



Investigatory Powers Act 2016

2016 CHAPTER 25

PART 1

GENERAL PRIVACY PROTECTIONS

Prohibitions against unlawful interception

10 Restriction on requesting assistance under mutual assistance agreements etc.

- (1) This section applies to—
- (a) a request for assistance under an EU mutual assistance instrument, and
 - (b) a request for assistance in accordance with an international mutual assistance agreement
- [^{F1}so far as the assistance is in connection with, or in the form of, the interception of communications.]
- (2) A request to which this section applies may not be made by or on behalf of a person in the United Kingdom to the competent authorities of a country or territory outside the United Kingdom unless a mutual assistance warrant has been issued under Chapter 1 of Part 2 authorising the making of the request.
- [^{F2}(2A) Subsection (2) does not apply in the case of a request for assistance in connection with, or in the form of, interception of a communication stored in or by a telecommunication system if the request is made—
- (a) in the exercise of a statutory power that is exercised for the purpose of obtaining information or taking possession of any document or other property, or
 - (b) in accordance with a court order that is made for that purpose.]

(3) In this section—

“EU mutual assistance instrument” means an EU instrument which—

 - (a) relates to the provision of mutual assistance in connection with, or in the form of, the interception of communications,

Status: Point in time view as at 27/12/2018. This version of this provision has been superseded.

Changes to legislation: Investigatory Powers Act 2016, Section 10 is up to date with all changes known to be in force on or before 30 July 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)

- (b) requires the issue of a warrant, order or equivalent instrument in cases in which assistance is given, and
- (c) is designated as an EU mutual assistance instrument by regulations made by the Secretary of State;
 - “international mutual assistance agreement” means an international agreement which—
 - (a) relates to the provision of mutual assistance in connection with, or in the form of, the interception of communications,
 - (b) requires the issue of a warrant, order or equivalent instrument in cases in which assistance is given, and
 - (c) is designated as an international mutual assistance agreement by regulations made by the Secretary of State.

Textual Amendments

- F1** Words in s. 10(1) inserted (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), reg. 1(1), **Sch. 3 para. 9(1)(a)** (with reg. 3)
 - F2** S. 10(2A) inserted (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), reg. 1(1), **Sch. 3 para. 9(1)(b)** (with reg. 3)
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Commencement Information

- I1** S. 10(1)(2) in force at 27.6.2018 for specified purposes by [S.I. 2018/652](#), **reg. 7(f)(i)**
- I2** S. 10(1)(2) in force at 26.9.2018 in so far as not already in force by [S.I. 2018/940](#), **reg. 3(b)**
- I3** S. 10(3) in force at 31.5.2018 for specified purposes by [S.I. 2018/652](#), **reg. 2(e)**
- I4** S. 10(3) in force at 27.6.2018 in so far as not already in force by [S.I. 2018/652](#), **reg. 7(f)(i)**

Status:

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Changes to legislation:

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