



Telecommunications Act 1984

1984 CHAPTER 12

PART VI

PROVISIONS RELATING TO WIRELESS TELEGRAPHY

Amendment and enforcement of Wireless Telegraphy Acts

80 Proceedings in England and Wales or Northern Ireland for forfeiture of restricted apparatus

- (1) Apparatus is restricted apparatus for the purposes of this section and section 81 below if custody or control of apparatus of any class or description to which it belongs is for the time being restricted by an order under section 7 of the 1967 Act.
- (2) Where any restricted apparatus is seized in pursuance of a warrant under section 15(1) of the 1949 Act or in exercise of the power conferred by section 79(3) above, a constable or any person authorised by the Secretary of State for the purpose may apply to a justice of the peace acting for the petty sessions area in which the apparatus was seized (referred to below in this section as the relevant petty sessions area) to initiate proceedings for forfeiture of the apparatus under this section.
- (3) An application under this section must be made within the period of six months beginning with the date on which the apparatus to which it relates was seized.
- (4) A justice of the peace to whom an application under this section is made may issue a summons to any person appearing to him to be the owner of or otherwise interested in the apparatus to which the application relates requiring him to appear on a day specified in the summons before a magistrates' court acting for the relevant petty sessions area to show cause why the apparatus should not be forfeited.
- (5) In addition to the person summoned, any other person claiming to be the owner of or otherwise interested in any apparatus to which an application under this section relates shall be entitled to appear before the court on the day specified in the summons to show cause why it should not be forfeited.

Status: This is the original version (as it was originally enacted).

- (6) Subject to the following provisions of this section, where any apparatus is brought before a magistrates' court in proceedings under this section and the court is satisfied that the apparatus is restricted apparatus, the court shall order the apparatus to be forfeited to the Secretary of State, unless the person summoned or any other person entitled to appear before the court for that purpose shows cause why the apparatus should not be forfeited.
- (7) If the person summoned does not appear, the court shall not make an order under this section unless service of the summons is proved.
- (8) Where in any proceedings under this section an order is made for the forfeiture of any apparatus, any person who appeared, or was entitled to appear, to show cause against the making of the order may appeal to the Crown Court.
- (9) No order for the forfeiture of any apparatus made under this section shall take effect—
 - (a) until the end of the period of twenty-one days after the day on which the order is made ; or
 - (b) if appeal proceedings are brought in respect of the order within that period (whether by way of appeal to the Crown Court or by way of case stated for the opinion of the High Court), until the conclusion of those proceedings.
- (10) If a magistrates' court does not order forfeiture of any apparatus brought before it in proceedings under this section the court may if it thinks fit order the person on whose application the proceedings were initiated to pay such costs as the court thinks reasonable to any person who has appeared before the court to show cause why the apparatus should not be forfeited ; and costs ordered to be paid under this subsection shall be enforceable as a civil debt.
- (11) Any apparatus ordered to be forfeited under this section may be disposed of by the Secretary of State in such manner as he thinks fit.
- (12) This section has effect notwithstanding anything in section 140 of the Magistrates' Courts Act 1980 or Article 58 of the Magistrates' Courts (Northern Ireland) Order 1981.
- (13) In the application of this section to Northern Ireland references to a petty sessions area shall be read as references to a petty sessions district.
- (14) This section, except subsection (1) above, does not apply to Scotland.