



Telecommunications Act 1984

1984 CHAPTER 12

PART II

PROVISION OF TELECOMMUNICATION SERVICES

Offences

42 Fraudulent use of telecommunication system.

- (1) A person who dishonestly obtains a [^{F1}service to which this subsection applies] with intent to avoid payment of any charge applicable to the provision of that service shall be guilty of an offence and liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (2) [^{F2}Subsection (1) above applies to any service (other than a service [^{F3}such as is mentioned in section 297(1) of the Copyright, Designs and Patents Act 1988)] which is provided by means of] a telecommunication system the running of which is authorised by a licence granted under section 7 above.

Textual Amendments

- F1** Words substituted by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), [Sch. 5 para.45\(2\)](#)
F2 Words substituted by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), s. 57(1), [Sch. 5 para. 45\(3\)](#)
F3 Words substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(1), [Sch. 20 para. 38\(3\)](#)

Status: Point in time view as at 03/02/1995. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Cross Heading: Offences. (See end of Document for details)

VALID FROM 27/04/1997

[^{F4}42A Possession or supply of anything for fraudulent purpose in connection with use of telecommunication system.

- (1) Subsection (2) below applies if a person has in his custody or under his control anything which may be used for the purpose of obtaining, or for a purpose connected with the obtaining of, a service to which section 42(1) above applies.
- (2) If the person intends—
- (a) to use the thing—
 - (i) to obtain such a service dishonestly, or
 - (ii) for a purpose connected with the dishonest obtaining of such a service,
 - (b) dishonestly to allow the thing to be used to obtain such a service, or
 - (c) to allow the thing to be used for a purpose connected with the dishonest obtaining of such a service,
- he shall be guilty of an offence.
- (3) Subsection (4) below applies if a person supplies or offers to supply anything which may be used for the purpose of obtaining, or for a purpose connected with the obtaining of, a service to which section 42(1) above applies.
- (4) If the person supplying or offering to supply the thing knows or believes that the person to whom it is supplied or offered intends or intends if it is supplied to him—
- (a) to use it—
 - (i) to obtain such a service dishonestly, or
 - (ii) for a purpose connected with the dishonest obtaining of such a service,
 - (b) dishonestly to allow it to be used to obtain such a service, or
 - (c) to allow it to be used for a purpose connected with the dishonest obtaining of such a service,
- he shall be guilty of an offence.
- (5) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both, and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.
- (6) In this section, references to use of a thing include, in the case of a thing which is used to record any data, use of any of the data.]

Textual Amendments

F4 S. 42A inserted (27.4.1997) by 1997 C. 4, ss. 1, 3(3)

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43 Improper use of public telecommunication system.

- (1) A person who—
- (a) sends, by means of a public telecommunication system, a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or
 - (b) sends by those means, for the purpose of causing annoyance, inconvenience or needless anxiety to another, a message that he knows to be false or persistently makes use for that purpose of a public telecommunication system,
- shall be guilty of an offence and liable on summary conviction to [^{F5}imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both].
- (2) Subsection (1) above does not apply to anything done in the course of providing a [^{F6}programme service (within the meaning of the Broadcasting Act 1990)].

Textual Amendments

F5 Words in s. 43(1) substituted (3.2.1995) by 1994 c. 33, s. 92(1)(2); S.I. 1995/127, art. 2(1), Sch. 1

F6 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), Sch. 20 para. 38(4)

44 Modification etc. of messages.

- (1) A person engaged in the running of a public telecommunication system who otherwise than in the course of his duty intentionally modifies or interferes with the contents of a message sent by means of that system shall be guilty of an offence.
- (2) A person guilty of an offence under subsection (1) above shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

[^{F7}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

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- (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.]

Textual Amendments

F7 S. 45 substituted by [Interception of Communications Act 1985 \(c. 56, SIF 96\)](#), s. 11(1)(4), [Sch. 2](#)

Modifications etc. (not altering text)

C1 S. 45(3): functions of the Lord Advocate transferred to the Advocate General for Scotland, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Advocate General for Scotland (20.5.1999) by [S.I. 1999/679](#), arts. 2, 3, [Sch](#); [S.I. 1998/3178](#), art. 2(2), [Sch. 4](#)

46 Assaults etc. on persons engaged in the business of public telecommunications operator.

- (1) A person who—
- (a) assaults or intentionally obstructs a person engaged in the business of a public telecommunications operator; or
 - (b) whilst in any premises used for the purposes of the business of such an operator, intentionally obstructs the course of business of the operator,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Any person engaged in the business of a public telecommunications operator may require any person guilty of an offence under subsection (1) above to leave premises used for the purposes of that business and, if any such offender who is so required refuses or fails to comply with the requirement, he shall be liable on summary conviction to a further fine not exceeding level 3 on the standard scale and may be removed by a person engaged in that business; and any constable shall on demand remove or assist in removing any such offender.

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