



# Wireless Telegraphy Act 2006

## 2006 CHAPTER 36

### PART 5

#### PROHIBITION OF BROADCASTING FROM SEA OR AIR

##### *Enforcement*

#### **89 Enforcement powers**

- (1) If conditions A and B are satisfied in the case of a ship, structure or other object, an enforcement officer may, with or without assistants, exercise the powers mentioned in subsection (4) in relation to it.
- (2) Condition A is satisfied if the enforcement officer has reasonable grounds for suspecting that—
  - (a) an offence under this Part has been or is being committed by the making of a broadcast—
    - (i) from a ship, structure or other object in external waters or in tidal waters in the United Kingdom, or
    - (ii) from a British-registered ship while it is on the high seas;
  - (b) an offence under section 78 has been or is being committed by the making of a broadcast from a structure or other object in waters in a designated area; or
  - (c) an offence under section 79 has been or is being committed by the making of a broadcast from a ship.
- (3) Condition B is satisfied if a written authorisation has been issued by the Secretary of State or OFCOM for the exercise of the powers mentioned in subsection (4) in relation to that ship, structure or other object.
- (4) The powers are—
  - (a) to board and search the ship, structure or other object;
  - (b) to seize and detain it, and any apparatus or other thing found in the course of the search that appears to him—

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*Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 89. (See end of Document for details)*

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- (i) to have been used, or to have been intended to be used, in connection with the commission of the suspected offence, or
    - (ii) to be evidence of the commission of the suspected offence;
  - (c) to arrest and search any person who he has reasonable grounds to suspect has committed or is committing an offence under this Part if—
    - (i) the person is on board the ship, structure or other object, or
    - (ii) the officer has reasonable grounds for suspecting that the person was on board at, or shortly before, the time when the officer boarded the object;
  - (d) to arrest any person—
    - (i) who assaults him, or an assistant of his, while exercising any of the powers mentioned in this subsection, or
    - (ii) who intentionally obstructs him, or an assistant of his, in the exercise of any of those powers;
  - (e) to require any person on board the ship, structure or other object to produce any documents or other items that are in his custody or possession and are or may be evidence of the commission of an offence under this Part;
  - (f) to require any such person to do anything for the purpose of—
    - (i) enabling any apparatus or other thing to be rendered safe and, in the case of a ship, enabling the ship to be taken to a port, or
    - (ii) facilitating in any other way the exercise of any of the powers mentioned in this subsection;
  - (g) to use reasonable force, if necessary, in exercising any of those powers.
- (5) In subsection (4)(a) to (c) and (e) a reference to the ship, structure or other object includes a reference to a ship's boat, or other vessel, used from it.

**Changes to legislation:**

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 89.