



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.

Status: This is the original version (as it was originally enacted).

- (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.