



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 2

REGULATION OF RADIO SPECTRUM

CHAPTER 4

ENFORCEMENT

Unauthorised use etc

38 Facilitating unauthorised broadcasting

- (1) This section applies in the case of a broadcasting station from which unauthorised broadcasts are made.
- (2) A person commits an offence if—
 - (a) he participates in the management, financing, operation or day-to-day running of the broadcasting station knowing, or having reasonable cause to believe, that unauthorised broadcasts are made by the station;
 - (b) he supplies, instals, repairs or maintains wireless telegraphy apparatus or any other item knowing, or having reasonable cause to believe—
 - (i) that the apparatus or other item is to be, or is, used for the purpose of facilitating the operation or day-to-day running of the broadcasting station, and
 - (ii) that unauthorised broadcasts are made by the station;
 - (c) he renders any other service to a person knowing, or having reasonable cause to believe—
 - (i) that the rendering of the service to the person will facilitate the operation or day-to-day running of the broadcasting station, and
 - (ii) that unauthorised broadcasts are made by the station;

Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 38. (See end of Document for details)

- (d) he supplies a film or sound recording knowing, or having reasonable cause to believe, that an unauthorised broadcast of it is to be made by the broadcasting station;
 - (e) he makes a literary, dramatic or musical work knowing, or having reasonable cause to believe, that an unauthorised broadcast of it is to be made by the broadcasting station;
 - (f) he makes an artistic work knowing, or having reasonable cause to believe, that an unauthorised broadcast including that work is to be made by the broadcasting station;
 - (g) he participates in an unauthorised broadcast made by the broadcasting station knowing, or having reasonable cause to believe, that unauthorised broadcasts are made by the station;
 - (h) he advertises, or invites another to advertise, by means of an unauthorised broadcast made by the broadcasting station knowing, or having reasonable cause to believe, that unauthorised broadcasts are made by the station;
 - (i) he publishes the times or other details of unauthorised broadcasts made by the broadcasting station, or (otherwise than by publishing such details) publishes an advertisement of matter calculated to promote the station (whether directly or indirectly), knowing, or having reasonable cause to believe, that unauthorised broadcasts are made by the station.
- (3) For the purposes of this section a person participates in a broadcast only if he is actually present—
- (a) as an announcer;
 - (b) as a performer or one of the performers concerned in an entertainment given; or
 - (c) as the deliverer of a speech.
- (4) The cases in which a person is to be taken for the purposes of this section as advertising by means of a broadcast include any case in which he causes or allows it to be stated, suggested or implied that entertainment included in the broadcast—
- (a) has been supplied by him; or
 - (b) is provided wholly or partly at his expense.
- (5) In proceedings for an offence under this section consisting in supplying a thing or rendering a service, it is a defence for the defendant to prove that he was obliged, under or by virtue of any enactment, to supply the thing or render the service.
- (6) A person who commits an offence under this section 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.
- (7) In the application of subsection (6) to Scotland or Northern Ireland the reference to 12 months is to be read as a reference to six months.
- (8) In this section—
- “broadcast” has the same meaning as in Part 5;

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“broadcasting station” means a business or other operation (whether or not in the nature of a commercial venture) that is engaged in the making of broadcasts;

“unauthorised broadcast” means a broadcast made by means of the use of a wireless telegraphy station or wireless telegraphy apparatus in contravention of section 8.

Textual Amendments

- F1** Words in s. 38(6)(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**

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