

VIOLENT CRIME REDUCTION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Miscellaneous

Section 62: Offering or agreeing to re-programme mobile telephone

305. This section amends the Mobile Telephones (Re-programming) Act 2002 to add to the circumstances in which an offence can be committed under section 1 of that Act. Under that section it is an offence to change the unique International Mobile Equipment Identity (IMEI) number which identifies a mobile telephone handset. Under this section a person will commit an offence if he offers or agrees to change or interfere with an IMEI number or other unique device identifier, or if he offers or agrees to arrange for another person to do so. Commission of the offence is not dependent on re-programming actually taking place. The section also has the effect that it will be possible to bring criminal proceedings for the offence even if the identity of the person (if any) who actually carries out the re-programming is unknown.
306. The offence is triable either way. The offence is punishable on conviction on indictment by up to 5 years' imprisonment or a fine or both. The offence is punishable on summary conviction by up to 6 months' imprisonment or a fine not exceeding the statutory maximum (currently £5,000) or both.
307. It will not, however, be an offence for the manufacturer of a mobile telephone, or his authorised agent, to offer or agree to re-programme it, or to arrange for someone else to do so.