



# Regulation of Investigatory Powers Act 2000

## CHAPTER 23

### REGULATION OF INVESTIGATORY POWERS ACT 2000

#### PART I

#### COMMUNICATIONS

#### CHAPTER I

#### INTERCEPTION

##### *Unlawful and authorised interception*

- 1 Unlawful interception.
- 2 Meaning and location of “interception” etc.
- 3 Lawful interception without an interception warrant.
- 4 Power to provide for lawful interception.
- 5 Interception with a warrant.

##### *Interception warrants*

- 6 Application for issue of an interception warrant.
- 7 Issue of warrants.
- 8 Contents of warrants.
- 9 Duration, cancellation and renewal of warrants.
- 10 Modification of warrants and certificates.
- 11 Implementation of warrants.

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### *Interception capability and costs*

- 12 Maintenance of interception capability.
- 13 Technical Advisory Board.
- 14 Grants for interception costs.

### *Restrictions on use of intercepted material etc.*

- 15 General safeguards.
- 16 Extra safeguards in the case of certificated warrants.
- 17 Exclusion of matters from legal proceedings.
- 18 Exceptions to section 17.
- 19 Offence for unauthorised disclosures.

### *Interpretation of Chapter I*

- 20 Interpretation of Chapter I.

## **CHAPTER II**

### ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

- 21 Lawful acquisition and disclosure of communications data.
- 22 Obtaining and disclosing communications data.
- 23 Form and duration of authorisations and notices.
- 23A Authorisations requiring judicial approval
- 23B Procedure for judicial approval
- 24 Arrangements for payments.
- 25 Interpretation of Chapter II.

## **PART II**

### SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES

#### *Introductory*

- 26 Conduct to which Part II applies.

#### *Authorisation of surveillance and human intelligence sources*

- 27 Lawful surveillance etc.
- 28 Authorisation of directed surveillance.
- 29 Authorisation of covert human intelligence sources.
- 29A Section 29: supplementary provision in relation to relevant collaborative units
- 30 Persons entitled to grant authorisations under ss. 28 and 29.
- 31 Orders under s. 30 for Northern Ireland.
- 32 Authorisation of intrusive surveillance.

#### *Authorisations requiring judicial approval*

- 32A Authorisations requiring judicial approval
- 32B Procedure for judicial approval

#### *Police and Revenue and Customs authorisations*

- 33 Rules for grant of authorisations.

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- 33A Section 33: further provision in cases where NCA is party to collaboration agreement
- 34 Grant of authorisations in the senior officer's absence.
- 35 Notification of authorisations for intrusive surveillance.
- 36 Approval required for authorisations to take effect.
- 37 Quashing of police and Revenue and Customs authorisations etc.
- 38 Appeals against decisions by Judicial Commissioners .
- 39 Appeals to the Investigatory Powers Commissioner : supplementary.
- 40 Information to be provided to Surveillance Commissioners.

*Other authorisations*

- 41 Secretary of State authorisations.
- 42 Intelligence services authorisations.

*Grant, renewal and duration of authorisations*

- 43 General rules about grant, renewal and duration.
- 44 Special rules for intelligence services authorisations.
- 45 Cancellation of authorisations.

*Scotland*

- 46 Restrictions on authorisations extending to Scotland.

*Supplemental provision for Part II*

- 47 Power to extend or modify authorisation provisions.
- 48 Interpretation of Part II.

**PART III**

INVESTIGATION OF ELECTRONIC DATA PROTECTED BY ENCRYPTION ETC.

*Power to require disclosure*

- 49 Notices requiring disclosure.
- 50 Effect of notice imposing disclosure requirement.
- 51 Cases in which key required.

*Contributions to costs*

- 52 Arrangements for payments for disclosure.

*Offences*

- 53 Failure to comply with a notice.
- 54 Tipping-off.

*Safeguards*

- 55 General duties of specified authorities.

*Interpretation of Part III*

- 56 Interpretation of Part III.

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## PART IV

### SCRUTINY ETC. OF INVESTIGATORY POWERS AND OF THE FUNCTIONS OF THE INTELLIGENCE SERVICES

#### *Commissioners*

- 57 Interception of Communications Commissioner.
- 58 Co-operation with and reports by s. 57 Commissioner.
- 59 Intelligence Services Commissioner.
- 59A Additional functions of the Intelligence Services Commissioner
- 60 Co-operation with and reports by s. 59 Commissioner.
- 61 Investigatory Powers Commissioner for Northern Ireland.
- 62 Additional functions of Chief Surveillance Commissioner.
- 63 Assistant Surveillance Commissioners.
- 64 Delegation of functions of the Investigatory Powers Commissioner for Northern Ireland.

#### *The Tribunal*

- 65 The Tribunal.
- 66 Orders allocating proceedings to the Tribunal.
- 67 Exercise of the Tribunal's jurisdiction.
- 67A Appeals from the Tribunal
- 68 Tribunal procedure.
- 69 Tribunal rules.
- 70 Abolition of jurisdiction in relation to complaints.

#### *Codes of practice*

- 71 Issue and revision of codes of practice.
- 72 Effect of codes of practice.

## PART V

### MISCELLANEOUS AND SUPPLEMENTAL

#### *Miscellaneous*

- 73 Conduct in relation to wireless telegraphy.
- 74 Warrants under the Intelligence Services Act 1994.
- 75 Authorisations under Part III of the Police Act 1997.
- 76 Surveillance etc. operations beginning in Scotland.
- 76A Foreign surveillance operations

#### *Supplemental*

- 77 Ministerial expenditure etc.
- 77A Procedure for order of sheriff under section ... 32A: Scotland
- 77B Procedure for order of district judge under section ... 32A: Northern Ireland
- 78 Orders, regulations and rules.
- 79 Criminal liability of directors etc.
- 80 General saving for lawful conduct.
- 81 General interpretation.
- 82 Amendments, repeals and savings etc.
- 83 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE A1 — MONETARY PENALTY NOTICES IN RELATION TO CERTAIN UNLAWFUL INTERCEPTIONS

#### PART 1 — MONETARY PENALTY NOTICES

##### *General*

- 1 (1) A monetary penalty notice is a notice requiring the...

##### *Enforcement obligations*

- 2 (1) The Commissioner may include one or more than one...

##### *Consultation requirements before service of notices*

- 3 (1) The Commissioner must proceed in accordance with sub-paragraphs  
(2)...

##### *Variation or cancellation of notices*

- 4 (1) The Commissioner may, subject as follows, vary or cancel...

##### *Appeals against notices*

- 5 (1) A person on whom a monetary penalty notice is...

##### *Enforcement of notices*

- 6 (1) Sub-paragraphs (2) and (3) apply in relation to any...

##### *Guidance*

- 7 (1) The Commissioner must prepare and issue guidance on how...

##### *Interpretation: Part 1*

- 8 In this Part— “ address ” means— in the case...

#### PART 2 — INFORMATION PROVISIONS

##### *Information notices*

- 9 (1) The Commissioner may by notice (“an information notice”) request...

##### *Appeals against notices*

- 10 (1) A person on whom an information notice is served...

##### *Enforcement of notices*

- 11 (1) The Commissioner may serve a Part 2 monetary penalty...

##### *Technical assistance for the Commissioner*

- 12 (1) OFCOM must comply with any reasonable request made by...

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*Interpretation: Part 2*

13 In this Part— “ the Commissioner ” has the meaning...

SCHEDULE 1 — Relevant Public Authorities

Part I — RELEVANT AUTHORITIES FOR THE PURPOSES OF SS. 28 AND 29

*Police forces etc.*

- 1 Any police force.
- 1A The Civil Nuclear Constabulary.
- 2 The National Crime Agency.
- 2A . . . . .
- 3 The National Crime Squad.
- 4 The Serious Fraud Office.
- 4A . . . . .
- 4B The force comprising the constables appointed under article 3 of...

*The intelligence services*

- 5 Any of the intelligence services.

*The armed forces*

- 6 Any of Her Majesty’s forces.

*Revenue and Customs*

- 7 Her Majesty's Revenue and Customs.
- 8 The Commissioners of Inland Revenue.

*Government departments*

- 9 . . . . .
- 9ZA . . . . .
- 9ZB . . . . .
- 9ZC The Department for Business, Energy and Industrial Strategy.
- 9A The Ministry of Housing, Communities and Local Government.
- 10 . . . . .
- The Office of the Deputy Prime Minister.
- ...
- The Department for Environment, Food and Rural Affairs.
- 11 . . . . .
- 12 The Department of Health and Social Care .
- 13 The Home Office.
- 13ZA The Ministry of Justice
- 13A . . . . .
- 14 . . . . .
- 15 . . . . .
- The Department for Transport.
- . . . . .
- . . . . .

*The Welsh Assembly Government*

- 16 The Welsh Assembly Government.

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*Local authorities*

- 17 Any county council or district council in England, a London...
- 17A Any fire and rescue authority under the Fire and Rescue...

*Other bodies*

- 17B The Charity Commission.
- 18 The Environment Agency.
- 18A The Marine Management Organisation.
- 19 The Financial Conduct Authority.
- 19A The Prudential Regulation Authority.
- 20 The Food Standards Agency.
- 20A Gambling Commission
- 20B The Competition and Markets Authority.
- 20C The Office of the Police Ombudsman for Northern Ireland.
- 20D . . . . .
- 20E The Gangmasters and Labour Abuse Authority .
- 20F The Care Quality Commission.
- 20G The Health and Safety Executive.
- 21 . . . . .
- 22 . . . . .
- 23 . . . . .
- 23A The Office of Communications.

*Northern Ireland authorities*

- 23A The Department of Agriculture and Rural Development.
- 23B The Department of Enterprise, Trade and Investment.
- 23C The Department of the Environment.
- 23D Any district council (within the meaning of section 44 of...
- 23E The Department of Justice.

Part II — RELEVANT AUTHORITIES FOR THE PURPOSES ONLY OF S. 28

*The Health and Safety Executive*

- 24 Relevant authorities for the purposes only of s. 28

*NHS bodies in England and Wales*

- 25 Relevant authorities for the purposes only of s. 28
- 26 A Special Health Authority established under section 28 of the...
- 27 Relevant authorities for the purposes only of s. 28
- 27A Relevant authorities for the purposes only of s. 28

*HM Chief Inspector of Education, Children's Services and Skills*

- 27B Her Majesty's Chief Inspector of Education, Children's Services and Skills....

*The Information Commissioner*

- 27C The Information Commissioner.

. . .

- 27D Relevant authorities for the purposes only of s. 28

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*The General Pharmaceutical Council.*

- 28 The General Pharmaceutical Council.
- ...
- 28A Relevant authorities for the purposes only of s. 28
- ...
- 28B .....

*The Department for Work and Pensions*

- 28C The Department for Work and Pensions.
- ...
- 28D Relevant authorities for the purposes only of s. 28

*Universal service providers*

- 28E A universal service provider (within the meaning of Part 3...

*The Natural Resources Body for Wales*

- 28F The Natural Resources Body for Wales.

*Northern Ireland authorities*

- 29 The Department of Health, Social Services and Public Safety.
- 30 The Department for Regional Development.
- 31 The Department for Social Development.
- 32 The Department of Culture, Arts and Leisure.
- 33 The Foyle, Carlingford and Irish Lights Commission.
- 34 The Fisheries Conservancy Board for Northern Ireland.
- 35 A Health and Social Services trust established under Article 10...
- 36 A Health and Social Services Board established under Article 16...
- 37 The Health and Safety Executive for Northern Ireland.
- 38 The Northern Ireland Central Services Agency for the Health and...
- 39 The Fire Authority for Northern Ireland.
- 40 The Northern Ireland Housing Executive.

SCHEDULE 2 — Persons having the appropriate permission

*Requirement that appropriate permission is granted by a judge*

- 1 (1) Subject to the following provisions of this Schedule, a...

*Data obtained under warrant etc.*

- 2 (1) This paragraph applies in the case of protected information...

*Data obtained by the intelligence services under statute but without a warrant*

- 3 (1) This paragraph applies in the case of protected information...



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*Data obtained under statute by other persons but without a warrant*

4 (1) This paragraph applies— (a) in the case of protected...

*Data obtained without the exercise of statutory powers*

5 (1) This paragraph applies in the case of protected information...

*General requirements relating to the appropriate permission*

6 (1) A person does not have the appropriate permission in...

*Duration of permission*

7 (1) A permission granted by any person under any provision...

*Formalities for permissions granted by the Secretary of State*

8 A permission for the purposes of any provision of this...

SCHEDULE 3 — The Tribunal

*Membership of the Tribunal*

1 (1) A person shall not be appointed as a member...

*President and Vice-President*

2 (1) Her Majesty may by Letters Patent appoint as President...

*Members of the Tribunal with special responsibilities*

3 (1) The President of the Tribunal shall designate one or...

*Salaries and expenses*

4 (1) The Secretary of State shall pay to the members...

*Officers*

5 (1) The Secretary of State may, after consultation with the...

*Parliamentary disqualification*

6 In Part II of Schedule 1 to the House of...

SCHEDULE 4 — Consequential amendments

*The Post Office Act 1953 (c. 36)*

1 .....

*The Post Office Act 1969 (c. 48)*

2 .....

*The Telecommunications Act 1984 (c. 12)*

3 In section 45 of the Telecommunications Act 1984 (offence of...

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*The Security Service Act 1989 (c. 5)*

- 4 (1) In section 1 of the Security Service Act 1989...

*The Official Secrets Act 1989 (c. 6)*

- 5 In section 4(3)(a) of the Official Secrets Act 1989 (offence...

*The Intelligence Services Act 1994 (c. 13)*

- 6 In section 11 of the Intelligence Services Act 1994 (interpretation),...

*The Criminal Procedure and Investigations Act 1996 (c. 25)*

- 7 (1) In each of sections 3(7), 7(6), 8(6) and 9(9)...

*The Police Act 1997 (c. 50)*

- 8 (1) In section 91(9) of the Police Act 1997 (staff...

*The Northern Ireland Act 1998 (c. 47)*

- 9 In paragraph 17(b) of Schedule 2 to the Northern Ireland...

*The Electronic Communications Act 2000 (c. 7)*

- 10 In section 4(2) of the Electronic Communications Act 2000 (exception...

*The Financial Services and Markets Act 2000 (c. 8)*

- 11 In section 394(7) of the Financial Services and Markets Act...

*The Terrorism Act 2000 (c. 11)*

- 12 (1) In section 9(2)(d) of the Terrorism Act 2000 (proceedings...

SCHEDULE 5 — Repeals

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