

 Regulatory Policy Committee		Regulatory Triage Confirmation	
Title of regulatory proposal		Amendment to the Serious Crime Bill to create the power for a court to compel mobile phone operators to disconnect illegal mobile phones in prisons.	
Lead Department/Agency		Home Office	
Origin		Domestic	
Expected date of implementation		April 2015 (SNR 9)	
Date submitted to RPC		21st October 2014	
Confirmation date and reference		31st October 2014	RPC14-FT-HO-2240
Departmental triage assessment		Low-cost regulation	
RPC confirmation The RPC confirms this for the fast track as a low-cost regulatory proposal.			CONFIRMED
Departmental rationale for triage rating The Regulatory Triage Assessment (RTA) explains: <i>“There are large numbers of illegal mobile phones in prison. The National Offender Management Service (NOMS) seizes over 7,400 mobile phones and SIM cards from prisons each year. The use of an unauthorised mobile phone in prison is an offence under Section 40D of the Prison Act 1952 (as amended by the Offender Management Act 2007).</i> <i>“Mobile phones have been used by prisoners to escape from custody, commission murders and organise international drug trades. The introduction of an amendment to the Serious Crime Bill would create the power to obtain a court order instructing Mobile Network Operators (MNOs) to disconnect unauthorised mobile phones used in prisons, which would reduce serious organised crime and harm to the public.”</i>			
RPC comments The proposal will allow the National Offender Management Service (NOMS) to: <ul style="list-style-type: none"> • identify phones and SIM cards that are in prison using detection equipment enabled by the Prisons (Interference with Wireless Telegraphy) Act 2012; and • act to ensure that these handsets and SIMs are disconnected and put beyond further use. 			

To disconnect handsets, NOMS will present evidence at a civil court. If satisfied that prisoners are using these phones, the magistrate or judge would then make a court order compelling the relevant mobile network operators to disconnect these phones and SIM cards from their networks.

This proposal will affect five mobile network operators. The department has estimated that the aggregate cost to business each year would be between £52,880 and £211,520. This is based on an estimate of the average cost to business of £1,322 per court order and between 8 and 32 court orders each year for each of the five network operators. The figure of £1,322 consists of legal costs (£350) and assurance checks/disconnection of the devices (£972). The estimates are based on Office for National Statistics (ONS) data for legal and administrative salaries.

The department acknowledges that mobile network operators could potentially lose revenue from disconnecting mobile devices. However, the department estimates that this impact is low because the vast majority of illegal phones recovered are pay-as-you-go with the airtime pre-paid to the mobile network operator. Robust handset and SIM analysis by NOMS will ensure that only illegally used devices will be referred for disconnection.

On this basis, the RPC confirms that the regulatory proposal qualifies for the fast track as low-cost.

One-in, Two-out (OITO) assessment	In scope
<p>The RTA says that this is a regulatory proposal that is in scope of OITO and would impose a direct net cost on business (an 'IN'). Based on the evidence presented, the department's assessment of the likely direction of impacts appears reasonable, and the OITO assessment is consistent with the current Better Regulation Framework Manual (paragraph 1.9.10). The department will have to strengthen the evidence supporting the equivalent annual net cost to business, so that the RPC can validate the estimate at final stage.</p>	
Signed	Michael Gibbons, Chairman

