



# 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*

#### **50 Interception in psychiatric hospitals etc.**

- (1) Conduct is authorised by this section if—
  - (a) it takes place in any hospital premises where high security psychiatric services are provided, and
  - (b) it is conduct in pursuance of, and in accordance with, any relevant direction given to the body providing those services at those premises.
- (2) “Relevant direction” means—
  - (a) a direction under section 4(3A)(a) of the National Health Service Act 2006, or
  - (b) a direction under section 19 or 23 of the National Health Service (Wales) Act 2006.
- (3) Conduct is authorised by this section if—
  - (a) it takes place in a state hospital, and
  - (b) it is conduct in pursuance of, and in accordance with, any direction given to the State Hospitals Board for Scotland under section 2(5) of the National Health Service (Scotland) Act 1978 (regulations and directions as to the exercise of their functions by health boards).

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**Changes to legislation:** Investigatory Powers Act 2016, Section 50 is up to date with all changes known to be in force on or before 24 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

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The reference to section 2(5) of that Act is to that provision as applied by Article 5(1) of, and the Schedule to, the State Hospitals Board for Scotland Order 1995 (which applies certain provisions of that Act to the State Hospitals Board).

- (4) Conduct is authorised by this section if it is conduct in exercise of any power conferred by or under—
- (a) section 281 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (2003 asp 13) (power to withhold correspondence of certain persons detained in hospital), or
  - (b) section 284 of that Act (powers relating to the use of telephones by certain persons detained in hospital).
- (5) In this section—
- “high security psychiatric services” has the same meaning as in section 4 of the National Health Service Act 2006;
  - “hospital premises” has the same meaning as in section 4(3) of that Act;
  - “state hospital” has the same meaning as in the National Health Service (Scotland) Act 1978.

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**Commencement Information**

**II** S. 50 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):

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