

TERRORISM ACT 2006

EXPLANATORY NOTES

COMMENTARY

Definitions

Schedule 2 – Seizure and forfeiture of terrorist publications

Section 32 – Interception warrants

149. **Section 32** makes amendments to the provisions concerning the duration and modification of, and safeguards attached to, interception warrants issued pursuant to Part 1 of RIPA.
150. **Subsection (2)** amends section 9(6) of RIPA, bringing into line the duration of the initial interception warrant issued in the interests of national security or for the purpose of safeguarding the economic wellbeing of the United Kingdom with the duration of any such warrant when renewed. Previously, these warrants lasted only for three months when first issued, but could be renewed for a six month period. This amendment provides that both initial and renewed warrants will now last for a maximum of 6 months.
151. **Subsections (3) and (4)** amend section 10 of RIPA, to allow modifications of the schedules of an intercept warrant, issued in the interests of national security, to be made by a senior official who is either the person to whom it is addressed, or one of their subordinates. Such modifications cease to have effect at the end of the fifth working day.
152. **Subsections (5), (6) and (7)** amend section 16 of RIPA, which provides extra safeguards in the case of warrants to which section 8(4) certificates apply. One of these safeguards is a general prohibition on examining material intercepted under such warrants selected by reference to an individual who is known to be for the time being in the British Islands or by a factor which has as its purpose the identification of material contained in communications to or from such an individual. However, section 16(3) of RIPA allows such selection, provided certain conditions are met. One of those conditions is that the material relates only to communications sent during the period specified in the section 8(4) certificate, such period having a maximum of 3 months. **Subsections (5) (a) and (6)** make amendments such that, in cases where the section 8(4) certification has been issued in the interests of national security, that maximum period is increased from 3 to 6 months.
153. Section 16(5) of RIPA further allows such selection where there has been a change of circumstances which would otherwise mean that selection for examination would no longer be possible because an individual is found to have entered the British Islands. Selection can only continue pursuant to this provision for one working day after the day on which the change of circumstances became apparent. **Subsections (5)(b) and (7)** make amendments such that, in cases where the section 8(4) certification has been issued in the interests of national security, that period is increased from one to five working days.