

# Interception of Communications (Admissibility of Evidence) Bill [HL]

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**B I L L**

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Permit the introduction of intercept evidence in certain criminal proceedings; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Admissibility of intercept evidence**

- (1) Notwithstanding section 17 of the Regulation of Investigatory Powers Act 2000 (c. 23) (“RIPA”), evidence of the contents of an intercepted communication (“intercept evidence”) shall be admissible in criminal proceedings to which this section applies. 5
- (2) This section applies to—
  - (a) proceedings in respect of serious crime;
  - (b) proceedings in respect of an offence or offences relating to terrorism.
- (3) An application for permission to introduce intercept evidence may be made by the prosecution for the purpose of conducting a criminal prosecution to which this section applies, and not otherwise. 10
- (4) Unless and until an application has been made by the prosecution in any such proceedings the provisions of section 17 of RIPA (exclusion of matters from legal proceedings) shall continue to apply in connection with those proceedings. 15

**2 Considerations for allowing intercept evidence**

In deciding whether to admit intercept evidence the court shall take account of all relevant considerations, including in particular—

- (a) any application by the Secretary of State to withhold the evidence or part of the evidence on the ground that its disclosure, or the disclosure of facts relating to the obtaining of the evidence, would be contrary to the public interest, and 20
- (b) any submission that the evidence was obtained unlawfully.

**3 Interpretation**

In this Act—

“intercepted communication” has the same meaning as in section 4 of RIPA;

“RIPA” means the Regulation of Investigatory Powers Act 2000 (c. 23); 5

“serious crime” has the same meaning as in section 81(2)(b) of RIPA;

“terrorism” has the same meaning as in the Terrorism Act 2000 (c. 11).

**4 Minor and consequential amendments**

(1) In section 5(3)(b) of RIPA, for the words “or detecting” substitute “, detecting or prosecuting”. 10

(2) In section 17(1) of RIPA, after the words “Subject to section 18” insert “and the provisions of the Interception of Communications (Admissibility of Evidence) Act 2012”.

**5 Short title, commencement and extent**

(1) This Act may be cited as the Interception of Communications (Admissibility of Evidence) Act 2012. 15

(2) This Act shall come into force at the end of the period of two months beginning with the day on which the Act is passed.

(3) This Act extends to Northern Ireland.



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## B I L L

To permit the introduction of intercept evidence in certain criminal proceedings; and for connected purposes.

*Lord Lloyd of Berwick*

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