



Electronic Communications Act 2000

2000 CHAPTER 7

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

13 Ministerial expenditure etc.

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by the Secretary of State for or in connection with the carrying out of his functions under this Act; and
- (b) any increase attributable to this Act in the sums which are payable out of money so provided under any other Act.

14 Prohibition on key escrow requirements.

(1) Subject to subsection (2), nothing in this Act shall confer any power on any Minister of the Crown, on the Scottish Ministers, on the National Assembly for Wales or on any person appointed under section 3—

- (a) by conditions of an approval under Part I, or
- (b) by any regulations or order under this Act,

to impose a requirement on any person to deposit a key for electronic data with another person.

(2) Subsection (1) shall not prohibit the imposition by an order under section 8 of—

- (a) a requirement to deposit a key for electronic data with the intended recipient of electronic communications comprising the data; or
- (b) a requirement for arrangements to be made, in cases where a key for data is not deposited with another person, which otherwise secure that the loss of a key, or its becoming unusable, does not have the effect that the information contained in a record kept in pursuance of any provision made by or under

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any enactment or subordinate legislation becomes inaccessible or incapable of being put into an intelligible form.

(3) In this section “key”, in relation to electronic data, means any code, password, algorithm, key or other data the use of which (with or without other keys)—

- (a) allows access to the electronic data, or
- (b) facilitates the putting of the electronic data into an intelligible form;

and references in this section to depositing a key for electronic data with a person include references to doing anything that has the effect of making the key available to that person.

15 General interpretation.

(1) In this Act, except in so far as the context otherwise requires—

“document” includes a map, plan, design, drawing, picture or other image;

“communication” includes a communication comprising sounds or images or both and a communication effecting a payment;

“electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

(a) by means of a telecommunication system (within the meaning of the ^{M1}Telecommunications Act 1984); or

(b) by other means but while in an electronic form;

“enactment” includes—

- (a) an enactment passed after the passing of this Act,
- (b) an enactment comprised in an Act of the Scottish Parliament, and
- (c) an enactment contained in Northern Ireland legislation,

but does not include an enactment contained in Part I or II of this Act;

“modification” includes any alteration, addition or omission, and cognate expressions shall be construed accordingly;

“record” includes an electronic record; and

“subordinate legislation” means—

(a) any subordinate legislation (within the meaning of the ^{M2}Interpretation Act 1978);

(b) any instrument made under an Act of the Scottish Parliament; or

(c) any statutory rules (within the meaning of the ^{M3}Statutory Rules (Northern Ireland) Order 1979).

(2) In this Act—

(a) references to the authenticity of any communication or data are references to any one or more of the following—

(i) whether the communication or data comes from a particular person or other source;

(ii) whether it is accurately timed and dated;

(iii) whether it is intended to have legal effect;

and

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- (b) references to the integrity of any communication or data are references to whether there has been any tampering with or other modification of the communication or data.
- (3) References in this Act to something's being put into an intelligible form include references to its being restored to the condition in which it was before any encryption or similar process was applied to it.

Marginal Citations

- M1** 1984 c. 12.
M2 1978 c.30.
M3 S.I. 1979/1573 (N.I. 12).

16 Short title, commencement, extent.

- (1) This Act may be cited as the Electronic Communications Act 2000.
- (2) Part I of this Act and sections 7, 11 and 12 shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed under this subsection for different purposes.
- (3) An order shall not be made for bringing any of Part I of this Act into force for any purpose unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (4) If no order for bringing Part I of this Act into force has been made under subsection (2) by the end of the period of five years beginning with the day on which this Act is passed, that Part shall, by virtue of this subsection, be repealed at the end of that period.
- (5) This Act extends to Northern Ireland.

Subordinate Legislation Made

- P1** S. 16(2) power partly exercised: 25.7.2000 appointed for specified provisions by S.I. 2000/1798, **art. 2**

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