



# Terrorism Act 2006

## 2006 CHAPTER 11

### PART 2

#### MISCELLANEOUS PROVISIONS

##### *Other investigatory powers*

### **31 Amendment of the Intelligence Services Act 1994**

- (1) The Intelligence Services Act 1994 (c. 13) is amended as follows.
- (2) In subsection (1) of section 6 (persons under whose hand a warrant to act within the British Islands may be issued), after paragraph (c) insert “or
  - (d) in an urgent case where the Secretary of State has expressly authorised the issue of warrants in accordance with this paragraph by specified senior officials and a statement of that fact is endorsed on the warrant, under the hand of any of the specified officials.”
- (3) After that subsection insert—
  - “(1A) But a warrant issued in accordance with subsection (1)(d) may authorise the taking of an action only if the action is an action in relation to property which, immediately before the issue of the warrant, would, if done outside the British Islands, have been authorised by virtue of an authorisation under section 7 that was in force at that time.”
  - (1B) A senior official who issues a warrant in accordance with subsection (1)(d) must inform the Secretary of State about the issue of the warrant as soon as practicable after issuing it.”
- (4) In subsection (2)(b) of that section (duration of warrants issued by senior officials), for “second” substitute “fifth”.
- (5) In subsection (6)(b) of section 7 (duration of authorisations to act outside the British Islands that are issued by senior officials), for “second” substitute “fifth”.

(6) After subsection (9) of that section insert—

“(10) Where—

- (a) a person is authorised by virtue of this section to do an act outside the British Islands in relation to property,
  - (b) the act is one which, in relation to property within the British Islands, is capable of being authorised by a warrant under section 5,
  - (c) a person authorised by virtue of this section to do that act outside the British Islands, does the act in relation to that property while it is within the British Islands, and
  - (d) the act is done in circumstances falling within subsection (11) or (12),
- this section shall have effect as if the act were done outside the British Islands in relation to that property.

(11) An act is done in circumstances falling within this subsection if it is done in relation to the property at a time when it is believed to be outside the British Islands.

(12) An act is done in circumstances falling within this subsection if it —

- (a) is done in relation to property which was mistakenly believed to be outside the British Islands either when the authorisation under this section was given or at a subsequent time or which has been brought within the British Islands since the giving of the authorisation; but
- (b) is done before the end of the fifth working day after the day on which the presence of the property in the British Islands first becomes known.

(13) In subsection (12) the reference to the day on which the presence of the property in the British Islands first becomes known is a reference to the day on which it first appears to a member of the Intelligence Service or of GCHQ, after the relevant time—

- (a) that the belief that the property was outside the British Islands was mistaken; or
- (b) that the property is within those Islands.

(14) In subsection (13) ‘the relevant time’ means, as the case may be—

- (a) the time of the mistaken belief mentioned in subsection (12)(a); or
- (b) the time at which the property was, or was most recently, brought within the British Islands.”