: Investigatory Powers Act 2016, Section 52 is up to date with all changes known to be in force on or before 16 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

- (b) who each of the following persons believes is outside the United Kingdom—
 - (i) the person making the request;
 - (ii) the person carrying out the interception.
 - (5) Condition D is that any further conditions specified in regulations made by the Secretary of State for the purposes of this section are met.
 - [^{F2}(6) Subsection (7) applies where an international agreement provides for requests for the interception of a communication to be made by the competent authorities of a country or territory, or of more than one country or territory, in which a person found guilty of a criminal offence may be sentenced to death for the offence under the general criminal law of the country or territory concerned.
- Such an offence is referred to in subsection (7) as a “death penalty offence”.
- (7) Where this subsection applies, the Secretary of State may not designate the agreement as a relevant international agreement unless the Secretary of State has sought, in respect of each country or territory referred to in subsection (6), a written assurance, or written assurances, relating to the non-use of information obtained by virtue of the agreement in connection with proceedings for a death penalty offence in the country or territory.]

Textual Amendments

- F1** Words in s. 52(3) inserted (9.10.2019) by [Crime \(Overseas Production Orders\) Act 2019 \(c. 5\), ss. 16\(2\), 20\(1\)](#); [S.I. 2019/1318, reg. 2\(1\)\(c\)](#)
- F2** S. 52(6)(7) inserted (9.10.2019) by [Crime \(Overseas Production Orders\) Act 2019 \(c. 5\), ss. 16\(3\), 20\(1\)](#); [S.I. 2019/1318, reg. 2\(1\)\(c\)](#)

Commencement Information

- I1** S. 52 in force at 27.6.2018 by [S.I. 2018/652, reg. 8\(q\)](#)

Changes to legislation:

Investigatory Powers Act 2016, Section 52 is up to date with all changes known to be in force on or before 16 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.

[View outstanding changes](#)

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