



Regulation of Investigatory Powers Act 2000

2000 CHAPTER 23

PART I

COMMUNICATIONS

CHAPTER I

INTERCEPTION

Unlawful and authorised interception

1 Unlawful interception.

(1) It shall be an offence for a person intentionally and without lawful authority to intercept, at any place in the United Kingdom, any communication in the course of its transmission by means of—

- (a) a public postal service; or
- (b) a public telecommunication system.

[^{F1}(1A) The Interception of Communications Commissioner may serve a monetary penalty notice on a person if the Commissioner—

- (a) considers that the person—
 - (i) has without lawful authority intercepted, at any place in the United Kingdom, any communication in the course of its transmission by means of a public telecommunication system, and
 - (ii) was not, at the time of the interception, making an attempt to act in accordance with an interception warrant which might, in the opinion of the Commissioner, explain the interception concerned, and

Status: Point in time view as at 01/09/2017.

Changes to legislation: Regulation of Investigatory Powers Act 2000, Section 1 is up to date with all changes known to be in force on or before 16 January 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) does not consider that the person has committed an offence under subsection (1).
- (1B) Schedule A1 (which makes further provision about monetary penalty notices) has effect.]
- (2) It shall be an offence for a person—
- (a) intentionally and without lawful authority, and
 - (b) otherwise than in circumstances in which his conduct is excluded by subsection (6) from criminal liability under this subsection,
- to intercept, at any place in the United Kingdom, any communication in the course of its transmission by means of a private telecommunication system.
- (3) Any interception of a communication which is carried out at any place in the United Kingdom by, or with the express or implied consent of, a person having the right to control the operation or the use of a private telecommunication system shall be actionable at the suit or instance of the sender or recipient, or intended recipient, of the communication if it is without lawful authority and is either—
- (a) an interception of that communication in the course of its transmission by means of that private system; or
 - (b) an interception of that communication in the course of its transmission, by means of a public telecommunication system, to or from apparatus comprised in that private telecommunication system.
- (4) Where the United Kingdom is a party to 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 for the purposes of this subsection by an order made by the Secretary of State,
- it shall be the duty of the Secretary of State to secure that no request for assistance [^{F2}in connection with, or in the form of, the interception of communications] in accordance with the agreement is made on behalf of a person in the United Kingdom to the competent authorities of a country or territory outside the United Kingdom except with lawful authority.
- [^{F3}(4A) The Secretary of State must also secure that a request for assistance to which subsection (4B) applies is made only with lawful authority.
- (4B) This subsection applies to a request for assistance on behalf of a person in the United Kingdom to the competent authorities of a country or territory outside the United Kingdom where—
- (a) the assistance is in connection with, or in form of, the interception of communications, and
 - (b) the request is made in accordance with [Directive 2014/41/EU](#) of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters.]

(5) Conduct has lawful authority for the purposes of this section if, and only if—

 - (a) it is authorised by or under section 3 or 4;
 - (b) it takes place in accordance with a warrant under section 5 (“an interception warrant”); or

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- (c) it is in exercise, in relation to any stored communication, of any statutory power that is exercised (apart from this section) for the purpose of obtaining information or of taking possession of any document or other property; and conduct (whether or not prohibited by this section) which has lawful authority for the purposes of this section by virtue of paragraph (a) or (b) shall also be taken to be lawful for all other purposes.
- (6) The circumstances in which a person makes an interception of a communication in the course of its transmission by means of a private telecommunication system are such that his conduct is excluded from criminal liability under subsection (2) if—
- (a) he is a person with a right to control the operation or the use of the system; or
 - (b) he has the express or implied consent of such a person to make the interception.
- (7) A person who is guilty of an offence under subsection (1) or (2) shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;
 - (b) on summary conviction, to a fine not exceeding the statutory maximum.
- (8) No proceedings for any offence which is an offence by virtue of this section shall be instituted—
- (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Textual Amendments

- F1** S. 1(1A)(1B) inserted (17.6.2011) by [The Regulation of Investigatory Powers \(Monetary Penalty Notices and Consents for Interceptions\) Regulations 2011 \(S.I. 2011/1340\)](#), regs. 1(2), **2(1)**
- F2** Words in s. 1(4) inserted (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), reg. 1(1), **Sch. 3 para. 5(2)(a)** (with reg. 3)
- F3** S. 1(4A)(4B) inserted (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), reg. 1(1), **Sch. 3 para. 5(2)(b)** (with reg. 3)

Modifications etc. (not altering text)

- C1** S. 1(1A) modified (1.9.2017) by [The Investigatory Powers Act 2016 \(Commencement No. 3 and Transitory, Transitional and Saving Provisions\) Regulations 2017 \(S.I. 2017/859\)](#), **reg. 4**

Commencement Information

- I1** S. 1 wholly in force; S. 1 not in force at Royal Assent see s. 83(2); S. 1 except for subsection (3) in force at 2.10.2000 and S. 1(3) in force at 24.10.2000 by [S.I. 2000/2543](#), **arts. 3, 4**

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