

*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)

PROSPECTIVE

SCHEDULE

Section 1

INTERFERENCE WITH WIRELESS TELEGRAPHY IN PRISONS ETC

*Introduction*

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

*Section 2: safeguards*

- 2 (1) Section 2 is amended as follows.
- (2) After subsection (3) insert—
- “(3A) A public communications provider that is authorised to interfere with wireless telegraphy under section 1 must act in accordance with directions given under this section.”
- (3) In subsection (4), for “section 1” substitute “ section 1(1) ”.
- (4) After subsection (4) insert—
- “(4A) Where the Secretary of State authorises an interference with wireless telegraphy under section 1(2A), the Secretary of State must also give directions to the public communications provider so authorised—
- (a) specifying descriptions of information—
    - (i) to be provided to persons in charge of relevant institutions in England and Wales, or
    - (ii) to be provided to the Secretary of State;
  - (b) specifying intervals at, or occurrences on, which such information is to be so provided;
  - (c) as to the circumstances in which the use of equipment for the purposes of an interference with wireless telegraphy authorised under section 1 must be modified or discontinued (and, in particular, directions aimed at ensuring that the authorised interference will not result in disproportionate interference with wireless telegraphy outside the relevant institution).
- (4B) Where the Secretary of State gives a direction under subsection (4A), the Secretary of State must also give directions to persons in charge of relevant institutions in England and Wales—
- (a) specifying descriptions of information (which may include PCP information) to be provided to the Office of Communications;
  - (b) specifying intervals at, or occurrences on, which such information is to be so provided.

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In this subsection “PCP information” means information provided by a public communications provider in accordance with a direction under subsection (4A).

(4C) A person in charge of a relevant institution in England and Wales must comply with a direction given under subsection (4B).”

(5) In subsection (5), for “mentioned in subsection (4)” substitute “ authorised under section 1 to interfere with wireless telegraphy ”.

*Section 3: retention and disclosure of information obtained under section 1*

3 (1) Section 3 is amended as follows.

(2) In subsections (5) and (6), after “section 1(2)(b)” insert “ or (2B)(b) ”.

(3) After subsection (9) insert—

“(10) A reference in this section to a relevant institution is—

(a) in the case of information obtained by virtue of an authorisation under section 1(1), a reference to the relevant institution to which the authorisation relates;

(b) in the case of information obtained by virtue of an authorisation under section 1(2A), a reference to the relevant institution to which the information relates.”

*Section 4: interpretation*

4 In section 4, after the definition of “the appropriate national authority” insert—

““public communications provider” means a person who is a public communications provider for the purposes of Chapter 1 of Part 2 of the Communications Act 2003 by virtue of paragraph (a) or (b) of the definition of that term in section 151(1) of that Act;”.

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