



# Wireless Telegraphy Act 2006

## 2006 CHAPTER 36

### PART 6

#### GENERAL

##### *Disposal and forfeiture*

#### **101 Detention and disposal of property**

- (1) This section applies to property seized by a person authorised by OFCOM—
  - (a) in pursuance of a warrant under section 97; or
  - (b) in the exercise of the power conferred by section 99(3).
- (2) The property may be detained—
  - (a) until the end of the period of six months beginning with the date of seizure; or
  - (b) if proceedings for an offence to which section 99 applies involving that property or proceedings under Schedule 6 for condemnation of that property as forfeited are instituted within that period, until the conclusion of those proceedings.
- (3) Subsections (4) to (6) apply in the case of property so detained which, after the end of the period authorised by subsection (2)—
  - (a) remains in the possession of OFCOM; and
  - (b) has not been ordered to be forfeited under Schedule 5 or condemned as forfeited under Schedule 6.
- (4) OFCOM must take reasonable steps to deliver the property to the person who appears to them to be its owner.
- (5) If the property remains in the possession of OFCOM after the end of one year immediately following the end of the period of detention authorised by subsection (2), OFCOM may dispose of it in such manner as they think fit.

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*Status: Point in time view as at 08/02/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Cross Heading: Disposal and forfeiture. (See end of Document for details)*

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- (6) The delivery of the property in accordance with subsection (4) to the person who appears to OFCOM to be its owner does not affect the right of any other person to take legal proceedings for the recovery of the property—
- (a) against the person to whom the property is so delivered; or
  - (b) against any person subsequently in possession of the property.

## **102 Section 101: conclusion of proceedings**

- (1) This section applies to—
  - (a) proceedings for an offence to which section 99 applies;
  - (b) proceedings under Schedule 6 for the condemnation of apparatus as forfeited.
- (2) Where proceedings to which this section applies are terminated by an appealable decision, they are not to be regarded as concluded for the purposes of section 101(2) (b)—
  - (a) until the end of the ordinary time for appeal against the decision, if no appeal in respect of the decision is brought within that time; or
  - (b) if an appeal in respect of the decision is brought within that time, until the conclusion of the appeal.
- (3) Subsection (2) applies for determining, for the purposes of paragraph (b) of that subsection, when proceedings on an appeal are concluded as it applies for determining when the original proceedings are concluded.
- (4) References in subsection (2) to a decision which terminates proceedings include references to a verdict, sentence, finding or order that puts an end to the proceedings.
- (5) An appealable decision is a decision of a description against which an appeal will lie, whether by way of case stated or otherwise and whether with or without permission.
- (6) References to an appeal include references to an application for permission to appeal.

## **103 Forfeiture on conviction**

Schedule 5 (which makes provision in relation to forfeiture on conviction) has effect.

## **104 Forfeiture etc of restricted apparatus**

- (1) Apparatus to which this section applies is liable to forfeiture if, immediately before being seized, it was in a person's custody or control in contravention of section 62(5).
- (2) This section applies to apparatus if it has been seized—
  - (a) in pursuance of a warrant granted under section 97; or
  - (b) in the exercise of the power conferred by section 99(3).
- (3) Apparatus forfeited under this section is to be forfeited to OFCOM and may be disposed of by them in any manner they think fit.
- (4) Schedule 6 (which makes provision in relation to the seizure and forfeiture of apparatus) has effect.

**Status:**

Point in time view as at 08/02/2007.

**Changes to legislation:**

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