



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 6

GENERAL

Enforcement, proceedings etc

105 Offences relating to ships or aircraft

- (1) This section applies if an offence is committed under any of sections 11, 35 to 38, 46 to 48, 58 and 68.
- (2) Where the offence is committed in relation to a station or apparatus on board or released from a ship or aircraft, the captain or person for the time being in charge of the ship or aircraft is guilty of the offence (as well as anyone who is guilty of it apart from this subsection).
- (3) This section does not apply where the offence consists in the use by a passenger on board the ship or aircraft of receiving apparatus that is not part of the wireless telegraphy apparatus, if any, of the ship or aircraft.

106 Continuing offences

- (1) This section applies where—
 - (a) a person is convicted of an offence under Part 2 or 3 consisting in—
 - (i) the use of a wireless telegraphy station or wireless telegraphy apparatus, or
 - (ii) a failure or refusal to cause a wireless telegraphy licence or an authority under section 52(3) to be surrendered; and
 - (b) the use, or the failure or refusal, continues after the conviction.
- (2) The person is to be treated as committing a separate offence in respect of every day on which the use, or the failure or refusal, so continues.

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

- (3) Subsection (2) does not affect the right to bring separate proceedings for contraventions of this Act taking place on separate occasions.

107 Proceedings and enforcement

- (1) Proceedings for—

- (a) an offence under Part 2, 3 or 6 (other than an offence under section 111) that is committed in UK territorial sea, or
- (b) an offence under Part 5,

may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

- (2) For the purpose of the enforcement of any provision falling within subsection (3), a member of a police force has in any area of the sea within the seaward limits of UK territorial sea all the powers, protection and privileges which he has in the area for which he acts as constable.

- (3) The provisions are—

- (a) sections 8 to 11, 32 to 38 and 45 to 53;
- (b) Part 3;
- (c) Part 5;
- (d) sections 97 to 100, 103, 105 and 106 and Schedule 5.

[^{F1}(3A) For the time limit for bringing proceedings which are for a summary offence under section 35 and to which section 41 applies see section 41(7).

(3B) The time limit for bringing any other proceedings for a summary offence under section 35, 58 or 66 is—

- (a) one year from the end of the day on which the prosecutor becomes aware of evidence which he or she considers sufficient to justify a prosecution for the offence, or
- (b) if earlier, three years from the end of the day on which the offence was committed.

(3C) Section 41(7) and subsection (3B) above have effect despite—

- (a) section 127 of the Magistrates' Courts Act 1980 (time limit for bringing proceedings for summary offences in England and Wales),
- (b) Article 19 of the Magistrates' Courts (Northern Ireland) Order 1981 ([S.I. 1981/1675 \(N.I. 26\)](#)) (equivalent provision for Northern Ireland), and
- (c) section 136 of the Criminal Procedure (Scotland) Act 1995 (equivalent provision for Scotland).

(3D) In relation to proceedings in Scotland, subsection (3) of section 136 of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced for the purposes of that section) applies also for the purposes of section 41(7) and subsection (3B) above.]

- (4) In the application of this section to Northern Ireland, subsection (2) has effect with the substitution—

- (a) for the words “a police force” of the words “the Police Service of Northern Ireland”, and

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

- (b) for the words “the area for which he acts as constable” of the words “Northern Ireland”.

[^{F2}(5) In the application of this section to Scotland, subsection (2) has effect with the substitution—

- (a) for the words “a police force” of the words “the Police Service of Scotland”, and
- (b) for the words “the area for which he acts as constable” of the word “Scotland”.]

Textual Amendments

- F1** S. 107(3A)-(3D) inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 13(2)**, 118(2) (with s. 13(4))
- F2** S. 107(5) inserted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 52**

108 Civil proceedings

- (1) Where the doing of a thing is rendered unlawful by Part 2 or 3, and it is also an offence under this Act, the fact that it is such an offence does not limit a person's right to bring civil proceedings in respect of the doing or apprehended doing of that thing.
- (2) Without prejudice to the generality of subsection (1), compliance with a provision of Part 2 or 3 contravention of which is an offence under this Act is enforceable in civil proceedings by the Crown, or by OFCOM, for an injunction or for any other appropriate relief.
- (3) In the application of this section to Scotland, subsection (2) has effect as if for the words from “civil proceedings” to the end there were substituted “ civil proceedings by the Advocate General for Scotland, or by OFCOM, for an interdict or for any other appropriate relief or remedy ”.

109 Fines in Scotland

- (1) Fines imposed in respect of offences falling within subsection (2) are to be paid into the Consolidated Fund.
- (2) The offences are offences committed in Scotland under—
 - (a) Part 2;
 - (b) Part 3;
 - (c) section 98;
 - (d) section 100;
 - (e) paragraph 5 of Schedule 5.

110 Criminal liability of company directors etc

- (1) Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
 - (a) a director, manager, secretary or other similar officer of the body corporate, or

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

- (b) a person who was purporting to act in any such capacity,
he (as well as the body corporate) is guilty of that offence and is liable to be proceeded against and punished accordingly.
- (2) Where an offence under this Act—
- (a) is committed by a Scottish firm, and
- (b) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a partner of the firm,
he (as well as the firm) is guilty of that offence and is liable to be proceeded against and punished accordingly.
- (3) “Director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Changes to legislation:

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Cross
Heading: Enforcement, proceedings etc.