



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 1

GENERAL PRIVACY PROTECTIONS

Prohibitions against unlawful interception

3 Offence of unlawful interception

- (1) A person commits an offence if—
 - (a) the person intentionally intercepts a communication in the course of its transmission by means of—
 - (i) a public telecommunication system,
 - (ii) a private telecommunication system, or
 - (iii) a public postal service,
 - (b) the interception is carried out in the United Kingdom, and
 - (c) the person does not have lawful authority to carry out the interception.
- (2) But it is not an offence under subsection (1) for a person to intercept a communication in the course of its transmission by means of a private telecommunication system if the person—
 - (a) is a person with a right to control the operation or use of the system, or
 - (b) has the express or implied consent of such a person to carry out the interception.
- (3) Sections 4 and 5 contain provision about—
 - (a) the meaning of “interception”, and
 - (b) when interception is to be regarded as carried out in the United Kingdom.
- (4) Section 6 contains provision about when a person has lawful authority to carry out an interception.

Changes to legislation: Investigatory Powers Act 2016, Section 3 is up to date with all changes known to be in force on or before 26 April 2024. 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](#)

- (5) For the meaning of the terms used in subsection (1)(a)(i) to (iii), see sections 261 and 262.
- (6) A person who is guilty of an offence under subsection (1) is liable—
- (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
 - (c) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.
- (7) No proceedings for any offence which is an offence by virtue of this section may be instituted—
- (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Commencement Information

II S. 3 in force at 27.6.2018 by S.I. 2018/652, reg. 7(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):

- s. 58(4)(e) inserted by [2023 c. 41 Sch. 13 para. 9](#)