

Status:  Superseded

Telecommunications Act 1984 c. 12

Part II PROVISION OF TELECOMMUNICATION SERVICES

Offences

This version in force from: **Date not available** to **May 19, 1999**

(version 1 of 5)

[

45.— Disclosure of messages etc.

(1) A person engaged in the running of a public telecommunication system who otherwise than in the course of his duty intentionally discloses to any person—

(a) the contents of any message which has been intercepted in the course of its transmission by means of that system; or

(b) any information concerning the use made of telecommunication services provided for any other person by means of that system,

shall be guilty of an offence.

(2) Subsection (1) above does not apply to—

(a) any disclosure which is made for the prevention or detection of crime or for the purposes of any criminal proceedings;

(b) any disclosure of matter falling within paragraph (a) of that subsection which is made in obedience to a warrant issued by the Secretary of State under section 2 of the Interception of Communications Act 1985 or in pursuance of a requirement imposed by the Commissioner under section 8(3) of that Act; or

(c) any disclosure of matter falling within paragraph (b) of that subsection which is made in the interests of national security or in pursuance of the order of a court.

(3) For the purposes of subsection (2)(c) above a certificate signed by a Minister of the Crown who is a member of the Cabinet, or by the Attorney General or the Lord Advocate, certifying that a disclosure was made in the interests of national security shall be conclusive evidence of that fact; and a document purporting to be such a certificate shall be received in evidence and deemed to be such a certificate unless the contrary is proved.

(4) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

Status:  Superseded

Telecommunications Act 1984 c. 12

Part II PROVISION OF TELECOMMUNICATION SERVICES

Offences

This version in force from: **July 1, 1999** to **October 1, 2000**

(version 3 of 5)

[

45.— Disclosure of messages etc.

(1) A person engaged in the running of a public telecommunication system who otherwise than in the course of his duty intentionally discloses to any person—

(a) the contents of any message which has been intercepted in the course of its transmission by means of that system; or

(b) any information concerning the use made of telecommunication services provided for any other person by means of that system,

shall be guilty of an offence.

(2) Subsection (1) above does not apply to—

(a) any disclosure which is made for the prevention or detection of crime or for the purposes of any criminal proceedings;

(b) any disclosure of matter falling within paragraph (a) of that subsection which is made in obedience to a warrant issued by the Secretary of State [or the Scottish Ministers]

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under section 2 of the Interception of Communications Act 1985 or in pursuance of a requirement imposed by the Commissioner under section 8(3) of that Act; or

(c) any disclosure of matter falling within paragraph (b) of that subsection which is made in the interests of national security or in pursuance of the order of a court.

(3) For the purposes of subsection (2)(c) above a certificate signed by a Minister of the Crown who is a member of the Cabinet, or by the Attorney General or the [Advocate General]

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, certifying that a disclosure was made in the interests of national security shall be conclusive evidence of that fact; and a document purporting to be such a certificate shall be received in evidence and deemed to be such a certificate unless the contrary is proved.

(4) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

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Notes

1. S. 45 substituted by Interception of Communications Act 1985, s. 11(1)(4), Sch. 2
2. Words inserted by Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999/1750 Sch.5 para.5(2) (July 1, 1999)
3. Words substituted by Transfer of Functions (Lord Advocate and Advocate General for Scotland) Order 1999/679 Sch.1 para.1 (May 20, 1999 in accordance with the coming into force of 1998 c.46 s.44(1)(c) by virtue of which the Lord Advocate ceases to be a Minister of the Crown and becomes a member of the Scottish Executive; this SI shall come into force immediately before this time by reference to which the Lord Advocate's retained functions are determined for the purposes of 1998 c.46 s.56(6)(a))

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Subject: Telecommunications

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Status: Superseded

Telecommunications Act 1984 c. 12

Part II PROVISION OF TELECOMMUNICATION SERVICES

Offences

This version in force from: **October 2, 2000 to July 24, 2003**

(version 4 of 5)

[

45.— Disclosure of messages etc.

(1) A person engaged in the running of a public telecommunication system who otherwise than in the course of his duty intentionally discloses to any person—

(a) the contents of any message which has been intercepted in the course of its transmission by means of that system; or

(b) any information concerning the use made of telecommunication services provided for any other person by means of that system,

shall be guilty of an offence.

[

(2) Subsection (1) above does not apply to any disclosure made—

(a) in accordance with the order of any court or for the purposes of any criminal proceedings;

(b) in accordance with any warrant, authorisation or notice issued, granted or given under any provision of the Regulation of Investigatory Powers Act 2000;

(c) in compliance with any requirement imposed (apart from that Act) in consequence of the exercise by any person of any statutory power exercisable by him for the purpose of obtaining any document or other information; or

(d) in pursuance of any duty under that Act of 2000, or under Part III of the Police Act 1997, to provide information or produce any document to the Interception of Communications Commissioner or to the tribunal established under section 65 of that Act of 2000.

(3) In subsection (2) above "*criminal proceedings*" and "*statutory power*" have the same meanings as in the Regulation of Investigatory Powers Act 2000.

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(4) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

]
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Notes

1. S. 45 substituted by Interception of Communications Act 1985, s. 11(1)(4), Sch. 2
2. With transitional provisions in SI 2000/2543 art.5 by Regulation of Investigatory Powers Act 2000 c. 23 Sch.4 para.3 (October 2, 2000 as SI 2000/2543)

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Subject: Telecommunications

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Status: Law In Force Amendment(s) Pending

Telecommunications Act 1984 c. 12

Part VII MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

This version in force from: **July 25, 2003 to present**

(version 2 of 2)

94.— Directions in the interests of national security etc.

(1) The Secretary of State may, after consultation with a person to whom this section applies, give to that person such directions of a general character as appear to the Secretary of State to be [necessary]

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in the interests of national security or relations with the government of a country or territory outside the United Kingdom.

(2) If it appears to the Secretary of State to be [necessary]

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to do so in the interests of national security or relations with the government of a country or territory outside the United Kingdom, he may, after consultation with a person to whom this section applies, give to that person a direction requiring him (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction.

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(2A) The Secretary of State shall not give a direction under subsection (1) or (2) unless he believes that the conduct required by the direction is proportionate to what is sought to be achieved by that conduct.

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(3) A person to whom this section applies shall give effect to any direction given to him by the Secretary of State under this section notwithstanding any other duty imposed on him by or under [Part 1 or Chapter 1 of Part 2 of the Communications Act 2003 and, in the case of a direction to a provider of a public electronic communications network, notwithstanding that it relates to him in a capacity other than as the provider of such a network]

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(4) The Secretary of State shall lay before each House of Parliament a copy of every direction given under this section unless he is of opinion that disclosure of the direction is against the interests of national security or relations with the government of a country or territory outside the United Kingdom, or the commercial interests of any person.

(5) A person shall not disclose, or be required by virtue of any enactment or otherwise to disclose, anything done by virtue of this section if the Secretary of State has notified him that the Secretary of State is of the opinion that disclosure of that thing is against the interests of national security or relations with the government of a country or territory outside the United Kingdom, or the commercial interests of some other person.

(6) The Secretary of State may, with the approval of the Treasury, make grants to [providers of public electronic communications networks]

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for the purposes of defraying or contributing towards any losses they may sustain by reason of compliance with the directions given under this section.

(7) There shall be paid out of money provided by Parliament any sums required by the Secretary of State for making grants under this section.

(8) This section applies to [OFCOM and to providers of public electronic communications networks.]

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Notes

1. Words substituted subject to transitional provisions specified in 2003 c.21 Sch.18 para.24 by Communications Act 2003 c. 21 Sch.17 para.70(2) (July 25, 2003: substitution has effect subject to transitional provisions specified in 2003 c.21 Sch.18 para.24)
2. Words substituted subject to transitional provisions specified in 2003 c.21 Sch.18 para.24 by Communications Act 2003 c. 21 Sch.17 para.70(3) (July 25, 2003: substitution has effect subject to transitional provisions specified in 2003 c.21 Sch.18 para.24)
3. Insertion has effect subject to transitional provisions specified in 2003 c.21 Sch.18 para.24 by Communications Act 2003 c. 21 Sch.17 para.70(4) (July 25, 2003: insertion has effect subject to transitional provisions specified in 2003 c.21 Sch.18 para.24)
4. Words substituted subject to transitional provisions specified in 2003 c.21 Sch.18 para.24 by Communications Act 2003 c. 21 Sch.17 para.70(5) (July 25, 2003: substitution has effect subject to transitional provisions specified in 2003 c.21 Sch.18 para.24)
5. Words substituted subject to transitional provisions specified in 2003 c.21 Sch.18 para.24 by Communications Act 2003 c. 21 Sch.17 para.70(6) (July 25, 2003: substitution has effect subject to transitional provisions specified in 2003 c.21 Sch.18 para.24)
6. Words substituted subject to transitional provisions specified in 2003 c.21 Sch.18 para.24 by Communications Act 2003 c. 21 Sch.17 para.70(7) (July 25, 2003: substitution has effect subject to transitional provisions specified in 2003 c.21 Sch.18 para.24)

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