
STATUTORY INSTRUMENTS

2021 No. 1146

The Republic of Belarus (Sanctions) (EU
Exit) (Amendment) (No. 2) Regulations 2021

PART 4

Trade

Definition of “interception and monitoring services”

12. After regulation 19, insert—

“Definition of “interception and monitoring services”

19A.—(1) For the purposes of this Part, “interception and monitoring services” means any service that has as its object or effect the interception of a communication in the course of its transmission by means of a telecommunication system.

(2) A person intercepts a communication in the course of its transmission by means of a telecommunication system if, and only if—

- (a) the person does a relevant act in relation to the system, and
- (b) the effect of the relevant act is to make any content of the communication available, at a relevant time, to a person who is not the sender or intended recipient of the communication.

(3) In paragraph (2) a “relevant act”, in relation to a telecommunication system, means—

- (a) modifying, or interfering with, the system or its operation;
- (b) monitoring transmissions made by means of the system;
- (c) monitoring transmissions made by wireless telegraphy to or from apparatus that is part of the system.

(4) In paragraph (2), a “relevant time”, in relation to a communication transmitted by means of a telecommunication system, means—

- (a) any time while the communication is being transmitted, and
- (b) any time when the communication is stored in or by the system (whether before or after its transmission).

(5) For the purpose of paragraph (2), the cases in which any content of a communication is to be taken to be made available to a person at a relevant time include any case in which any of the communication is diverted or recorded at a relevant time so as to make the content of the communication available to a person after that time.

(6) In paragraph (3), references to modifying a telecommunication system include references to attaching any apparatus to, or otherwise modifying or interfering with—

- (a) any part of the system, or

- (b) any wireless telegraphy apparatus used for making transmissions to or from apparatus that is part of the system.
- (7) For the purposes of this regulation, the following definitions also apply—
 - “apparatus” includes any equipment, machinery or device (whether physical or logical) and any wire or cable;
 - “communication”, for the purpose of a telecommunication system, includes—
 - (a) anything comprising speech, music, sounds, visual images or data of any description, and
 - (b) signals serving for the impartation of anything between persons, between a person and a thing or between things, for the actuation or control of any apparatus;
 - “content”, in relation to a communication and a telecommunication system, means any element of the communication, or any data attached to or logically associated with the communication, which reveals anything of what might reasonably be considered to be the meaning (if any) of the communication, but—
 - (a) any meaning arising from the fact of the communication or from any data relating to the transmission of the communication is to be disregarded, and
 - (b) anything which is systems data is not content;
 - “systems data” means any data that enables or facilitates, or identifies or describes anything connected with enabling or facilitating, the functioning of a telecommunication system (including any apparatus forming part of the system);
 - “a telecommunication system” means a system (including the apparatus comprised in it) that exists for the purpose of facilitating the transmission of communications by any means involving the use of electrical or electromagnetic energy;
 - “wireless telegraphy” and “wireless telegraphy apparatus” have the same meaning as in sections 116 and 117 of the Wireless Telegraphy Act 2006(1).”