
STATUTORY INSTRUMENTS

1999 No. 1749

**The Scotland Act 1998 (Modifications
of Schedules 4 and 5) Order 1999**

Interception of communications

4.—(1) In Part II of Schedule 5 to the Act (specific reservations), in Section B8, after “but not” there is inserted—

- “(a) the interception of any communication made to or by a person detained at a place of detention, if the communication—
- (i) is a written communication and is intercepted there, or
 - (ii) is intercepted in the course of its transmission by means of a private telecommunication system running there,
- (b)”.

(2) At the end of that Section there is inserted—

“Interpretation

“Place of detention” means a prison, young offenders institution, remand centre or legalised police cell (as those expressions are defined for the purposes of the Prisons (Scotland) Act 1989⁽¹⁾ or a hospital (within the meaning of the Mental Health (Scotland) Act 1984⁽²⁾; and “person detained”, in relation to a hospital, means a person detained there within the meaning given by section 6(1) of the Sex Offenders Act 1997⁽³⁾ as it extends to Scotland.

“Private telecommunication system” means a telecommunication system which is not a public telecommunication system (as those expressions are defined for the purposes of the Telecommunications Act 1984⁽⁴⁾

(1) 1989 c. 45.

(2) 1984 c. 36. The definition of hospital in section 125(1) was amended by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 28(4)(a).

(3) 1997 c. 51.

(4) 1984 c. 12.