



Prisons (Interference with Wireless Telegraphy) Act 2018

2018 CHAPTER 32

PROSPECTIVE

An Act to make provision about interference with wireless telegraphy in prisons and similar institutions.
[20th December 2018]

BE 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:—

PROSPECTIVE

1 Interference with wireless telegraphy in prisons etc

(1) Section 1 of the Prisons (Interference with Wireless Telegraphy) Act 2012 (interference with wireless telegraphy in prisons etc) is amended as follows.

(2) After subsection (2) insert—

“(2A) The Secretary of State may authorise a public communications provider to interfere with wireless telegraphy.

(2B) An interference with wireless telegraphy authorised under subsection (2A) may be carried out only for the purpose of—

- (a) preventing the use within a relevant institution in England and Wales of an item specified in subsection (3), or
- (b) detecting or investigating the use within a relevant institution in England and Wales of such an item.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Prisons (Interference with Wireless Telegraphy) Act 2018. (See end of Document for details)

- (2C) An authorisation under subsection (2A) may be given in relation to—
 - (a) one or more relevant institutions in England and Wales,
 - (b) one or more kinds of relevant institution in England and Wales, or
 - (c) relevant institutions in England and Wales generally.”
- (3) In subsection (4), after “subsection (2)(b)” insert “ or (2B)(b) ”.
- (4) Omit subsection (5).
- (5) In subsection (6), for “The conduct to which subsection (5) applies is” substitute “ The following conduct is lawful for all purposes— ”.
- (6) After subsection (6) insert—

“(6A) The following conduct is lawful for all purposes—

 - (a) interference with wireless telegraphy that—
 - (i) is authorised under subsection (2A), and
 - (ii) is carried out in accordance with subsection (2B) and any direction given under section 2,
 - (b) the retention, use or disclosure of any traffic data, collected as a result of such an interference with wireless telegraphy, which is carried out in accordance with this Act.”
- (7) The Schedule (interference with wireless telegraphy in prisons etc) has effect.

2 Final provisions

- (1) This Act may be cited as the Prisons (Interference with Wireless Telegraphy) Act 2018.
- (2) This Act comes into force on such day as the Secretary of State may appoint by regulations made by statutory instrument.
- (3) This Act extends to England and Wales and Scotland.
- (4) The power under section 5(2) of the Prisons (Interference with Wireless Telegraphy) Act 2012 may be exercised so as to extend to any of the Channel Islands or the Isle of Man any amendment or repeal made by this Act of any part of that Act (with or without modifications).