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

SCHEDULES

SCHEDULE 6

SEIZURE AND FORFEITURE OF RESTRICTED APPARATUS

Proceedings for condemnation by court

- 8 Proceedings for condemnation are civil proceedings and may be instituted—
- (a) in England or Wales, in the High Court or in a magistrates' court;
 - (b) in Scotland, in the Court of Session or in the sheriff court;
 - (c) in Northern Ireland, in the High Court or in a court of summary jurisdiction.
- 9 Proceedings for the condemnation of restricted apparatus instituted in a magistrates' court in England or Wales, in the sheriff court in Scotland or in a court of summary jurisdiction in Northern Ireland may be so instituted—
- (a) in a court having jurisdiction in a place where an offence under section 66 involving that apparatus was committed;
 - (b) in a court having jurisdiction in proceedings for such an offence;
 - (c) in a court having jurisdiction in the place where the claimant resides or, if the claimant has specified a solicitor under paragraph 4, in the place where that solicitor has his office; or
 - (d) in a court having jurisdiction in the place where that apparatus was seized or to which it was first brought after being seized.
- 10 (1) In proceedings for condemnation that are instituted in England and Wales or Northern Ireland, the claimant or his solicitor must make his oath that the seized apparatus was, or was to the best of his knowledge and belief, the property of the claimant at the time of the seizure.
- (2) In proceedings for condemnation instituted in the High Court—
- (a) the court may require the claimant to give such security for the costs of the proceedings as may be determined by the court; and
 - (b) the claimant must comply with such a requirement.
- (3) If a requirement of this paragraph is not complied with, the court must give judgment for OFCOM.
- 11 (1) In the case of proceedings for condemnation instituted in a magistrates' court in England or Wales, either party may appeal against the decision of that court to the Crown Court.
- (2) In the case of proceedings for condemnation instituted in a court of summary jurisdiction in Northern Ireland, either party may appeal against the decision of that court to the county court.
- (3) This paragraph does not affect any right to require the statement of a case for the opinion of the High Court.

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- 12 Where an appeal has been made (whether by case stated or otherwise) against the decision of the court in proceedings for the condemnation of restricted apparatus, the apparatus is to be left with OFCOM pending the final determination of the matter.

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