

REGULATION OF INVESTIGATORY POWERS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

“Relevant period” is defined in subsection (6).

“Working day” is defined in section 81(1).

85. *Subsection (2)* adds a condition that the Secretary of State may only renew a warrant under subsection (1) if he considers that the warrant continues to be necessary as mentioned in Section 5(3) (in the interests of national security, for the purpose of preventing or detecting serious crime, for the purpose of safeguarding the economic well-being of the UK or for the purpose, in circumstances appearing to the Secretary of State to be equivalent to those in which he would issue a warrant by virtue of paragraph (b), of giving effect to the provisions of any international mutual assistance agreement).
86. *Subsection (3)* requires the Secretary of State to cancel a warrant at any time if he considers that it is no longer necessary as mentioned in Section 5(3).
87. *Subsection (4)* requires the Secretary of State to cancel a warrant where the warrant or renewal instrument was issued under the hand of a senior official on the basis that the subject of the interception was outside the United Kingdom, but the Secretary of State is satisfied that the subject is now in the United Kingdom. For the interception to continue in such circumstances, a new warrant will need to be issued by the Secretary of State himself.
88. *Subsection (5)* applies to renewal instruments issued under the hand of a senior official for the purpose of renewing a warrant issued to comply with a request for mutual assistance where the subject of interception and the competent authority making the request are outside the United Kingdom. In such cases, the renewal instrument must contain a statement that the interception subject or the premises to which the interception relates are outside the United Kingdom.
89. *Subsection (6)(a)* applies to warrants issued under the urgency procedure in section 7(2)(a). Such warrants last for a maximum of five working days following the day of the warrant’s issue. Thus a warrant issued in this way at any time on day one will expire at midnight on the fifth working day after day one. If renewed under the hand of the Secretary of State within five working days a warrant initially issued under the urgency procedure then falls within subsection (6)(c) and is valid for three months beginning with the day of the renewal.
90. Under *subsection (6)(b)* the relevant period is six months, beginning with the day of the warrant’s renewal. The result of this is that warrants the renewal of which is considered necessary as mentioned in section 5(3)(a) (in the interests of national security) or (c) (for the purpose of safeguarding the economic well-being of the UK) lapse unless renewed by the Secretary of State within a period of six months.

*These notes refer to the Regulation of Investigatory Powers
Act 2000 (c.23) which received Royal Assent on 28 July 2000*

91. Under *subsection (6)(c)* the relevant period is three months beginning with the day of the warrant's issue or, in the case of a warrant that has been renewed, of its latest renewal. The effect of this is that all new warrants, and all warrants the renewal of which is considered necessary as mentioned in section 5(3)(b) (for the purpose of preventing or detecting serious crime), are valid for three months from the day of the warrant's issue or renewal.