



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 5

PROHIBITION OF BROADCASTING FROM SEA OR AIR

Enforcement

88 Enforcement officers

- (1) For the purposes of sections 89 to 92 enforcement officers are—
 - (a) persons authorised by the Secretary of State or OFCOM to exercise the powers conferred by sections 89 and 90;
 - (b) police officers;
 - (c) commissioned officers of Her Majesty's armed forces;
 - (d) officers of Revenue and Customs; and
 - (e) other persons who are British sea-fishery officers by virtue of section 7(1) of the Sea Fisheries Act 1968 (c. 77).
- (2) A reference in sections 89 to 92, in relation to an enforcement officer, to an assistant is a reference to a person assigned to assist the enforcement officer in his duties.
- (3) In this section “armed forces” means the Royal Navy, the Royal Marines, the regular army and the regular air force, and a reserve or auxiliary force of any of those services that has been called out on permanent service or embodied.

89 Enforcement powers

- (1) If conditions A and B are satisfied in the case of a ship, structure or other object, an enforcement officer may, with or without assistants, exercise the powers mentioned in subsection (4) in relation to it.
- (2) Condition A is satisfied if the enforcement officer has reasonable grounds for suspecting that—

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- (a) an offence under this Part has been or is being committed by the making of a broadcast—
 - (i) from a ship, structure or other object in external waters or in tidal waters in the United Kingdom, or
 - (ii) from a British-registered ship while it is on the high seas;
 - (b) an offence under section 78 has been or is being committed by the making of a broadcast from a structure or other object in waters in a designated area; or
 - (c) an offence under section 79 has been or is being committed by the making of a broadcast from a ship.
- (3) Condition B is satisfied if a written authorisation has been issued by the Secretary of State or OFCOM for the exercise of the powers mentioned in subsection (4) in relation to that ship, structure or other object.
- (4) The powers are—
- (a) to board and search the ship, structure or other object;
 - (b) to seize and detain it, and any apparatus or other thing found in the course of the search that appears to him—
 - (i) to have been used, or to have been intended to be used, in connection with the commission of the suspected offence, or
 - (ii) to be evidence of the commission of the suspected offence;
 - (c) to arrest and search any person who he has reasonable grounds to suspect has committed or is committing an offence under this Part if—
 - (i) the person is on board the ship, structure or other object, or
 - (ii) the officer has reasonable grounds for suspecting that the person was on board at, or shortly before, the time when the officer boarded the object;
 - (d) to arrest any person—
 - (i) who assaults him, or an assistant of his, while exercising any of the powers mentioned in this subsection, or
 - (ii) who intentionally obstructs him, or an assistant of his, in the exercise of any of those powers;
 - (e) to require any person on board the ship, structure or other object to produce any documents or other items that are in his custody or possession and are or may be evidence of the commission of an offence under this Part;
 - (f) to require any such person to do anything for the purpose of—
 - (i) enabling any apparatus or other thing to be rendered safe and, in the case of a ship, enabling the ship to be taken to a port, or
 - (ii) facilitating in any other way the exercise of any of the powers mentioned in this subsection;
 - (g) to use reasonable force, if necessary, in exercising any of those powers.
- (5) In subsection (4)(a) to (c) and (e) a reference to the ship, structure or other object includes a reference to a ship's boat, or other vessel, used from it.

90 Enforcement powers: facilitation offences

- (1) Subsection (2) applies if—

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- (a) a written authorisation has been issued by the Secretary of State or OFCOM under section 89(3) for the exercise of the powers mentioned in section 89(4) in relation to a ship, structure or other object, and
 - (b) an enforcement officer has reasonable grounds for suspecting that an offence under section 82, 83, 84 or 85 has been or is being committed in connection with the making of a broadcast from that ship, structure or other object.
- (2) The enforcement officer may, with or without assistants, exercise the powers mentioned in section 89(4) in relation to any ship, structure or other object which he has reasonable grounds to suspect has been or is being used in connection with the commission of the offence referred to in subsection (1)(b).
- (3) Subsection (4) applies if—
 - (a) an enforcement officer has reasonable grounds for suspecting that an offence under section 82, 83, 84 or 85 has been or is being committed in connection with the making of a broadcast from a ship, structure or other object, but
 - (b) no written authorisation has been issued under section 89(3) for the exercise of the powers mentioned in section 89(4) in relation to that ship, structure or other object.
- (4) The enforcement officer may, with or without assistants, exercise the powers mentioned in section 89(4) in relation to any ship, structure or other object which he has reasonable grounds to suspect has been or is being used in connection with the commission of the offence referred to in subsection (3)(a).
- (5) Subsection (4) only applies if a written authorisation under this subsection has been issued by the Secretary of State or OFCOM for the exercise of those powers in relation to that ship, structure or other object.

91 Exercise of powers

- (1) Except as provided in subsections (2) and (3), the powers mentioned in section 89(4) may be exercised only in tidal waters in the United Kingdom or in external waters.
- (2) The powers may in addition—
 - (a) in the case of a suspected offence under this Part committed in a British-registered ship while it is on the high seas, be exercised in relation to the ship on the high seas;
 - (b) in the case of a suspected offence under section 78 committed on a structure or other object within waters in a designated area, be exercised in relation to the structure or other object within those waters;
 - (c) in the case of a suspected offence under section 79 committed in a ship within an area of the high seas prescribed for the purposes of that section, be exercised in relation to the ship within that area of the high seas.
- (3) Subsection (2) does not apply so far as the powers are exercisable by virtue of a written authorisation issued by OFCOM.

92 Further provisions

- (1) A person commits an offence if—
 - (a) he assaults an enforcement officer, or an assistant of his, while he is exercising any of the powers conferred by section 89 or 90;

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- (b) he intentionally obstructs an enforcement officer, or an assistant of his, in the exercise of any of those powers; or
 - (c) he fails or refuses, without reasonable excuse, to comply with such a requirement as is mentioned in section 89(4)(e) or (f).
- (2) Neither an enforcement officer nor an assistant of his is liable in civil or criminal proceedings for anything done in purported exercise of any of the powers conferred by section 89 or 90 if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.
- (3) Nothing in sections 89 to 91 or this section affects the exercise of any powers exercisable apart from those sections.
- (4) A reference in sections 89 to 91 or this section, in relation to an enforcement officer's assistant, to the exercise of any of the powers mentioned in section 89(4) is a reference to the exercise by the assistant of any of those powers on behalf of the officer.

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