



# Telecommunications Act 1984

## 1984 CHAPTER 12

### PART VI

#### PROVISIONS RELATING TO WIRELESS TELEGRAPHY

##### *Amendment and enforcement of Wireless Telegraphy Acts*

#### **79 Seizure of apparatus and other property used in committing certain offences under the 1949 Act.**

(1) This section applies to—

- (a) any indictable offence under the 1949 Act;
- (b) any offence under section 1(1) of that Act other than one consisting in the installation or use, otherwise than under and in accordance with a wireless telegraphy licence, of any apparatus not designed or adapted for emission (as opposed to reception);
- [<sup>F1</sup>(bza) any offence under section 1A of that Act other than one where the relevant contravention of section 1 of that Act would constitute an offence so consisting;]
- [<sup>F2</sup>(ba) any offence under section 5(b) of that Act;
- (bb) any offence under the Marine, &c., Broadcasting (Offences) Act 1967;] and
- (c) any offence under section 7 of the 1967 Act.

(2) Where—

- (a) a search warrant is granted under section 15(1) of the 1949 Act (entry and search of premises, etc.); and
- (b) the suspected offence (or any of the suspected offences) is an offence to which this section applies;

the warrant may authorise [<sup>F3</sup>any person authorised by [<sup>F4</sup>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

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*Status: Point in time view as at 29/12/2003. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Section 79. (See end of Document for details)*

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carried out in pursuance of the warrant which appears to him <sup>F5</sup> . . . to have been used in connection with or to be evidence of the commission of any such offence.

- (3) If a constable or any person authorised by [<sup>F4</sup>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 which appears to him to have been used in connection with or to be evidence of the commission of any such offence.
- (4) Nothing in this section shall prejudice any power to seize or detain property which is exercisable by a constable apart from this section.
- [<sup>F6</sup>(4A) Without prejudice to any power exercisable by him apart from this subsection, a person authorised by [<sup>F4</sup>OFCOM] to exercise any power conferred by this section may use reasonable force, if necessary, in the exercise of that power.]
- (5) Any person who intentionally obstructs any person in the exercise of the power conferred on him under subsection (3) above shall be guilty of an offence under the 1949 Act.
- (6) References in this section to relevant proceedings are references to—
- (a) any proceedings for an offence to which this section applies; and
  - (b) any proceedings for forfeiture under [<sup>F7</sup>Schedule 7 to the Communications Act 2003] .

#### **Textual Amendments**

- F1** S. 79(1)(bza) inserted (18.9.2003) by Communications Act 2003 (c. 21), ss. 179(3)(4), 411 (with Sch. 18); S.I. 2003/1900, art. 2(2), Sch. 2
- F2** S. 79(1)(ba)(bb) inserted by Broadcasting Act 1990 (c. 42, SIF 96), s. 173(4)
- F3** Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), s. 173(5)(a)
- F4** Words in s. 79 substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, Sch. 17 para. 64 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (subject to art. 3(3) and with art. 11)
- F5** Words repealed by Broadcasting Act 1990 (c. 42, SIF 96), ss. 173(5)(b), 203(3), Sch. 21
- F6** S. 79(4A) inserted by Broadcasting Act 1990 (c. 42, SIF 96), s. 173(6)
- F7** Words in s. 79(6)(b) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, Sch. 17 para. 65 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (subject to art. 3(3) and with art. 11)

**Status:**

Point in time view as at 29/12/2003. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Telecommunications Act 1984, Section 79.