



# Investigatory Powers Act 2016

## 2016 CHAPTER 25

### PART 3

#### AUTHORISATIONS FOR OBTAINING COMMUNICATIONS DATA

##### *Further and supplementary provision*

#### **81 Lawfulness of conduct authorised by this Part**

- (1) Conduct is lawful for all purposes if—
  - (a) it is conduct in which any person is authorised to engage by an authorisation or required to undertake by virtue of a notice given in pursuance of an authorisation, and
  - (b) the conduct is in accordance with, or in pursuance of, the authorisation or notice.
- (2) A person (whether or not the person so authorised or required) is not to be subject to any civil liability in respect of conduct that—
  - (a) is incidental to, or is reasonably undertaken in connection with, conduct that is lawful by virtue of subsection (1), and
  - (b) is not itself conduct for which an authorisation or warrant—
    - (i) is capable of being granted under any of the enactments mentioned in subsection (3), and
    - (ii) might reasonably have been expected to have been sought in the case in question.
- (3) The enactments referred to in subsection (2)(b)(i) are—
  - (a) an enactment contained in this Act,
  - (b) an enactment contained in the Regulation of Investigatory Powers Act 2000,
  - (c) an enactment contained in Part 3 of the Police Act 1997 (powers of the police and of customs officers), or
  - (d) section 5 of the Intelligence Services Act 1994 (warrants for the intelligence services).

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**Changes to legislation:** Investigatory Powers Act 2016, Section 81 is up to date with all changes known to be in force on or before 14 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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#### Commencement Information

**II** S. 81 in force at 5.2.2019 by [S.I. 2019/174](#), **reg. 2(d)**

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