



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 6

GENERAL

Entry, search and seizure

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.

Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 99. (See end of Document for details)

- (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.

Changes to legislation:

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 99.