



Electronic Communications Act 2000

2000 CHAPTER 7

PART I

CRYPTOGRAPHY SERVICE PROVIDERS

2 Arrangements for the grant of approvals

- (1) It shall be the duty of the Secretary of State to secure that there are arrangements in force for granting approvals to persons who—
 - (a) are providing cryptography support services in the United Kingdom or are proposing to do so; and
 - (b) seek approval in respect of any such services that they are providing, or are proposing to provide, whether in the United Kingdom or elsewhere.
- (2) The arrangements must—
 - (a) allow for an approval to be granted either in respect of all the services in respect of which it is sought or in respect of only some of them;
 - (b) ensure that an approval is granted to a person in respect of any services only if the condition for the grant of an approval to that person is fulfilled in accordance with subsection (3);
 - (c) provide for an approval granted to any person to have effect subject to such conditions (whether or not connected with the provision of the services in respect of which the approval is granted) as may be contained in the approval;
 - (d) enable a person to whom the Secretary of State is proposing to grant an approval to refuse it if the proposal is in different terms from the approval which was sought;
 - (e) make provision for the handling of complaints and disputes which—
 - (i) are required by the conditions of an approved person's approval to be dealt with in accordance with a procedure maintained by him in pursuance of those conditions; but
 - (ii) are not disposed of by the application of that procedure;
 - (f) provide for the modification and withdrawal of approvals.

Status: This is the original version (as it was originally enacted).

- (3) The condition that must be fulfilled before an approval is granted to any person is that the Secretary of State is satisfied that that person—
- (a) will comply, in providing the services in respect of which he is approved, with such technical and other requirements as may be prescribed;
 - (b) is a person in relation to whom such other requirements as may be prescribed are, and will continue to be, satisfied;
 - (c) is, and will continue to be, able and willing to comply with any requirements that the Secretary of State is proposing to impose by means of conditions of the approval; and
 - (d) is otherwise a fit and proper person to be approved in respect of those services.
- (4) Regulations made by virtue of paragraph (a) or (b) of subsection (3) may frame a requirement for the purposes of that subsection by reference to the opinion of a person specified in the regulations, or of a person chosen in a manner determined in accordance with the regulations.
- (5) The requirements which (subject to subsection (6)) may be imposed by conditions contained in an approval in accordance with the arrangements include—
- (a) requirements to provide information to such persons, in such form, at such times and in response to such requests as may be specified in or determined under the terms of the condition;
 - (b) requirements that impose obligations that will continue or recur notwithstanding the withdrawal (in whole or in part) of the approval;
 - (c) requirements framed by reference to the opinion or directions of a person specified in or chosen in accordance with provision contained in the conditions.
- (6) Nothing in the arrangements shall authorise the imposition, by conditions contained in an approval, of any requirements for—
- (a) the provision of information, or
 - (b) the maintenance of a procedure for handling complaints or disputes,
- in relation to any matter other than one appearing to the Secretary of State to be relevant to the matters mentioned in subsection (3)(a) to (d).
- (7) Any requirement to provide information that is imposed in accordance with the arrangements on any person by the conditions of his approval shall be enforceable at the suit or instance of the Secretary of State.
- (8) Where any arrangements under this section so provide, a person who—
- (a) seeks an approval under the arrangements,
 - (b) applies for a modification of such an approval,
 - (c) is for the time being approved under the arrangements, or
 - (d) has his approval under the arrangements modified wholly or partly in consequence of an application made by him,
- shall pay to the Secretary of State, at such time or times as may be prescribed, such fee or fees as may be prescribed in relation to that time or those times.
- (9) Sums received by the Secretary of State by virtue of subsection (8) shall be paid into the Consolidated Fund.
- (10) For the purposes of subsection (1) cryptography support services are provided in the United Kingdom if—

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- (a) they are provided from premises in the United Kingdom;
- (b) they are provided to a person who is in the United Kingdom when he makes use of the services; or
- (c) they are provided to a person who makes use of the services for the purposes of a business carried on in the United Kingdom or from premises in the United Kingdom.