



Prisons (Interference with Wireless Telegraphy) Act 2012

2012 CHAPTER 20

1 Interference with wireless telegraphy in prisons etc.

- (1) The appropriate national authority may authorise the person in charge of a relevant institution to interfere with wireless telegraphy.
- (2) An interference with wireless telegraphy authorised under subsection (1) may be carried out only for the purpose of—
 - (a) preventing the use within the institution of an item specified in subsection (3), or
 - (b) detecting or investigating the use within the institution of such an item.
- (3) The specified items are—
 - (a) a device capable of transmitting or receiving images, sounds or information by electronic communications (including a mobile telephone);
 - (b) a component part of such a device;
 - (c) an article designed or adapted for use with such a device (including any disk, film or other separate article on which images, sounds or information may be recorded).
- (4) The interference with wireless telegraphy that may be authorised by virtue of subsection (2)(b) is for the collection of traffic data in relation to an electronic communication and (subject to the provisions of this Act) such an authorisation permits the retention, use and disclosure of that data.
- (5) Conduct to which this subsection applies is lawful for all purposes.
- (6) The conduct to which subsection (5) applies is—
 - (a) interference with wireless telegraphy that—
 - (i) is authorised under subsection (1), and
 - (ii) is carried out in accordance with subsection (2) and any direction given under section 2,

Changes to legislation: Prisons (Interference with Wireless Telegraphy) Act 2012, Section 1 is up to date with all changes known to be in force on or before 29 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (b) the retention, use or disclosure of any traffic data, collected as a result of such an interference with wireless telegraphy, which is carried out in accordance with this Act.
- (7) Section 8(1) of the Wireless Telegraphy Act 2006 (requirement for a licence to establish or use a wireless telegraphy station or to instal or use wireless telegraphy apparatus) does not apply in relation to anything done for the purposes of carrying out an interference with wireless telegraphy authorised under this section.
- (8) An authorisation under this section must be in writing.

Modifications etc. (not altering text)

- C1** [S. 1](#) extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Prisons \(Interference with Wireless Telegraphy\) \(Guernsey\) Order 2018 \(S.I. 2018/545\)](#), [art. 2](#), [Sch.](#)
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Commencement Information

- I1** [S. 1](#) in force at 21.10.2013 for E.W. by [S.I. 2013/2460](#), [art. 3](#)
- I2** [S. 1](#) in force at 3.3.2014 for S. by [S.I. 2014/34](#), [art. 2](#)

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Changes and effects yet to be applied to :

- s. 1(4) words inserted by [2018 c. 32 s. 1\(3\)](#)
- s. 1(5) omitted by [2018 c. 32 s. 1\(4\)](#)
- s. 1(6) words substituted by [2018 c. 32 s. 1\(5\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(2A)-(2C) inserted by [2018 c. 32 s. 1\(2\)](#)
- s. 1(6A) inserted by [2018 c. 32 s. 1\(6\)](#)
- s. 2(3A) inserted by [2018 c. 32 Sch. para. 2\(2\)](#)
- s. 2(4A)-(4C) inserted by [2018 c. 32 Sch. para. 2\(4\)](#)
- s. 3(10) inserted by [2018 c. 32 Sch. para. 3\(3\)](#)