



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 1

#### GENERAL PRIVACY PROTECTIONS

##### *Prohibitions against unlawful interception*

#### **7 Monetary penalties for certain unlawful interceptions**

- (1) The Investigatory Powers Commissioner may serve a monetary penalty notice on a person if conditions A and B are met.
- (2) A monetary penalty notice is a notice requiring the person on whom it is served to pay to the Investigatory Powers Commissioner (“the Commissioner”) a monetary penalty of an amount determined by the Commissioner and specified in the notice.
- (3) Condition A is that the Commissioner considers that—
  - (a) the person has intercepted, in the United Kingdom, any communication in the course of its transmission by means of a public telecommunication system,
  - (b) the person did not have lawful authority to carry out the interception, and
  - (c) the person was not, at the time of the interception, making an attempt to act in accordance with an interception warrant which might, in the opinion of the Commissioner, explain the interception.
- (4) Condition B is that the Commissioner does not consider that the person has committed an offence under section 3(1).
- (5) The amount of a monetary penalty determined by the Commissioner under this section must not exceed £50,000.
- (6) Schedule 1 (which makes further provision about monetary penalty notices) has effect.
- (7) In this section “interception warrant” means—
  - (a) a targeted interception warrant or mutual assistance warrant under Chapter 1 of Part 2, or

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**Changes to legislation:** Investigatory Powers Act 2016, Section 7 is up to date with all changes known to be in force on or before 30 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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(b) a bulk interception warrant under Chapter 1 of Part 6.

(8) For the meaning of “interception” and other key expressions used in this section, see sections 4 to 6.

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#### Commencement Information

**II** [S. 7](#) in force at 27.6.2018 by [S.I. 2018/652](#), **reg. 7(c)** (with [reg. 19\(3\)\(b\)](#))

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