



Anti-terrorism, Crime and Security Act 2001

2001 CHAPTER 24

PART 11

RETENTION OF COMMUNICATIONS DATA

104 Directions about retention of communications data

- (1) If, after reviewing the operation of any requirements contained in the code of practice and any agreements under section 102, it appears to the Secretary of State that it is necessary to do so, he may by order made by statutory instrument authorise the giving of directions under this section for purposes prescribed in section 102(3).
- (2) Where any order under this section is in force, the Secretary of State may give such directions as he considers appropriate about the retention of communications data—
 - (a) to communications providers generally;
 - (b) to communications providers of a description specified in the direction; or
 - (c) to any particular communications providers or provider.
- (3) An order under this section must specify the maximum period for which a communications provider may be required to retain communications data by any direction given under this section while the order is in force.
- (4) Before giving a direction under this section the Secretary of State shall consult—
 - (a) with the communications provider or providers to whom it will apply; or
 - (b) except in the case of a direction confined to a particular provider, with the persons appearing to the Secretary of State to represent the providers to whom it will apply.
- (5) A direction under this section must be given or published in such manner as the Secretary of State considers appropriate for bringing it to the attention of the communications providers or provider to whom it applies.

Status: Point in time view as at 14/12/2001. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Section 104. (See end of Document for details)

- (6) It shall be the duty of a communications provider to comply with any direction under this section that applies to him.
- (7) The duty imposed by subsection (6) shall be enforceable by civil proceedings by the Secretary of State for an injunction, or for specific performance of a statutory duty under section 45 of the Court of Session Act 1988 (c. 36), or for any other appropriate relief.
- (8) The Secretary of State shall not make an order under this section unless a draft of it has been laid before Parliament and approved by a resolution of each House.

Modifications etc. (not altering text)

- C1** **S. 104:** by virtue of s. 105(1)(2) of this Act, s. 104 ceases to have effect at the end of the "initial period"; initial period extended for a period of two years by [S.I. 2003/3173](#), **art. 2** and extended for a further period of two years by [S.I. 2005/3335](#), **art. 2**

Status:

Point in time view as at 14/12/2001. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Section 104.