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STATUTORY INSTRUMENTS

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**2001 No. 1057**

**The Regulation of Investigatory Powers  
(British Broadcasting Corporation) Order 2001**

**New section 27A**

**3.** In its application to the detection of television receivers, Part II of the 2000 Act shall have effect as if the following section were inserted after section 27—

**“Authorisation of detection of television receivers**

**27A.**—(1) Subject to the following provisions of this Part, the persons designated for the purposes of this section shall each have power to grant authorisations for the detection of television receivers, that is to say, surveillance which—

- (a) is carried out by means of apparatus designed or adapted for the purpose of detecting the installation or use in any residential or other premises of a television receiver (within the meaning of section 1 of the Wireless Telegraphy Act 1949<sup>(1)</sup>), and
- (b) is carried out from outside those premises exclusively for that purpose.

(2) The persons designated for the purposes of this section are—

- (a) any person holding the position of head of sales or head of marketing within the Television Licence Management Unit of the British Broadcasting Corporation, and
- (b) any person holding a position within that Unit which is more senior than the positions mentioned in paragraph (a).

(3) A person shall not grant an authorisation for the detection of television receivers unless he believes—

- (a) that the authorisation is necessary—
  - (i) for the purpose of preventing or detecting crime constituting an offence under section 1 or 1A<sup>(2)</sup> of the Wireless Telegraphy Act 1949; or
  - (ii) for the purpose of assessing or collecting sums payable to the British Broadcasting Corporation under regulations made under section 2 of the Wireless Telegraphy Act 1949<sup>(3)</sup>; and
- (b) that the authorised surveillance is proportionate to what is sought to be achieved by carrying it out.

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(1) 1949 c. 54. Relevant amendments were made by section 180(1) of, and paragraph 1 of Part I of Schedule 18 to, the Broadcasting Act 1990.

(2) 1949 c. 54. Section 1A was inserted by section 168 of the Broadcasting Act 1990.

(3) 1949 c. 54. Relevant amendments were made by section 7 of, and paragraph 1 of Schedule 1 to, the Wireless Telegraphy Act 1998; section 180(1) of, and paragraph 2 of Part I of Schedule 18 to, the Broadcasting Act 1990; article 3 of, and Schedule 2 to, the Transfer of Functions (Local Government, etc) (Northern Ireland) Order 1973 (SR & O (NI) 1973/256); section 3(1) of the Post Office Act 1969 and the Ministry of Posts and Telecommunications (Dissolution) Order 1974 (S.I.1974/691).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (4) The conduct that is authorised by an authorisation for the detection of television receivers is any conduct that—
- (a) consists in the carrying out of the detection of television receivers, and
  - (b) is carried out by the persons described in the authorisation in the circumstances described in the authorisation.”.