

# REGULATION OF INVESTIGATORY POWERS ACT 2000

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## EXPLANATORY NOTES

### OTHER AUTHORISATIONS

#### Part Iii: Investigation of Electronic Data Protected by Encryption Etc

##### *Section 52: Arrangements for payments for disclosure 279.*

##### **Section 53: Failure to comply with a notice**

280. This section creates an offence of failing to comply with the terms of a notice served under section 49.
281. *Subsection (1)* states that a person served with a notice is guilty of an offence if he knowingly fails to comply with the disclosure requirement contained in that notice.
282. The effect of *Subsections (2) and (3)* is that in proceedings against a person for an offence under this section, where it is shown that a person has been in possession of a key, that can lead to a conviction, but only if the person fails to raise some doubt as to whether he still had the key when the notice was given.
283. *Subsection (4)* allows a defence to a person who shows that it was not practicable to comply with the disclosure requirement placed upon him by the time he was required to do so but that he did what was required as soon as was reasonably practicable.
284. *Subsection (5)* specifies the maximum sentence for the offence of failing to comply with a notice. As regards financial penalties, there is no upper limit to fines set in the Crown Court (on conviction on indictment). In a Magistrates Court (on summary conviction) the maximum fine is £5,000.