



Prisons (Interference with Wireless Telegraphy) Act 2012

2012 CHAPTER 20

4 Interpretation

(1) In this Act—

“the appropriate national authority” means—

(a) in relation to a relevant institution in England or Wales, the Secretary of State;

(b) in relation to a relevant institution in Scotland, the Scottish Ministers;

“relevant institution” means—

(a) a prison in England, Wales or Scotland;

(b) a young offender institution in England or Wales;

(c) a young offenders institution in Scotland;

(d) a secure training centre in England or Wales;

(e) [^{F1}a secure college in England or Wales;]

“wireless telegraphy” has the same meaning as in the Wireless Telegraphy Act 2006 and, in relation to wireless telegraphy, “interfere” has the same meaning as in that Act.

(2) In this Act reference to the person in charge of a relevant institution is—

(a) in relation to a prison, its governor or, in the case of a contracted-out institution in England, Wales or Scotland, its director;

(b) in the case of a young offender institution or a secure training centre in England or Wales, its governor or, in the case of a contracted-out institution, its director;

[^{F2}(ba) in the case of a secure college in England or Wales, its principal;]

(c) in the case of a young offenders institution in Scotland, its governor or, in the case of a contracted-out institution, its director.

(3) For the purposes of subsection (2) an institution is “contracted-out” if—

(a) in England or Wales, it is a contracted out prison within the meaning of Part 4 of the Criminal Justice Act 1991 (see section 84(4) of that Act);

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- (b) in Scotland, it is a contracted out prison within the meaning of Chapter 2 of Part 8 of the Criminal Justice and Public Order Act 1994 (see section 106(4) of that Act);
 - (c) in the case of a secure training centre in England or Wales, it is provided or run in accordance with a contract made under section 7 of the Criminal Justice and Public Order Act 1994.
- (4) In this Act “traffic data” means data—
- (a) which is comprised in, attached to or logically associated with a communication (whether by the sender or otherwise) for the purposes of a telecommunication system by means of which the communication is being or may be transmitted, and
 - (b) which—
 - (i) identifies, or purports to identify, any person, apparatus or location to or from which the communication is or may be transmitted,
 - (ii) identifies or selects, or purports to identify or select, apparatus through which, or by means of which, the communication is or may be transmitted,
 - (iii) comprises signals for the actuation of apparatus used for the purposes of a telecommunication system for effecting (in whole or in part) the transmission of the communication,
 - (iv) identifies, or purports to identify, the time at which an event relating to the communication occurs, or
 - (v) identifies data as comprised in, attached to or logically associated with the communication.
- The references in this subsection to a telecommunication system by means of which a communication is being or may be transmitted include, in relation to data comprising signals for the actuation of apparatus, any telecommunication system in which that apparatus is comprised.
- (5) Data identifying a computer file or computer program access to which is obtained, or which is run, by means of the communication is not “traffic data” except to the extent that the file or program is identified by reference to the apparatus in which it is stored.
- (6) In this section “telecommunication system” has the same meaning as it has for the purposes of the ^{F3}Investigatory Powers Act 2016 (see section 261(13) of that Act)].

Textual Amendments

- F1** Words in s. 4(1) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 9 para. 31(2)**; S.I. 2015/778, art. 2(1)(c)
- F2** S. 4(2)(ba) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 9 para. 31(3)**; S.I. 2015/778, art. 2(1)(c)
- F3** Words in s. 4(6) substituted (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 para. 28** (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2018/652, reg. 12(g)(iii)

Modifications etc. (not altering text)

- C1** S. 4 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. 4 in force at 21.10.2013 for E.W. by [S.I. 2013/2460](#), [art. 3](#)
- I2** S. 4 in force at 3.3.2014 for S. by [S.S.I. 2014/34](#), [art. 2](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 4 words inserted by [2018 c. 32 Sch. para. 4](#)

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\(3\)](#)