



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 2

REGULATION OF RADIO SPECTRUM

CHAPTER 4

ENFORCEMENT

Unauthorised use etc

36 Keeping available for unauthorised use

- (1) A person who has a wireless telegraphy station or wireless telegraphy apparatus in his possession or under his control commits an offence if—
 - (a) he intends to use it in contravention of section 8; or
 - (b) he knows, or has reasonable cause to believe, that another person intends to use it in contravention of that section.
- (2) A person who commits an offence under this section where the relevant contravention of section 8 would constitute an offence to which section 35(2) applies is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates' court] or to a fine not exceeding the statutory maximum or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (3) In the application of subsection (2) to Scotland or Northern Ireland the reference to 12 months is to be read as a reference to six months.
- (4) A person who commits an offence under this section in relation to receiving apparatus is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 36. (See end of Document for details)

- (5) A person who commits an offence under this section other than one falling within subsection (2) or (4) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 5 on the standard scale or to both.
- (6) In the application of subsection (5) to Scotland or Northern Ireland the reference to 51 weeks is to be read as a reference to six months.

Textual Amendments

- F1** Words in s. 36(2)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022](#) (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

Changes to legislation:

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 36.