



Telecommunications Act 1984

1984 CHAPTER 12

PART VI U.K.

PROVISIONS RELATING TO WIRELESS TELEGRAPHY

Amendment and enforcement of Wireless Telegraphy Acts

83 Disposal of apparatus and other property seized by virtue of section 79. U.K.

- (1) Any property seized by a person authorised by the [F¹OFCOM] in pursuance of a warrant under section 15(1) of the 1949 Act or in exercise of the power conferred by section 79(3) above may be detained—
 - (a) until the end of the period of six months beginning with the date of the seizure; or
 - (b) if proceedings for an offence to which section 79 above applies involving that property or proceedings for forfeiture of that property under [F²Schedule 7 to the Communications Act 2003] are instituted within that period, until the conclusion of those proceedings.
- (2) After the end of the period for which its detention is authorised by virtue of subsection (1) above, any such property which—
 - (a) remains in the possession of [F¹OFCOM]; and
 - (b) has not been ordered to be forfeited under section 14 of the 1949 Act (which includes provision for forfeiture of wireless telegraphy apparatus used in the commission of certain offences) or under [F²Schedule 7 to the Communications Act 2003];

shall be dealt with in accordance with the following provisions of this section (and references in those provisions to the relevant property are references to any property to which this subsection applies).

- (3) [F¹OFCOM] shall take reasonable steps to deliver the relevant property to any person appearing to [F³them] to be its owner.

Status: Point in time view as at 08/06/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Section 83. (See end of Document for details)

- (4) Where the relevant property remains in the possession of [F1OFCOM] after the end of the period of one year immediately following the end of the period for which its detention is authorised by subsection (1) above, [F1OFCOM] may dispose of it in such manner as [F4they think] fit.
- (5) The delivery of the relevant property in accordance with subsection (3) above to any person appearing to [F1OFCOM] to be its owner shall not affect the right of any other person to take legal proceedings against the person to whom it is delivered or against anyone subsequently in possession of the property for the recovery of the property.

Textual Amendments

- F1** Words in s. 83 substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 64** (with Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)
- F2** Words in s. 83(1)(b)(2)(b) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 66(2)** (with Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)
- F3** Word in s. 83(3) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 66(3)** (with Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)
- F4** Words in s. 83(4) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 66(4)** (with Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)

Status:

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