



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 6

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **80 Prevention or restriction of use of communication devices by prisoners etc**

- (1) Regulations may make provision conferring power on a court to make a telecommunications restriction order.
- (2) “Telecommunications restriction order” means an order requiring a communications provider to take whatever action the order specifies for the purpose of preventing or restricting the use of communication devices by persons detained in custodial institutions.
- (3) Regulations under this section must—
  - (a) specify who may apply for telecommunications restriction orders;
  - (b) make provision about giving notice of applications;
  - (c) make provision conferring rights on persons to make representations;
  - (d) specify the matters about which the court must be satisfied if it is to make an order;
  - (e) make provision about the duration of orders (which may include provision for orders of indefinite duration);
  - (f) make provision about variation (including extension) and discharge of orders;
  - (g) make provision about appeals.
- (4) Regulations under this section may—
  - (a) make provision for a telecommunications restriction order to specify that a requirement of the order is not to apply in particular circumstances;

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- (b) make provision authorising a court to include in an order a requirement for the person applying for the order to pay any or all of the costs of complying with it;
  - (c) make provision about time limits for complying with orders;
  - (d) make provision about enforcement of orders (which may include provision creating offences);
  - (e) make provision about costs (or, in Scotland, expenses) in respect of legal proceedings;
  - (f) make different provision for different purposes;
  - (g) make incidental, consequential, supplementary or transitional provision, including provision applying any enactment (with or without modifications).
- (5) The power to make regulations under this section is exercisable—
- (a) in relation to England and Wales, by statutory instrument made by the Secretary of State;
  - (b) in relation to Scotland, by the Scottish Ministers.
- (6) A statutory instrument (other than a Scottish statutory instrument) containing regulations under this section is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) Regulations made by the Scottish Ministers under this section are subject to the affirmative procedure.
- (8) In this section—
- “communication device” means an item specified in section 1(3) of the Prisons (Interference with Wireless Telegraphy) Act 2012 (mobile telephones etc);
  - “communications provider” means a person providing a service that consists in the provision of access to, and of facilities for making use of, any telecommunication system (whether or not one provided by that person);
  - “court” means—
    - (a) in relation to England and Wales, the county court;
    - (b) in relation to Scotland, the sheriff;
  - “custodial institution” means—
    - (a) in relation to England and Wales, a prison, young offender institution, secure training centre or secure college;
    - (b) in relation to Scotland, a prison or young offenders institution;
  - “enactment” includes—
    - (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
    - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
  - “telecommunication system” means any system (including the apparatus comprised in it) that exists (whether wholly or partly in the United Kingdom or elsewhere) for the purpose of facilitating the transmission of communications by any means involving the use of electrical or electro-magnetic energy.

**Changes to legislation:**

There are currently no known outstanding effects for the Serious Crime Act 2015, Section 80.