

2012 No. 584 (C. 12)

POLICE, ENGLAND AND WALES

**The Crime and Security Act 2010 (Commencement No. 5)
Order 2012**

Made - - - - *28th February 2012*

The Secretary of State for Justice makes the following Order in exercise of the power conferred by section 59(1) of the Crime and Security Act 2010^(a).

1. Citation

This Order may be cited as the Crime and Security Act 2010 (Commencement No. 5) Order 2012.

2. Commencement

Section 45 of the Crime and Security Act 2010 (offences relating to electronic communications devices in prison) comes into force on 26th March 2012.

28th February 2012

Crispin Blunt
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 45 of the Crime and Security Act 2010 on 26th March 2012. Section 45 amends section 40D of the Prison Act 1952 to create a new offence of possession in a prison, without authorisation, of a device capable of transmitting or receiving images, sounds or information by electronic communications. This includes mobile telephones as well as other devices which are capable of accessing the internet or are otherwise capable of sending or receiving data. The new offence extends to the possession, without authorisation, of any component part or article designed or adapted for use with such a device, such as a SIM card or a charger for a mobile telephone.

Section 45 also makes a minor amendment to the existing offence in section 40D(1) of the Prison Act 1952. Prior to the amendment, it was an offence for a person to transmit by electronic communications “any image or any sound” from inside a prison for simultaneous reception outside a prison. The amendment extends this offence to the transmission of images, sounds or information. This amendment means that section 40D(3)(b) of the Prison Act 1952, under which it is an offence to transmit a restricted document from inside a prison, is no longer necessary. That provision is therefore repealed by section 45.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 5, 6(1), (3) and (4), and 7	7th March 2011	2011/414
Section 6(2) (partially)	7th March 2011	2011/414
Sections 34 to 36 and 39	9th January 2012	2011/3016
Sections 37 and 38	31st January 2011	2010/2989
Section 46	10th February 2011	2011/144