



Notification Number: 2016/245/UK

Draft Regulations: The Telecommunications Restrictions Orders (Custodial Institutions) (Scotland) Regulations 2016

Date received : 25/05/2016

End of Standstill : 26/08/2016

Message

Message 001

Communication from the Commission - TRIS/(2016) 01555

Directive (EU) 2015/1535

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2016/0245/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201601555.EN)

1. Structured Information Line

MSG 001 IND 2016 0245 UK EN 25-05-2016 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Innovation and Skills
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3. Originating Department

The Scottish Government
The Scottish Prison Service



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4. Notification Number

2016/0245/UK - V00T

5. Title

Draft Regulations: The Telecommunications Restrictions Orders (Custodial Institutions) (Scotland) Regulations 2016

6. Products Concerned

The draft regulations "The Telecommunications Restrictions Orders (Custodial Institutions) (Scotland) Regulations 2016" will confer on the Sheriff courts of Scotland the power to compel Mobile Network Operators to disconnect unauthorised mobile phones that are found by a Sheriff to be in use inside custodial institutions without authorisation. These regulations are enabled by Section 80 of the Serious Crime Act 2015. Whilst Section 80 provided for regulations to be made in Scotland and England and Wales, the territorial scope of these regulations is limited to custodial institutions in Scotland only.

7. Notification Under Another Act

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8. Main Content

The Telecommunications Restriction Orders (Custodial Institutions) (Scotland) Regulations 2016 will provide a court with a power to order a mobile network operator to disable or disconnect a mobile phone and/or sim card. The telecommunications service provider will be obliged to disconnect that handset or SIM card from the UK mobile network. This action effectively puts that handset or SIM card beyond normal use and prevents that handset or SIM card from connecting to any UK or international mobile network. There is no requirement for SPS (or other applicant) to firstly take physical possession of the handset or SIM card before making an application for the Telecommunications Restriction Order.

9. Brief Statement of Grounds

These Regulations are necessary because the use by prisoners of mobile phones in custodial institutions is unlawful and can enable prisoners to continue their offending whilst in custody. Prisoners have used unauthorised mobile phones to access social media, intimidate witnesses, and continue to engage in, and control, criminal activities from custodial institutions. They therefore present a significant threat to the security and good order in custodial institutions. The size of sim cards make finding them within custodial institutions extremely challenging. Whilst mobile phones are less so, those prisoners who have taken possession of mobile phones will go to extreme lengths to prevent detection of the mobile phone including threats and intimidation of others.

The grounds for introducing the regulatory measure are therefore:

There are no existing legal powers to compel telecommunications providers to discontinue the provision of telecommunications services to unauthorised mobile phones in custodial institutions.



It is not always possible to firstly take physical possession of handsets or SIM cards and other ways of putting unauthorised devices beyond normal use is needed. The regulatory measure has been assessed as having a zero net cost to business and provides a cost efficient solution to the problem of unauthorised mobile phone use in custodial institutions.

10. Reference Documents - Basic Texts

No Basic Text exists

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT aspect

No - The draft is not a technical regulation nor a conformity assessment

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

European Commission

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