



# Wireless Telegraphy Act 1949 (repealed)

1949 CHAPTER 54 12 13 and 14 Geo 6

## PART III

### *Supplemental*

#### 15 Entry and search of premises, etc.

- (1) If, in England, Wales or Northern Ireland, a justice of the peace, or, in Scotland, the sheriff, is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act [<sup>F1</sup>or under the Marine, &c., Broadcasting (Offences) Act 1967] has been or is being committed, and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, vessel or aircraft so specified, he may grant a search warrant [<sup>F2</sup>authorising any person or persons authorised in that behalf by the [<sup>F3</sup>Secretary of State]] [<sup>F2</sup>authorising—
- (a) any person or persons authorised in that behalf by the Secretary of State; or
  - (b) where the offence relates to the installation or use of a television receiver, any person or persons authorised in that behalf by the BBC or the Secretary of State,] . . . <sup>F4</sup> with or without any constables, to enter, at any time within one month from the date of the warrant, the premises specified in the information or, as the case may be, the vehicle, vessel or aircraft so specified and any premises upon which it may be, and to search the premises, or, as the case may be, the vehicle, vessel or aircraft, and to examine and test any apparatus found on the premises, vessel, vehicle or aircraft.
- (2) If, in England, Wales or Northern Ireland, a justice of the peace, or, in Scotland, the sheriff, is satisfied upon an application supported by sworn evidence—
- (a) that there is reasonable ground for believing that, on any specified premises or in any specified vessel, aircraft or vehicle, apparatus to which section ten of this Act applies is to be found which does not comply with the requirements applicable to it under regulations made under that section; and
  - (b) that it is necessary to enter those premises, or that vessel, aircraft or vehicle, for the purpose of obtaining such information as will enable the [<sup>F3</sup>Secretary

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of State] to decide whether or not to serve a notice under section eleven or section twelve of this Act; and

- (c) that access to the premises, vessel, aircraft or vehicle for the purpose of obtaining such information as aforesaid has, within fourteen days before the date of the application to the justice or sheriff, been demanded by a person authorised in that behalf by the [<sup>F3</sup>Secretary of State] and producing sufficient documentary evidence of his identity and authority, but has been refused,

the justice or sheriff may issue a written authorisation under his hand empowering any person or persons authorised in that behalf by the [<sup>F3</sup>Secretary of State] . . . <sup>F5</sup>, with or without any constables, to enter the premises, or, as the case may be, the vessel, aircraft or vehicle and any premises on which it may be and to search the premises, vessel, aircraft or vehicle with a view to discovering whether any such apparatus as aforesaid is situate thereon or therein, and, if he finds or they find any such apparatus thereon, or therein, to examine and test it with a view to obtaining such information as aforesaid: Provided that an authorisation shall not be issued under this subsection unless either—

- (i) it is shown to the justice or sheriff that the [<sup>F3</sup>Secretary of State] is satisfied that there is reasonable ground for believing that the use of the apparatus in question is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend; or
- (ii) it is shown to the justice or sheriff that not less than seven days' notice of the demand for access was served on the occupier of the premises, or, as the case may be, the person in possession or the person in charge of the vessel, aircraft or vehicle, and that the demand was made at a reasonable hour and was unreasonably refused.

[<sup>F6</sup>(2A) Without prejudice to any power exercisable by him apart from this subsection, a person authorised by the Secretary of State or (as the case may be) by the BBC to exercise any power conferred by this section may use reasonable force, if necessary, in the exercise of that power.]

(3) Where under this section a person has a right to examine and test any apparatus on any premises or in any vessel, aircraft or vehicle, it shall be the duty of any person who is on the premises, or is in charge of, or in or in attendance on, the vessel, aircraft or vehicle, to give him any such assistance as he may reasonably require in the examination or testing of the apparatus.

(4) Any person who—

- (a) [<sup>F7</sup>intentionally] obstructs any person in the exercise of the powers conferred on him under this section; or
- (b) [<sup>F8</sup>without reasonable excuse] fails or refuses to give any such person any assistance which he is under this section under a duty to give to him; or
- (c) discloses, otherwise than for the purposes of this Act or of any report of proceedings thereunder, any information obtained by means of the exercise of powers under this Act, being information with regard to any manufacturing process or trade secret,

shall be guilty of an offence under this Act, . . . <sup>F9</sup>

#### Textual Amendments

**F1** Words inserted as provided by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 173(1)

**F2** Words substituted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 3](#)

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- F3** Words substituted by virtue of Post Office Act 1969 (c. 48, SIF 96), **s. 3(1)** and S.I. 1974/691, **arts. 2, 3(3)**
- F4** Words repealed as provided by Broadcasting Act 1990 (c. 42, SIF 96), **s. 173(1)**
- F5** Words repealed by Broadcasting Act 1990 (c. 42, SIF 96), ss. 134, 173(2), 203(3), Sch. 12 Pt. II para. 1, **Sch. 21**
- F6** S. 15(2A) inserted by Broadcasting Act 1990 (c. 42, SIF 96), **s. 173(3)**
- F7** Word inserted by Telecommunications Act 1984 (c. 12, SIF 96), **s. 92(2)(a)**
- F8** Words inserted by Telecommunications Act 1984 (c. 12, SIF 96), **s. 92(2)(b)**
- F9** Words repealed by Post Office Act 1969 (c. 48, SIF 96), **Sch. 8 Pt. II**

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