



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 [^{F1}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.

Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 97. (See end of Document for details)

- (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)**)

Changes to legislation:

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