



# Wireless Telegraphy Act 2006

## 2006 CHAPTER 36

### PART 6

#### GENERAL

##### *Entry, search and seizure*

#### **97 Powers of entry and search**

- (1) A justice of the peace may grant a search warrant under this section if he is satisfied by information on oath that—
  - (a) there is reasonable ground for suspecting that an offence under this Act, other than an offence under Part 4 or section 111, has been or is being committed; and
  - (b) evidence of the commission of the offence is to be found on premises specified in the information, or in a vehicle, ship or aircraft so specified.
- (2) A search warrant under this section is a warrant empowering a constable or any person or persons authorised for the purpose by OFCOM or the Secretary of State—
  - (a) to enter, at any time within the relevant period, the premises specified in the information or (as the case may be) the vehicle, ship or aircraft so specified and any premises on which it may be;
  - (b) to search the premises, vehicle, ship or aircraft;
  - (c) to examine and test any apparatus found there.
- (3) In subsection (2) “the relevant period” means the period [<sup>F1</sup>beginning with the grant of the warrant and ending three months after the end of the day on which the warrant is granted] .
- (4) In the application of subsection (3) to Scotland or Northern Ireland the reference to three months is to be read as a reference to one month.

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*Changes to legislation:* There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Cross Heading: Entry, search and seizure. (See end of Document for details)

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- (5) Where a person authorised by OFCOM or the Secretary of State is empowered by a search warrant under this section to enter any premises, he is to be entitled to exercise that warrant alone or to exercise it accompanied by one or more constables.
- (6) A person authorised by OFCOM or the Secretary of State to exercise a power conferred by this section may if necessary use reasonable force in the exercise of the power.
- (7) Subsection (6) does not affect any power exercisable apart from that subsection by a person so authorised.
- (8) Where under this section a person has a right to examine and test apparatus on premises or in a ship, aircraft or vehicle, any person who—
  - (a) is on the premises, or
  - (b) is in charge of, or in or in attendance on, the ship, aircraft or vehicle,
 must give him whatever assistance he may reasonably require in the examination or testing of the apparatus.
- (9) In this section—
  - (a) a reference to a justice of the peace is to be read, in Scotland, as a reference to a sheriff and, in Northern Ireland, as a reference to a lay magistrate;
  - (b) a reference to information on oath is to be read, in Northern Ireland, as a reference to complaint on oath.

#### Textual Amendments

- F1** Words in s. 97(3) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 11(1), 118(2)** (with [s. 11\(2\)](#))

#### Modifications etc. (not altering text)

- C1** S. 97 applied by [Wireless Telegraphy Act 1967 \(c. 72\)](#), s. 5(6) (as inserted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 123, 126, **Sch. 7 para. 2(4)**)

## 98 Obstruction and failure to assist

- (1) A person commits an offence if—
  - (a) he intentionally obstructs a person in the exercise of the powers conferred on him under section 97; or
  - (b) he fails or refuses, without reasonable excuse, to give to such a person any assistance which, under that section, he is under a duty to give to him.
- (2) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Modifications etc. (not altering text)

- C2** S. 98 applied by [Wireless Telegraphy Act 1967 \(c. 72\)](#), s. 5(6) (as inserted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), ss. 123, 126, **Sch. 7 para. 2(4)**)

## **99 Powers of seizure**

(1) This section applies to—

- (a) an indictable offence under this Act, other than an offence under section 111;
- (b) an offence under section 35, other than one consisting in the installation or use of receiving apparatus;
- (c) an offence under section 36, other than one where the relevant contravention of section 8 would constitute an offence consisting in the use of receiving apparatus;
- (d) an offence under section 48;
- (e) an offence under section 66.

(2) Where—

- (a) a search warrant is granted under section 97, and
- (b) the suspected offence (or any of the suspected offences) is an offence to which this section applies,

the warrant may authorise a person authorised by OFCOM to exercise the power conferred by this subsection to seize and detain, for the purposes of any relevant proceedings, any apparatus or other thing found in the course of the search carried out in pursuance of the warrant that appears to him to be a relevant item.

(3) If a constable or a person authorised by OFCOM to exercise the power conferred by this subsection has reasonable grounds to suspect that an offence to which this section applies has been or is being committed, he may seize and detain, for the purposes of any relevant proceedings, any apparatus or other thing that appears to him to be a relevant item.

(4) A person authorised by OFCOM to exercise a power conferred by this section may if necessary use reasonable force in the exercise of the power.

(5) Subsection (4) does not affect any power exercisable by the person so authorised apart from that subsection.

(6) Nothing in this section affects any power to seize or detain property that is exercisable by a constable apart from this section.

(7) In this section—

“relevant item” means an item that—

- (a) was used in connection with an offence to which this section applies; or
- (b) is evidence of the commission of such an offence;

“relevant proceedings” means—

- (a) proceedings for an offence to which this section applies; or
- (b) proceedings for condemnation under Schedule 6.

## **100 Obstruction**

(1) A person commits an offence if he intentionally obstructs a person in the exercise of the power conferred on him under section 99(3).

(2) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Changes to legislation:**

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Cross  
Heading: Entry, search and seizure.