



Telecommunications Act 1984

1984 CHAPTER 12

PART VII

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

101 General restrictions on disclosure of information

- (1) Subject to the following provisions of this section, no information with respect to any particular business which—
- (a) has been obtained under or by virtue of the provisions of this Act; and
 - (b) relates to the private affairs of any individual or to any particular business,
- shall during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.
- (2) Subsection (1) above does not apply to any disclosure of information which is made—
- (a) for the purpose of facilitating the performance of any functions assigned or transferred to the Secretary of State, the Director or the Commission by or under this Act;
 - (b) for the purpose of facilitating the performance of any functions of any Minister, any Northern Ireland department, the head of any such department, the Director General of Fair Trading or a local weights and measures authority in Great Britain under any of the enactments specified in subsection (3) below;
 - (c) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings ;
 - (d) for the purpose of any civil proceedings brought under or by virtue of this Act or any of the enactments specified in subsection (3) below ; or
 - (e) in pursuance of a Community obligation.
- (3) The enactments referred to in subsection (2) above are—
- (a) the Trade Descriptions Act 1968 ;

Status: This is the original version (as it was originally enacted).

- (b) the 1973 Act;
 - (c) the Consumer Credit Act 1974 ;
 - (d) the Restrictive Trade Practices Act 1976 ;
 - (e) the Resale Prices Act 1976 ;
 - (f) the Estate Agents Act 1979 ; and
 - (g) the 1980 Act.
- (4) Nothing in subsection (1) above shall be construed—
- (a) as limiting the matters which may be published under section 48 above or may be included in, or made public as part of, a report of the Director or of the Commission under this Act; or
 - (b) as applying to any information which has been so published or has been made public as part of such a report.
- (5) Any person who discloses any information in contravention of this section shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

102 Offences by bodies corporate

- (1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

103 Summary proceedings

Proceedings for any offence under this Act which is punishable on summary conviction may be commenced at any time within twelve months next after the commission of the offence,

104 Orders and schemes

- (1) Any power of the Secretary of State to make an order or a scheme under this Act shall be exercisable by statutory instrument subject, except in the case of an order under section 2, 60(1) or (3), 69(2) or 110(5), or paragraph 1 of Schedule 5, to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any order or scheme under this Act may make different provision with respect to different cases or descriptions of case.
- (3) This section does not apply to the power of the Secretary of State to make vesting orders under section 36 above.

105 Financial provisions

There shall be paid out of money provided by Parliament any administrative expenses incurred by the Secretary of State in consequence of the provisions of this Act and any increase attributable to this Act in the sums payable out of money so provided under any other Act.

106 General interpretation

(1) In this Act, unless the context otherwise requires—

" the 1973 Act" means the Fair Trading Act 1973 ;

" the 1980 Act " means the Competition Act 1980 ;

"the 1981 Act" means the British Telecommunications Act 1981 ;

" the appointed day " has the meaning given by section 2 above;

" commercial activities connected with telecommunications " has the meaning given by section 4(3) above ;

" the Commission" means the Monopolies and Mergers Commission;

" consumer ", " monopoly situation ", " practice " and "supply " have the meanings given by section 137 of the 1973 Act;

" the Director " means the Director General of Telecommunications ;

" directory information service " has the meaning given by section 4(3) above;

" disabled person" means any person who is blind, deaf or dumb or who is substantially and permanently handicapped by illness, injury, congenital deformity or any other disability and " disabled " shall be construed accordingly;

" the excepted liabilities " has the meaning given by section 60(2) above;

" modifications" includes additions, alterations and omissions and cognate expressions shall be construed accordingly;

" public telecommunications operator" has the meaning given by section 9(3) above ;

" public telecommunication system" has the meaning given by section 9(1) above;

" the successor company " and " the transfer date " have the meanings given by section 60(1) above;

" telecommunication apparatus" (except where the extended definition in Schedule 2 to this Act applies) has the meaning given by section 4(3) above ;

" telecommunication service " has the meaning given by section 4(3) above;

" telecommunications operator " has the meaning given by section 16(1) above;

" telecommunication system" has the meaning given by subsection (1) of section 4 above (read with subsection (2) of that section);

" transitional period" has the meaning given by section 69(1) above.

(2) In this Act " statutory maximum " has the meaning given by section 74 of the Criminal Justice Act 1982 and for the purposes of this Act—

(a) section 32 of the Magistrates' Courts Act 1980 ; and

(b) an order made under section 143 of that Act which alters the sum specified in the definition of " the prescribed sum " in subsection (9) of the said section 32,

Status: This is the original version (as it was originally enacted).

shall extend to Northern Ireland and subsection (1) of the said section 74 shall have effect as if after the words " England and Wales " there were inserted the words " or Northern Ireland ".

(3) In this Act " the standard scale " has the meaning given by section 75 of the Criminal Justice Act 1982 and for the purposes of this Act—

- (a) section 37 of that Act; and
- (b) an order under section 143 of the Magistrates' Courts Act 1980 which alters the sums specified in subsection (2) of the said section 37,

shall extend to Northern Ireland and the said section 75 shall have effect as if after the words " England and Wales " there were inserted the words " or Northern Ireland ".

(4) Any power conferred on the Secretary of State by this Act to give a direction if it appears to him to be requisite or expedient to do so in the interests of national security or relations with the government of a country or territory outside the United Kingdom includes power to give the direction if it appears to him to be requisite or expedient to do so in order—

- (a) to discharge, or facilitate the discharge of, an obligation binding on Her Majesty's Government in the United Kingdom by virtue of it being a member of an international organisation or a party to an international agreement;
- (b) to attain, or facilitate the attainment of, any other objects the attainment of which is, in the Secretary of State's opinion, requisite or expedient in view of Her Majesty's Government in the United Kingdom being a member of such an organisation or a party to such an agreement; or
- (c) to enable Her Majesty's Government in the United Kingdom to become a member of such an organisation or a party to such an agreement.

(5) For the purposes of any licence granted, approval given or order made under this Act any description or class may be framed by reference to any circumstances whatsoever.

107 Application to territorial waters and the continental shelf etc.

(1) An Order in Council under section 23 of the Oil and Gas (Enterprise) Act 1982 (application of civil law) may make provision for treating for the purposes of this Act and subordinate legislation made under it—

- (a) any installation in waters to which that section applies and with respect to which provision is made under that section; and
- (b) any waters within five hundred metres of such an installation,

as if they were situated in such part of the United Kingdom as may be specified in the Order; and different provision may be so made for different purposes.

(2) In section 6 of the Continental Shelf Act 1964 (which makes, in relation to the Wireless Telegraphy Act 1949 and regulations made under it, provision corresponding to that made by subsection (1) above) for the words " an area or part " there shall be substituted the words " waters to which that section applies and ".

(3) In relation to any time before the coming into force of the said section 23, subsection (1) above shall have effect as if—

- (a) for the words " section 23 of the Oil and Gas (Enterprise) Act 1982 " there were substituted the words " section 3 of the Continental Shelf Act 1964 "; and
- (b) for the words " waters to which that section applies and " there were substituted the words " an area or part ".

(4) In this section—

" installation" includes any floating structure or device maintained on a station by whatever means ;

" subordinate legislation " has the same meaning as in the Interpretation Act 1978.

108 Extension to the Isle of Man and the Channel Islands

Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend to the Isle of Man or any of the Channel Islands with such exceptions, adaptations and modifications as may be so specified.

109 Amendments, transitional provisions and repeals

(1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments there specified (being minor amendments or amendments consequential on the preceding provisions of this Act).

(2) The Secretary of State may by order make such consequential modifications of any provision contained in any Act (whether public general or local) passed, or subordinate legislation made, before the coming into force of the relevant provision of this Act as appear to him necessary or expedient in respect of—

- (a) any reference in that Act or subordinate legislation to British Telecommunications;
- (b) any reference in that Act or subordinate legislation to an enactment contained in the Telegraph Acts 1863 to 1916; or
- (c) any use in that Act or subordinate legislation of terminology used in the Telegraph Acts 1863 to 1916 but not in the telecommunications code contained in Schedule 2 to this Act.

(3) The Secretary of State may by order—

- (a) repeal or amend any enactment in a local Act which appears to him to be unnecessary having regard to the provisions of this Act or to be inconsistent with any provision of this Act; or
- (b) repeal any enactment in a local telegraph Act which appears to him to be spent or no longer of practical utility.

(4) The general transitional provisions and savings contained in Schedule 5 to this Act and the special transitional provisions with respect to patents for inventions and registered designs contained in Schedule 6 to this Act shall have effect; but those provisions and savings are without prejudice to sections 16 and 17 of the Interpretation Act 1978 (effect of repeals).

(5) If it appears to the Secretary of State requisite or expedient to do so in order to secure that telecommunication services provided before the appointed day by means of any existing apparatus continue to be available after the appointed day, he may by order make provision with respect to the terms on which existing apparatus is kept installed on any premises ; and such an order may, in particular—

- (a) provide for the terms of agreements in pursuance of which existing apparatus is kept installed on any premises to have effect with such modifications as may be specified in the order;

Status: This is the original version (as it was originally enacted).

- (b) impose obligations in relation to existing apparatus on persons who own or use such apparatus or who own interests in, or occupy, premises where such apparatus is kept installed ; and
 - (c) provide, for the purposes of any provision contained in such an order by virtue of paragraph (a) or (b) above, for such questions arising under the order as are specified in the order, or are of a description so specified, to be referred to, and determined by, the Director.
- (6) The enactments mentioned in Schedule 7 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.
- (7) In this section—
- " existing apparatus " means any telecommunication apparatus (within the meaning of Schedule 2 to this Act) which—
 - (a) was installed on any premises before the appointed day, and
 - (b) cannot, after the appointed day, be kept installed there by virtue of any right which is or may be conferred by or in accordance with the telecommunications code;
 - " local telegraph Act" means a local Act which incorporated a telegraph company or the Bill for which was promoted by such a company ; and
 - " subordinate legislation " has the same meaning as in the Interpretation Act 1978.

110 Short title, commencement and extent

- (1) This Act may be cited as the Telecommunications Act 1984.
- (2) The following provisions of this Act, namely—
- sections 2 to 4 ;
 - Parts II to IV ;
 - sections 93 to 95 ;
 - sections 97 to 99 ;
 - sections 101 to 103 ;
 - section 106;
 - section 109(1) and Schedule 4 ;
 - section 109(2), (3) and (7);
 - Part I of Schedule 5 and section 109(4) so far as relating to that Part; and Part I of Schedule 7 and section 109(6) so far as relating to that Part,
- shall come into force on the appointed day.
- (3) The following provisions of this Act, namely—
- Part V;
 - Part II of Schedule 5 and Schedule 6 and section 109(4) so far as relating to that Part and that Schedule; and
 - Part II of Schedule 7 and section 109(6) so far as relating to that Part,
- shall come into force on the transfer date.
- (4) Part III of Schedule 7 and section 109(6) so far as relating to that Part shall come into force on the dissolution of British Telecommunications.

Status: This is the original version (as it was originally enacted).

- (5) Subject to subsections (2) to (4) above, this Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be so appointed for different provisions or for different purposes.
- (6) This Act extends to Northern Ireland.