



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 2

REGULATION OF RADIO SPECTRUM

CHAPTER 5

MISCELLANEOUS

Misuse of wireless telegraphy

47 Misleading messages

- (1) A person commits an offence if, by means of wireless telegraphy, he sends or attempts to send a message to which this section applies.
- (2) This section applies to a message which, to the person's knowledge—
 - (a) is false or misleading; and
 - (b) is likely to prejudice the efficiency of a safety of life service or to endanger the safety of a person or of a ship, aircraft or vehicle.
- (3) This section applies in particular to a message which, to the person's knowledge, falsely suggests that a ship or aircraft—
 - (a) is in distress or in need of assistance; or
 - (b) is not in distress or not in need of assistance.
- (4) A person who commits an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Status: This is the original version (as it was originally enacted).

- (5) In the application of subsection (4) to Scotland or Northern Ireland the reference to 12 months is to be read as a reference to six months.

48 Interception and disclosure of messages

- (1) A person commits an offence if, otherwise than under the authority of a designated person—
- (a) he uses wireless telegraphy apparatus with intent to obtain information as to the contents, sender or addressee of a message (whether sent by means of wireless telegraphy or not) of which neither he nor a person on whose behalf he is acting is an intended recipient, or
 - (b) he discloses information as to the contents, sender or addressee of such a message.
- (2) A person commits an offence under this section consisting in the disclosure of information only if the information disclosed by him is information that would not have come to his knowledge but for the use of wireless telegraphy apparatus by him or by another person.
- (3) A person does not commit an offence under this section consisting in the disclosure of information if he discloses the information in the course of legal proceedings or for the purpose of a report of legal proceedings.
- (4) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) “Designated person” means—
- (a) the Secretary of State;
 - (b) the Commissioners for Her Majesty’s Revenue and Customs; or
 - (c) any other person designated for the purposes of this section by regulations made by the Secretary of State.

49 Interception authorities

- (1) The conduct in relation to which a designated person may give an interception authority is not to include conduct falling within subsection (2), except where he believes that the conduct is necessary on grounds falling within subsection (5).
- (2) Conduct falls within this subsection if it is—
- (a) conduct that, if engaged in without lawful authority, constitutes an offence under section 1(1) or (2) of the Regulation of Investigatory Powers Act 2000 (c. 23);
 - (b) conduct that, if engaged in without lawful authority, is actionable under section 1(3) of that Act;
 - (c) conduct that is capable of being authorised by an authorisation or notice granted under Chapter 2 of Part 1 of that Act (communications data); or
 - (d) conduct that is capable of being authorised by an authorisation granted under Part 2 of that Act (surveillance etc).
- (3) A designated person may not exercise his power to give an interception authority except where he believes—

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- (a) that the giving of his authority is necessary on grounds falling within subsection (4) or (5); and
 - (b) that the conduct authorised by him is proportionate to what is sought to be achieved by that conduct.
- (4) An interception authority is necessary on grounds falling within this subsection if it is necessary—
- (a) in the interests of national security;
 - (b) for the purpose of preventing or detecting crime or of preventing disorder;
 - (c) in the interests of the economic well-being of the United Kingdom;
 - (d) in the interests of public safety;
 - (e) for the purpose of protecting public health;
 - (f) for the purpose of assessing or collecting a tax, duty, levy or other imposition, contribution or charge payable to a government department; or
 - (g) for any purpose (not falling within paragraphs (a) to (f)) that is specified for the purposes of this subsection by regulations made by the Secretary of State.
- (5) An interception authority is necessary on grounds falling within this subsection if it is not necessary on grounds falling within subsection (4)(a) or (c) to (g) but is necessary for purposes connected with—
- (a) the grant of wireless telegraphy licences;
 - (b) the prevention or detection of anything that constitutes interference with wireless telegraphy; or
 - (c) the enforcement of—
 - (i) any provision of this Part (other than Chapter 2 and sections 27 to 31) or Part 3, or
 - (ii) any enactment not falling within sub-paragraph (i) that relates to interference with wireless telegraphy.
- (6) The matters to be taken into account in considering whether the requirements of subsection (3) are satisfied in the case of the giving of an interception authority include whether what it is thought necessary to achieve by the authorised conduct could reasonably be achieved by other means.
- (7) An interception authority must be in writing and under the hand of—
- (a) the Secretary of State;
 - (b) one of the Commissioners for Her Majesty’s Revenue and Customs; or
 - (c) a person not falling within paragraph (a) or (b) who is designated for the purposes of this subsection by regulations made by the Secretary of State.
- (8) An interception authority may be general or specific and may be given—
- (a) to such person or persons, or description of persons,
 - (b) for such period, and
 - (c) subject to such restrictions and limitations,
- as the designated person thinks fit.
- (9) No regulations may be made under subsection (4)(g) unless a draft of them has first been laid before Parliament and approved by a resolution of each House.
- (10) For the purposes of this section the question whether a person’s conduct is capable of being authorised under Chapter 2 of Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23) or under Part 2 of that Act is to be determined without reference—

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- (a) to whether the person is someone upon whom a power or duty is or may be conferred or imposed by or under that Chapter or that Part; or
 - (b) to whether there are grounds for believing that the requirements for the grant of an authorisation or the giving of a notice under that Chapter or that Part are satisfied.
- (11) References in this section to an interception authority are references to an authority for the purposes of section 48 given otherwise than by way of the issue or renewal of a warrant, authorisation or notice under Part 1 or 2 of the Regulation of Investigatory Powers Act 2000.
- (12) In this section—
- “crime” has the meaning given by section 81(2)(a) of the Regulation of Investigatory Powers Act 2000 (c. 23);
 - “designated person” has the same meaning as in section 48.