

[SB. 253]

A BILL**FOR**

AN ACT TO PROVIDE FOR THE INTERCEPTION AND MONITORING OF CERTAIN COMMUNICATIONS; TO PROVIDE FOR THE INTERCEPTION OF POSTAL ARTICLES AND COMMUNICATIONS AND FOR THE MONITORING OF COMMUNICATIONS IN THE CASE OF A SERIOUS OFFENCE OR IF THE SECURITY OR OTHER COMPELLING NATIONAL INTERESTS IS THREATENED; TO PROHIBIT THE PROVISION OF CERTAIN TELECOMMUNICATION SERVICES WHICH DO NOT HAVE THE CAPACITY TO BE MONITORED; TO REGULATE AUTHORISED TELECOMMUNICATIONS MONITORING; AND FOR MATTERS CONNECTED THEREWITH

Sponsored by SENATOR NIMI BARIGHA AMANGE

[] Commence-
ment.

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria—

- 1 **1.** In this Act, unless the context otherwise requires —
- 2 “call-related information” includes switching, dialing or signaling
- 3 information that identifies the origin, destination, termination, duration and
- 4 equipment identification of each communication generated or received by a
- 5 customer or user of any equipment, facility or service provided by a service
- 6 provider and, where applicable, the location of the user within the
- 7 telecommunications system;
- 8 “communication” includes a conversation or a message, and any part of
- 9 a conversation or message, whether —
- 10 (a) in the form of —
- 11 (i) speech, music or other sounds;
- 12 (ii) data;
- 13 (iii) text;
- 14 (iv) visual images, whether or not animated; or
- 15 (v) signals; or
- 16 (b) in any other form or in any combination of forms;
- 17 “customer” means —
- Definitions.

1 (a) any person who or any body or organization which has entered into
2 a contract with a service provider for the provision of a telecommunication
3 service to that person, body or organization; or

4 (b) any person to whom or any body or organization to which a service
5 provider provides a pre-paid telecommunication service;

6 “Armed Forces” means the Armed Forces referred to in 1999 Constitution
7 of the Federal Republic of Nigeria and the Armed Forces Act;

8 “direction”, except in section 10 (2), means a direction referred to in
9 section 4 (1);

10 “judge” means any judge of a High Court discharged from active service
11 and any retired judge, who is designated member responsible for the
12 administration of justice to perform the functions of a judge for the purposes
13 of this Act;

14 “monitor” includes the recording of communications by means of a
15 monitoring device;

16 “monitoring device” means any instrument, device or equipment which
17 is used or can be used, whether by itself or in combination with any other
18 instrument, device or equipment, to listen to or record any communication;

19 “Police Force” means the Nigeria Police Force established by Police
20 Act of 1943;

21 “postal article” means any letter, post-card, reply post-card, lettercard,
22 newspaper, book, packet, pattern or sample packet or any parcel or other
23 article while in transit by post, and includes a telegram when conveyed by
24 post;

25 “pre-paid telecommunication service” means a mobile cellular
26 telecommunication service in respect of which —

27 (a) a service provider provides the service to a customer without the
28 customer concerned having to enter into a contract with the service provider
29 for the provision of that service to the customer;

30 (b) the customer pays for the provision of the service before it is used;

31

1 (c) no other person, body or organization, including another service
2 provider, gives the customer an account for the provision of the service
3 after it has been used;

4 “serious offence” means —

5 (a) any offence mentioned in the Criminal Procedure Act provided
6 that —

7 (i) that offence is allegedly being or has allegedly been committed
8 on an organized, planned or premeditated basis by the persons involved
9 therein; or

10 (ii) that offence is allegedly being or has allegedly been committed
11 on a regular basis by the person or persons involved therein; or

12 (iii) that offence may cause harm to the economy or other compelling
13 national interests; or

14 (b) any offence relating to the dealing in or smuggling of firearms,
15 ammunition, explosives or armament; or

16 (c) any offence relating to the death of, or infliction of grievous bodily
17 harm to, any person; or

18 (d) any offence threatening the security or other compelling national
19 interests of the nation including any conspiracy, incitement or attempt to
20 commit any of the above-mentioned offences;

21 “service provider” means any person who or body or organization which
22 provides a telecommunication service under and in accordance with a
23 telecommunication service licence issued to such person,

24 “telecommunication service” means any telecommunication service as
25 defined in the Telecommunications Act, in respect of —

16 (a) a public switched telecommunication service;

17 (b) a mobile cellular telecommunication service;

18 (c) a national long-distance telecommunication service;

19 (d) an international telecommunication service; or

20 (e) any other telecommunication service licensed or deemed to be
21 licensed or exempted from being licensed as such in terms of the

1 Telecommunications Act,
2 “telecommunications system” means any system or series of
3 telecommunication facilities or radio, optical or other electromagnetic
4 apparatus or any similar technical system used for the purpose of
5 telecommunication, whether or not such telecommunication is subject to
6 rearrangement, composition or other processes by any means in the course
7 of their transmission or emission or reception;

8 “telegram” means any communication in written form or information in
9 the form of an image transmitted over a communications line and delivered
10 in any such form, or intended to be thus transmitted and delivered, or
11 delivered from any post office as defined in the Postal services Act, or
12 intended to be thus delivered as a communication or as information transmitted
13 either wholly or in part over a telecommunications system.

Interception
and
monitoring.

14 2.—(1) Subject to subsections (2) and (3) and section 4, no person may —

15 (a) intentionally and without the knowledge or permission of the dispatcher
16 intercept a communication which has been or is being or is intended to be
17 transmitted by telephone or in any other manner over a telecommunications
18 system; or

19 (b) intentionally monitor any communication by means of a monitoring
20 device so as to gather confidential information concerning any person, body
21 or organization.

22 (2) Any person may monitor any communication by means of a monitoring
23 device where —

24 (a) such person is a party to that communication; or

25 (b) one of the parties to the communication has consented to such
26 monitoring.

27 (3) Any person who is a party to a communication may, in the course of
28 the carrying on of any business and without the knowledge or permission of the
29 other party to that communication —

30 (a) intercept the communication which has been or is being or is intended
31 to be transmitted by telephone or in any other manner over a

1 telecommunications system; or

2 (b) monitor the communication by means of a monitoring device, for the
3 purpose of monitoring or keeping a record of —

4 (i) any communications by means of which transactions are entered
5 into in the course of that business; or

6 (ii) any other communications relating to that business or taking place
7 in the course of its being carried on.

8 3.—(1) An application for the purposes —

9 (a) referred to in section 4 (2) or (4), must be made by an officer in the
10 Nigeria Police Force, provided the officer concerned obtained the approval
11 in advance of another officer who is at least the rank of Assistant
12 Commissioner of Police, and who has been authorised in writing by the
13 Inspector General of Police to grant such approval;

Application
for direction.

14 (b) of section 4 (2) (b) or (4), must be made by an officer as defined in the
15 Armed Forces Act, , provided the officer concerned obtained the approval
16 in advance of another officer in the Armed Forces with at least the rank of
17 major-general who must be authorized in writing by the Chief of the Defence
18 Staff to grant such approval;

19 (c) of section 4 (2) (b) or (4), must be made by a member of the State
20 Security Service, provided the member concerned obtained the approval in
21 advance of another member of the Service as the case may be, holding a post
22 of at least the equivalent of an assistant commissioner of Police to make
23 such an application.

24 (2) Subject to section 12 (2), an application referred to in subsection (1)
25 must —

26 (a) be in writing;

27 (b) contain full particulars of all the facts and circumstances alleged by
28 the officer or member concerned in support of his or her application; and

29 (c) comply with the directives referred to in section 12 (1).

30 4.—(1) Notwithstanding section 2 (1) or anything to the contrary in any
31 other enactment or law contained, but subject to subsection (2), a judge may,

Issue of
direction.

1 upon an application referred to in section 3, direct that —

2 (a) (i) a particular postal article; or

3 (ii) a particular communication which has been or is being or is intended
4 to be transmitted by telephone or in any other manner over a
5 telecommunications system, be intercepted;

6 (b) (i) all postal articles; or

7 (ii) all communications which have been or are being or are intended to
8 be transmitted by telephone or in any other manner over a telecommunications
9 system, to or from a person, body or organization be intercepted; or

10 (c) communications to or from a person, body or organization, whether a
11 telecommunications system is being used in conducting or transmitting those
12 communications or not, be monitored in any manner by means of a monitoring
13 device.

14 (2) A direction may only be issued if the judge concerned is satisfied, on
15 the facts alleged in an application referred to in section 3, that there are
16 reasonable grounds to believe that —

17 (a) a serious offence has been or is being or will probably be committed
18 and cannot be investigated in another appropriate manner; or

19 (b) the security or other compelling national interests are threatened or
20 that the gathering of information concerning a threat to the security or other
21 compelling national interests is necessary.

22 (3) A direction may be issued for a period not exceeding three months at
23 a time, and the period for which it has been issued must be mentioned in the
24 direction.

25 (4) Any judge may upon an application —

26 (a) extend the period referred to in subsection (3) for a further period not
27 exceeding three months at a time; or

28 (b) make further additions or amendments to an existing direction, if that
29 judge is satisfied that the extension, addition or amendment, as the case may
30 be, is necessary for a reason mentioned in subsection (2).

31 (5) An application referred to in subsection (2) or (4) must be heard and a

1 direction issued without any notice to the person, body or organization to which
2 the application applies and without hearing such person, body or organization.

3 (6) An application referred to in subsection (2) or (4) may also be granted
4 if an investigation referred to in subsection (2) (a) may disclose information
5 that may contribute to preventing the perpetration of a serious offence.

6 5.—(1) If a direction has been issued in terms of section 4, any officer as
7 defined in the Nigeria Police Act, and the Armed Forces Act or a member of
8 the State Security Service or any other person may execute that direction or
9 assist with the execution of the direction concerned, provided that the member
10 or person concerned has been authorized by the officer or member who made
11 the application in terms of section 3 (1) to execute that direction or to assist
12 with the execution of the direction concerned.

Execution of
direction.

13 (2) A member or other person who executes a direction or assists with
14 the execution of a direction may —

15 (a) take possession of and examine any postal article or telegram to
16 which the direction applies, or, as the case may be, listen in to or make a
17 recording of any communication to which the direction applies;

18 (b) return a postal article or telegram that was taken into possession in
19 terms of paragraph (a) or cause it to be returned to the service provider
20 concerned if such postal article or telegram, in the opinion of —

21 (i) an officer of at least the rank of Assistant Commissioner of Police;

22 (ii) an officer of at least the rank of major-general in the Armed
23 Forces;

24 (iii) a member of the State Security Service holding equivalent rank
25 may be returned without prejudice to the maintenance of law and order,
26 security or other compelling national interests of the nation, as the case
27 may be;

28 (c) on the instructions of the officer or member who made the application
29 in terms of section 3 (1), dispose of the postal article or telegram that was
30 taken into possession in terms of paragraph (a), in such manner as the
31 maintenance of law and order in the nation or the security or other compelling

1 national interests of the nation requires, if such officer or member, as the
2 case may be, is of the opinion that the postal article or telegram concerned
3 cannot be returned in terms of paragraph (b) without prejudice to the
4 maintenance of law and order in the nation, or without prejudice to the
5 security or other compelling national interests of the nation, as the case may
6 be.

7 (3) The officer or member who granted the authorization referred to in
8 subsection (1), may authorize such number of members or other persons to
9 assist with the execution of the direction as he or she deems necessary.

10 (4) A member or other person who executes a direction or assists with
11 the execution of a direction may at any time enter or board any premises,
12 vehicle, vessel or aircraft in order to install, maintain or remove a monitoring
13 device, or to intercept or take into possession a postal article, or to intercept
14 any communication, or to install, maintain or remove a device by means of
15 which any communication can be intercepted, for the purposes of this Act.

Assistance at
execution of
direction by
service
providers.

16 6.—(1) If a direction or a copy thereof is handed to the service provider
17 to whom or which the direction is addressed by a member or other person who
18 executes that direction or assists with the execution of that direction, the service
19 provider concerned must as soon as possible —

20 (a) intercept the postal article or telegram concerned or all postal articles
21 or telegrams to which the direction applies and hand it or them over to a
22 member or other person who is authorized in terms of section 5 (1) to execute
23 the direction concerned or to assist with the execution thereof;

24 (b) make available the necessary facilities and devices and enable the
25 member or other person who is authorized in terms of section 5(1) to execute
26 a direction or to assist with the execution of a direction, to effect the necessary
27 connections in order to monitor communications to which the direction applies.

28 (2) If a service provider, for the purposes mentioned in —

29 (a) subsection (1) (b), has made a facility, device or telecommunications
30 system available;

31 (b) section 8 (3), has routed duplicate signals; or

1 (c) sections 9 (1) and 10 (1) or (2), has routed call-related information,
2 the remuneration agreed upon by the service provider and the Inspector General
3 of Police , the Chief of the Defence Staff, the Director State Security service
4 as the case may be, must be paid to that service provider.

5 (3) If an agreement is not reached in terms of subsection (2), the Minister
6 of Communications, with the concurrence of the Minister of Finance, must
7 determine a reasonable remuneration in order to compensate a service provider
8 at least for any costs incurred as a result of any direction handed to the service
9 provider concerned in terms of this Act.

10 (4) The remuneration referred to in subsections (2) and (3) is only in
11 respect of direct costs incurred in respect of personnel and administration and
12 the lease of telecommunications systems, where applicable, and may not include
13 the costs of acquiring the facilities and devices referred to in section 7 (2).

14 7.—(1) Notwithstanding any other law, no service provider may provide
15 any telecommunication service which does not have the capacity to be monitored:
16 Provided that a service provider providing such a service is only responsible for
17 decrypting any communication encrypted by a customer if the facility for
18 encryption was provided by the service provider concerned.

Prohibition on
certain
telecommunication
services.

19 (2) A service provider must at own cost and within the period, if any,
20 specified by the Minister of Communications in a directive referred to in
21 subsection (4) (a), acquire the necessary facilities and devices to enable the
22 monitoring of communications in terms of this Act.

23 (3) The investment, technical, maintenance and operating costs in enabling
24 a telecommunication service to be monitored, must be carried by the service
25 provider providing such a service.

26 (4) The Minister of Communications, after consultation with the service
27 provider concerned, may from time to time —

28 (a) issue a directive determining the manner in which effect is to be
29 given to subsection (1); and

30 (b) determine a period, which may not be less than three months from the
31 date on which a directive referred to in paragraph (a) is issued, for compliance

1 with such a directive, and if such a period is determined, it must be mentioned
2 in the directive concerned.

3 (5) A directive referred to in subsection (4)(a) may include specifications
4 relating to —

5 (a) the security, technical and functional requirements of the facilities
6 and devices to be acquired in terms of subsection (2);

7 (b) the capacity needed for interception purposes;

8 (c) the systems to be used;

9 (d) the connectivity with central monitoring centres referred to in section 8;

10 (e) the manner of routing duplicate signals of communications to designated
11 central monitoring centres in terms of section 8 (3); or

12 (f) the manner of routing call-related information to designated central
13 monitoring centres in terms of sections 9 (4) and 10 (1) or (2).

Central
monitoring
centres.

14 8.—(1) The Nigeria Police Force , Armed Forces and the State Security
15 Service must, at Government expense, establish, equip, operate and maintain
16 central monitoring centres for the authorized monitoring of communications in
17 terms of this Act:

18 Provided that an agreement on the sharing of any such central monitoring
19 centre, including the cost thereof, is not excluded.

20 (2) The Inspector General of the Police, the Chief of Defence Staff and
21 the Director, State Security Service and the designate specific central
22 monitoring centres established in terms of subsection (1) for purposes of giving
23 effect to subsection (3) and sections 9 (4) (a) and 10 (1) (b) (i) and (2) (a) (i).

24 (3) Duplicate signals of communications authorized to be monitored in
25 terms of this Act, must be routed by the service provider concerned to the
26 designated central monitoring centre concerned.

Request for
provision of
call-related
information.

27 9.—(1) If, in a specific case, only call-related information without the
28 actual monitoring of a communication is required —

29 (a) an officer of at least the rank of assistant-commissioner in the Police
30 Force or a member of the said Police occupying a post on at least the same
31 level;

1 (b) an officer of at least the rank of major-general in the Armed Forces;
2 (c) a member of the State Security Service holding a post equivalent of
3 an Assistant Commissioner of Police,
4 may in writing request the service provider concerned to provide call-related
5 information in respect of the customer concerned.

6 (2) A request referred to in subsection (1) may only be made if the person
7 making such request is satisfied that there are reasonable grounds to believe
8 that the gathering of call-related information is necessary in an investigation
9 relating to —

10 (a) the commission or alleged commission of a serious offence; or
11 (b) a threat or alleged threat to the security or other compelling national
12 interests of the Nation.

13 (3) A request referred to in subsection (1) must —

14 (a) contain particulars of the call-related information which is required;
15 (b) indicate whether the call-related information must be—

16 (i) routed to a central monitoring centre and, if so, must specify the
17 designated central monitoring centre; or

18 (ii) provided to the Nigeria Police Force, the Armed Forces or the
19 State Security Service or, whichever is applicable; and

20 (c) specify the period for which, and the form in which, the provision of
21 the call-related information is required.

22 (4) Any service provider who or which receives a request referred to in
23 subsection (1) must as soon as possible after such receipt —

24 (a) route the call-related information specified in the request concerned
25 to the designated central monitoring centre concerned; or

26 (b) provide the call-related information specified in the request concerned
27 to the Nigeria Police, the Armed Forces, the State Security Service or
28 whichever is applicable, in the form as requested.

29 10.—(1) (a) Notwithstanding the fact that a direction has been issued in
30 terms of section 4, a judge may, upon an application, issue a supplementary
31 direction in which the service provider concerned is directed to provide call-

Direction for
provision of
call-related
information.

1 related information, on an ongoing basis for a specified duration, as it becomes
2 available.

3 (b) A service provider to whom or which a supplementary direction referred
4 to in paragraph (a) is addressed, must, in respect of all communications which
5 are monitored in terms of this Act —

6 (i) route the call-related information specified in that supplementary
7 direction to the designated central monitoring centre concerned; or

8 (ii) provide the call-related information specified in the supplementary
9 direction concerned to the Nigeria Police Force, the Armed Forces, the
10 State Security Service, or, whichever is applicable;

11 (c) Sections 3 and 4 (3) to (6) apply with the necessary changes in respect
12 of an application for, and the issuing of, a supplementary direction referred to
13 in paragraph (a):

14 Provided that a supplementary direction expires when the period or
15 extended period for which the direction concerned has been issued, lapses.

16 (2) (a) Notwithstanding the fact that no direction has been issued in terms
17 of section 4 in a specific case, a judge may upon an application, if in such case
18 only call-related information on an ongoing basis without the actual monitoring
19 of a communication is required, direct that the service provider concerned
20 must —

21 (i) route the call-related information specified in the direction concerned
22 to the designated central monitoring centre concerned; or

23 (ii) provide the call-related information specified in the direction concerned
24 to the Nigeria Police, the Armed Forces, the Agency, the State Security
25 Service or, whichever is applicable.

26 (b) A direction referred to in paragraph (a) may only be issued by a judge
27 if he or she is satisfied, on the facts alleged in the application, that there are
28 reasonable grounds to believe that the gathering of call-related information is
29 necessary in an investigation relating to —

30 (i) the commission or alleged commission of a serious offence; or

31 (ii) a threat or alleged threat to the security or other compelling national

1 Interests of the nation.

2 (c) Sections 3 and 4 (3) to (6) apply with the necessary changes in respect
3 of an application for, and the issuing of, a direction referred to in paragraph (a).

4 (3) The availability of the above procedures in respect of the provision of
5 call-related information does not preclude obtaining such information in respect
6 of any person, body or organization in accordance with a procedure prescribed
7 in any other Act: Provided that any such information which is obtained in terms
8 of such Act may not be obtained on an ongoing basis.

9 **11.—(1)** A service provider must —

10 (a) before he, she or it enters into a contract with any person, body or
11 organization for the provision of a telecommunication service to such person,
12 body or organization —

Information to
be obtained
and kept by
service
provider.

13 (i) in the case of a person, require from such person his or her full
14 names, residential, business or postal address and identity number; or

15 (ii) in the case of a body or organization, require from such body or
16 organization its business name and address and, if registered as such in
17 terms of any law, its registration number; and

18 (iii) any such other information as the service provider deems necessary;
19 and

20 (b) ensure that proper records of —

21 (i) the information referred to in paragraph (a) and, where applicable,
22 any change in such information which is brought to the attention of the
23 service provider; and

24 (ii) the number allocated to the customer, are kept.

25 (2) A service provider must provide the Nigeria Police Force, the Armed
26 Forces, the State Security Service with such information regarding a customer,
27 as may be required by an officer or member referred to in section 3 (1) (a), (b),

28 (c) or (d) to perform the functions and exercise the powers authorized by law.

29 (3) The obligation in terms of subsection (2) includes the provision of the
30 information referred to in subsection (1) (a) in respect of a customer —

31 (a) with whom or which the service provider concerned has entered into

1 a contract for the provision of a telecommunication service; or (b) to whom
2 or which a pre-paid telecommunication service is provided, if such information
3 of such customer is available.

Directives
regarding
applications.

4 **12.—**(1) The respective Judges of High Courts may jointly issue directives
5 in which the manner and procedure of applications in terms of sections 3 (1) and
6 4 (4) are uniformly regulated.

7 (2) (a) If a judge considers any case to be sufficiently urgent, the procedure
8 contemplated in subsection (1) may be dispensed with and the matter may be
9 dealt with in such manner and subject to such conditions as he or she deems fit,
10 including, in an appropriate case, the hearing of an oral application and the
11 granting of an oral direction.

12 (b) An oral direction referred to in paragraph (a) must be confirmed in
13 writing within 48 hours.

14 (c) An oral direction may only be confirmed in writing as contemplated
15 in paragraph (b) pursuant to a written application for such confirmation.

Use of
information in
criminal
proceedings.

16 **13.—**(1) The use of any information obtained by the application of this
17 Act, or any similar Act in another country, as evidence in any prosecution, is
18 subject to the decision of the Attorney General and Minister of Justice (2)
19 Information regarding the commission of any criminal offence, obtained by
20 means of any interception or monitoring in terms of this Act, or any similar
21 Act in another country, may be admissible as evidence in criminal proceedings.

Secrecy.

22 **14.—**(1) No person who is or was concerned in the performance of any
23 function in terms of this Act, may disclose any information which he or she
24 obtained in the performance of such a function except —

25 (a) to any other person who of necessity requires it for the performance of
26 his or her functions in terms of this Act;

27 (b) if he or she is a person who of necessity supplies it in the performance
28 of his or her functions in terms of this Act;

29 (c) such information which is required in terms of any law or as evidence
30 in any court of law; or

31 (d) to any competent authority which requires it for the institution, or an

1 investigation with a view to the institution, of any criminal prosecution.

2 (2) No employee of a service provider may disclose any information
3 which he or she obtained in the course of his or her employment and which is
4 connected with the performance of any function in terms of this Act, whether
5 that employee is involved in the performance of that function or not, except for
6 the purposes mentioned in subsection (1) (a) to (d).

7 15.—(1) A person who contravenes section 2 (1) or 14 is guilty of an
8 offence and liable on conviction —

Offences and
penalties.

9 (a) in the case of a contravention of section 2 (1), to a fine or to imprisonment
10 for a period not exceeding two years; or

11 (b) in the case of a contravention of section 14, to a fine or to imprisonment
12 for a period not exceeding five years.

13 (2) Any service provider who or which —

14 (a) fails or refuses to comply with, or to assist with the execution of, a
15 direction issued in terms of section 4 or 10 (2) or a supplementary direction
16 issued in terms of section 10 (1);

17 (b) fails or refuses to comply with a directive issued in terms of section
18 7 (4);

19 (c) contravenes section 7 (1), 8 (3) or 11 (2); or

20 (d) contravenes section 11 (1), is guilty of an offence and liable on
21 conviction —

22 (i) in the case of a conviction of an offence referred to in paragraph
23 (a), (b) or (c), to a fine not exceeding ₦1,000,000 and to a further fine not
24 exceeding ₦50,000 for every day during which such failure, refusal or
25 contravention continues; or

26 (ii) in the case of a conviction of an offence referred to in paragraph
27 (d), to a fine not exceeding ₦200,000.

28 (3) Notwithstanding anything to the contrary in any other law contained,
29 a magistrate's court may impose any penalty provided for in this Act.

30 (4) No person who —

31 (a) in good faith assists another person with the execution of a direction;

- 1 and
2 (b) believes on reasonable grounds that such other person is acting in
3 accordance with such a direction,
4 is liable to prosecution for a contravention of section 2 (1).
- Revoking of
licence to
provide
telecommunication
service.
- 5 **16.** The Minister of Communications may, in the case of a second or
6 subsequent conviction of an offence referred to in section 15 (2) (b) revoke the
7 licence issued to the service provider concerned to provide a telecommunication
8 service.
- Short Title.
- 9 **17.** This Act may be cited as the Interception and Monitoring Bill, 2009.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the interception and monitoring of certain communications; to provide for the interception of postal articles and communications and for the monitoring of communications in the case of a serious offence or if the security or other compelling national interests is threatened; to prohibit the provision of certain telecommunication services which do not have the capacity to be monitored; and to regulate authorised telecommunications monitoring amongst others.