



# 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.
- 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.
- 30 Persons entitled to grant authorisations under ss. 28 and 29.
- 31 Orders under s. 30 for Northern Ireland.
- 32 Authorisation of intrusive surveillance.

*Police and Revenue and Customs authorisations*

- 33 0 Rules for grant of authorisations.
- 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 Surveillance Commissioners.
- 39 Appeals to the Chief Surveillance Commissioner: supplementary.
- 40 Information to be provided to Surveillance Commissioners.

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#### *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.

### **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.
- 60 Co-operation with and reports by s. 59 Commissioner.
- 61 Investigatory Powers Commissioner for Northern Ireland.
- 62 Additional functions of Chief Surveillance Commissioner.

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- 63 Assistant Surveillance Commissioners.
- 64 Delegation of Commissioners' functions.

#### *The Tribunal*

- 65 The Tribunal.
- 66 Orders allocating proceedings to the Tribunal.
- 67 Exercise of the Tribunal's jurisdiction.
- 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.
- 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 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 Serious Organised Crime Agency.
- 2A The Scottish Crime and Drug Enforcement Agency
- 3 The National Crime Squad.
- 4 The Serious Fraud Office.
- 4A The force comprising the special constables appointed under section 79...
- 4B The force comprising the constables appointed under article 3 of...

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*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*

- The Department of Energy and Climate Change.  
9 The Department for Environment, Food and Rural Affairs.  
9ZA The Department for Business, Enterprise and Regulatory Reform.  
9ZB The Department for Business, Innovation and Skills.  
9A The Department for Communities and Local Government  
10 The Ministry of Defence.  
11 The Department for Transport. the Office of the Deputy Prime...  
12 The Department of Health.  
13 The Home Office.  
13ZA The Ministry of Justice  
13A The Northern Ireland Office.  
14 The Department for Work and Pensions.  
15 The Department of Trade and Industry.

*The Welsh Assembly Government*

- 16 The Welsh Assembly Government.

*Local authorities*

- 17 Any county council or district council in England, a London...  
17A Any fire authority within the meaning of the Fire Services...

*Other bodies*

- 17B The Charity Commission.  
18 The Environment Agency.  
19 The Financial Services Authority.  
20 The Food Standards Agency.  
20A Gambling Commission  
20B The Office of Fair Trading.  
20C The Office of the Police Ombudsman for Northern Ireland.  
20D The Postal Services Commission.  
20E The Gangmasters Licensing Authority.  
20F The Care Quality Commission.  
21 .....  
22 .....  
23 A universal service provider (within the meaning of the Postal...  
23A The Office of Communications.

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*The Health and Safety Executive*

- 24 The Health and Safety Executive.

*NHS bodies in England and Wales*

- 25 A Health Authority established under section 8 of the National...  
 26 A Special Health Authority established under section 28 of the...  
 27 A National Health Service trust established under section 5 of...  
 27A Local Health Boards in Wales established under section 6 of...

*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.

*The Royal Parks Constabulary*

- 27D The Royal Parks Constabulary.

*The Royal Pharmaceutical Society of Great Britain*

- 28 The Royal Pharmaceutical Society of Great Britain.

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...

*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...

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*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...

*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)...

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*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

### Changes to legislation:

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#### Changes and effects yet to be applied to :

- s. 1(1A)(1B) inserted by S.I. 2011/1340 reg. 2(1)
- s. 3(1) text amended by S.I. 2011/1340 reg. 3
- s. 18(1)(dc) inserted by 2010 c. 38 s. 28(2)
- s. 18(2)(zb) text amended by 2010 c. 38 s. 28(3)
- s. 43(3) modified by S.I. 2010/123 art. 8
- s. 59(2A) omitted by 2010 c. 40 Sch. para. 13
- s. 65(2)(b) text amended by 2010 c. 40 Sch. para. 14(2)
- s. 65(3)(c) text amended by 2010 c. 40 Sch. para. 14(3)(a)
- s. 65(3)(ca)(cb) and word omitted by 2010 c. 40 Sch. para. 14(3)(b)
- s. 65(4A) omitted by 2010 c. 40 Sch. para. 14(4)
- s. 71(2) text amended by S.I. 2011/1340 reg. 2(2)
- s. 71(10) inserted by S.I. 2011/1340 reg. 2(3)
- s. 81(7) text amended by 2010 c. 25 Sch. 2 para. 11(2)
- s. 81(8) inserted by 2010 c. 25 Sch. 2 para. 11(3)
- s. 82(3) text amended by 2011 c. 5 Sch. 12 para. 160
- Sch. 1 para. 20G inserted by S.I. 2010/521 art. 2(4)
- Sch. 1 para. 28A-28E inserted by S.I. 2010/521 art. 2(6)
- Sch. 1 para. 23E inserted by S.I. 2010/976 Sch. 4 para. 26
- Sch. 1 para. 28D omitted by 2011 c. 5 Sch. 12 para. 161(a)
- Sch. 1 para. 4A omitted by S.I. 2010/521 art. 2(2)(a)
- Sch. 1 para. 10 omitted by S.I. 2010/521 art. 2(2)(b)
- Sch. 1 para. 15B omitted by S.I. 2010/521 art. 2(2)(c)
- Sch. 1 para. 20D omitted by S.I. 2010/521 art. 2(2)(d)
- Sch. 1 para. 23 omitted by S.I. 2010/521 art. 2(2)(e)
- Sch. 1 para. 24 omitted by S.I. 2010/521 art. 2(5)
- Sch. 1 para. 28 substituted by S.I. 2010/231 Sch. 4 para. 8
- Sch. 1 para. 17A substituted by S.I. 2010/521 art. 2(3)
- Sch. 1 para. 28E text amended by 2011 c. 5 Sch. 12 para. 161(b)
- Sch. 2 para. 6(3) modified by S.I. 2011/631 Sch. 2 para. 4

#### Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. A1 inserted by S.I. 2011/1340 reg. 2(4) Sch.

#### Commencement Orders yet to be applied to the Regulation of Investigatory Powers Act 2000:

Commencement Orders bringing provisions within this Act into force:

- S.I. 2007/2196 art. 2 commences (2000 c. 23)

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2007/935 art. 2-7 commences (2006 c. 40)
- S.I. 2007/1442 art. 2 commences (2006 c. 52)
- S.I. 2007/2045 art. 2 commences (2007 c. 6)
- S.I. 2009/1059 Order transitional provisions for effects of commencing SI 2009/812
- S.I. 2010/1621 art. 1 2 commences (S.I. 2010/231)
- S.I. 2010/2703 art. 2 commences (2010 c. 25)

– [S.S.I. 2007/84 art. 3 commences \(2006 asp 10\)](#)