



Telecommunications Act 1984

1984 CHAPTER 12

PART II

PROVISION OF TELECOMMUNICATION SERVICES

Offences

[^{F1}42A Possession or supply of anything for fraudulent purpose in connection with use of telecommunication system.

[^{F2}(1) Subsection (2) below applies if a person has in his custody or under his control anything [^{F3}(other than an unauthorised decoder as defined in section 297A(4) of the ^{M1}Copyright, Designs and Patents Act 1988)] which may be used for the purpose of obtaining, or for a purpose connected with the obtaining of, a service to which section 42(1) above applies.

- (2) If the person intends—
- (a) to use the thing—
 - (i) to obtain such a service dishonestly, or
 - (ii) for a purpose connected with the dishonest obtaining of such a service,
 - (b) dishonestly to allow the thing to be used to obtain such a service, or
 - (c) to allow the thing to be used for a purpose connected with the dishonest obtaining of such a service,

he shall be guilty of an offence.

(3) Subsection (4) below applies if a person supplies or offers to supply anything [^{F4}(other than an unauthorised decoder as defined in section 297A(4) of the Copyright, Designs and Patents Act 1988)] which may be used for the purpose of obtaining, or for a purpose connected with the obtaining of, a service to which section 42(1) above applies.

- (4) If the person supplying or offering to supply the thing knows or believes that the person to whom it is supplied or offered intends or intends if it is supplied to him—
- (a) to use it—

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- (i) to obtain such a service dishonestly, or
- (ii) for a purpose connected with the dishonest obtaining of such a service,
- (b) dishonestly to allow it to be used to obtain such a service, or
- (c) to allow it to be used for a purpose connected with the dishonest obtaining of such a service,

he shall be guilty of an offence.

- (5) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both, and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.
- (6) In this section, references to use of a thing include, in the case of a thing which is used to record any data, use of any of the data.]]

Textual Amendments

- F1** S. 42A inserted (27.4.1997) by 1997 C. 4, ss. 1, 3(3)
- F2** S. 42A repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411, [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\) Note 1](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#) (as amended (8.12.2003) by [S.I. 2003/3142](#), [art. 1\(3\)](#))); [S.I. 2003/3142](#), [art. 3](#), [Sch. 1](#) (with [art. 11](#))
- F3** Words in s. 42A(1) inserted (28.5.2000) by [S.I. 2000/1175](#), [reg. 3](#)
- F4** Words in s. 42A(3) inserted (28.5.2000) by [S.I. 2000/1175](#), [reg. 3](#)

Marginal Citations

- M1** [1988 c. 48](#).

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