

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY K.C. LEWIS OF ST. SAVIOUR**

ANSWER TO BE TABLED ON TUESDAY, 24th OCTOBER 2006

Question

Following recent reports concerning mobile phones in the possession of inmates at H.M. Prison La Moye would the Minister inform members whether it would be possible, and lawful, for mobile phone signals to prisoners to be blocked by the prison authorities and, if not, does the Minister intend to take any action to bring forward amendments to relevant legislation to address this issue?

Answer

It is currently illegal under section 13 of the Wireless Telegraphy Act 1949, as extended to Jersey by the Wireless Telegraphy (Channel Islands) Order 1952, to interfere with any 'wireless telegraphy', including mobile 'phones. The legislation governing this in Jersey is the same as that for the United Kingdom and would require a change to primary legislation to make any such interference lawful.

Such a practice could face a potential challenge under Article 8 of the European Convention on Human Rights (the right to respect for private and family life).

The technology available to block such transmissions is continuing to develop and while I believe it is being used in some prisons in Europe this is with varying degrees of success.

Senior Officers at HMP La Moye have regular contact with professionals in the Prison Service of England and Wales where this issue is a live topic. Investigation of both the legal and technical aspects of introducing such devices is being undertaken in those jurisdictions and I have asked to be kept informed of these developments, as this is likely to be the swiftest way of proceeding.

Of course, even once the legality of introducing a system of blocking calls has been established, there will remain the difficulty of finding the necessary funds to purchase the equipment which is likely to cost in excess of £100,000.