

## SCHEDULES

### SCHEDULE 2

Section 11.

#### SECTION SUBSTITUTED FOR SECTION 45 OF 1984 ACT

##### **“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.”