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INTERCEPTION OF COMMUNICATIONS ACT 2001

Chapter 23

Arrangement of sections

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Signed in Tynwald: 10th July 2001
Received Royal Assent: 10th July 2001
Announced to Tynwald: 11th July 2001
Passed: 11th July 2001

AN ACT

to amend the Interception of Communications
Act 1988.

WE, your Majesty's most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows (that is to say):—

1. Scope of interception warrants

For section 3 of the Interception of Communications Act 1988¹ (scope of warrants) substitute —

"3. Scope of warrants

(1) Subject to subsection (2), the interception required by a warrant shall be the interception of —

- (a) communications described in the warrant which are likely to be, or to include, communications from, or intended for, one particular person named or described in the warrant, or
- (b) communications described in the warrant which are likely to be or to include, communications originating on, or intended for transmission to, a single set of premises named or described in the warrant,

and such other communications (if any) as it is necessary to intercept in order to intercept communications falling within paragraph (a) or (b).

(2) The warrant shall describe the communications the interception of which is required by it by reference to addresses,

¹ 1988 c.16

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numbers, apparatus or other factors specified in the warrant as the factors or combination of factors to be used for identifying those communications.

- (3) Subsections (1) and (2) do not apply to a warrant if —
 - (a) the interception required by the warrant is the interception, in the course of their transmission by means of a public telecommunication system, of —
 - (i) such external communications as are described in the warrant; and
 - (ii) such other communications (if any) as it is necessary to intercept in order to intercept such external communications as are so described; and
 - (b) at the time when the warrant is issued, the Chief Minister issues a certificate —
 - (i) specifying the descriptions of intercepted material the examination of which he considers necessary, and
 - (ii) certifying that he considers the examination of material of those descriptions necessary as mentioned in section 2(2).
- (4) A certificate shall not name or describe a person who is known to be for the time being in the British Islands for the purpose of including in the specified descriptions of material communications from him or intended for him unless —
 - (a) the Chief Minister considers that the examination of material selected according to factors referable to that person is necessary for the purpose of preventing or detecting acts of terrorism; and
 - (b) the material relates only to communications sent during a period not exceeding 3 months is specified in the certificate.
- (5) A certificate shall not be issued except under the hand of the Chief Minister."

2. Minor and consequential amendments

The Interception of Communications Act 1988 is further amended in accordance with the Schedule.

3. Short title

This Act may be cited as the Interception of Communications Act 2001.

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Section 2.

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE 1988 ACT

1. In sections 1(1) and 2(1), after "by means of" insert "a courier service or".
2. In section 5 —
 - (a) in subsection (1)(a), omit the words from "by the insertion" to "3(1)(a)";
 - (b) for subsections (3) and (4) substitute —

"(3) If at any time the Chief Minister considers that any factor specified in a warrant under section 3(2) is no longer relevant for identifying the communications the interception of which is required by the warrant, he shall amend the warrant by the deletion of that factor.

(4) If at any time the Chief Minister considers that the descriptions of material specified in a certificate include any description of material the examination of which is no longer necessary as mentioned in section 2(2), he shall amend the certificate so as to exclude that description of material from the descriptions so specified."
3. In section 8 —
 - (a) in subsection (2), after "by means of" insert "a courier service or";
 - (b) for subsection (9) substitute —

"(9) For the purposes of this section —

 - (a) a warrant is a relevant warrant in relation to an applicant if —
 - (i) he is named or described in the warrant, or
 - (ii) the communications described in the warrant are likely to be, or to include, communications from him or intended for him;
 - (b) a certificate is a relevant certificate in relation to an applicant if and to the extent that it names or describes him as mentioned in section 3(4)."
4. In section 9(3), omit "Authority", and after "in the running of" insert "a courier service or".
5. In section 10—
 - (a) in subsection (2), for paragraph (b) substitute —

"(b) the Post Office and any person engaged in the business of the Post Office;
 - (ba) any person running, or engaged in the running of, a courier service; and";
 - (c) in subsection (4)(a), for the words from "section 38" to "1973" substitute "section 39 of the Post Office Act 1993²".
6. In section 11(1) —
 - (a) in the definition of "certificate", for "3(2)(b)" substitute "3(3)(b)";
 - (b) after the definition of "copy" insert —

""courier service" means any service (other than a postal service provided by the Post Office) for the collection, sorting, conveyance, distribution or delivery of letters or packets, which is offered or provided to, or to a substantial section of, the public in the Island;"
 - (c) for the definition of "the Post Office Authority" substitute —

² 1993 c.20

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""the Post Office" means the Isle of Man Post Office;"

7. In section 12(3), omit "Authority".
8. In Schedule 1 —
 - (a) in paragraph 3(1), omit "Authority", and after "in the running of" insert "a courier service or";
 - (b) omit paragraph 4(1).