



# Communications Act 2003

## 2003 CHAPTER 21

### PART 4

#### LICENSING OF TV RECEPTION

#### **366 Powers to enforce TV licensing**

- (1) If a justice of the peace, a sheriff in Scotland or a lay magistrate in Northern Ireland is satisfied by information on oath that there are reasonable grounds for believing—
  - (a) that an offence under section 363 has been or is being committed,
  - (b) that evidence of the commission of the offence is likely to be on premises specified in the information, or in a vehicle so specified, and
  - (c) that one or more of the conditions set out in subsection (3) is satisfied,he may grant a warrant under this section.
- (2) A warrant under this section is a warrant authorising any one or more persons authorised for the purpose by the BBC or by OFCOM—
  - (a) to enter the premises or vehicle at any time (either alone or in the company of one or more constables); and
  - (b) to search the premises or vehicle and examine and test any television receiver found there.
- (3) Those conditions are—
  - (a) that there is no person entitled to grant entry to the premises or vehicle with whom it is practicable to communicate;
  - (b) that there is no person entitled to grant access to the evidence with whom it is practicable to communicate;
  - (c) that entry to the premises or vehicle will not be granted unless a warrant is produced;
  - (d) that the purpose of the search may be frustrated or seriously prejudiced unless the search is carried out by a person who secures entry immediately upon arriving at the premises or vehicle.

*Changes to legislation: Communications Act 2003, Section 366 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) A person is not to enter premises or a vehicle in pursuance of a warrant under this section at any time more than one month after the day on which the warrant was granted.
- (5) The powers conferred by a warrant under this section on a person authorised by OFCOM are exercisable in relation only to a contravention or suspected contravention of a condition of a TV licence relating to interference with wireless telegraphy.
- (6) A person authorised by the BBC, or by OFCOM, to exercise a power conferred by a warrant under this section may (if necessary) use such force as may be reasonable in the exercise of that power.
- (7) Where a person has the power by virtue of a warrant under this section to examine or test any television receiver found on any premises, or in any vehicle, it shall be the duty—
  - (a) of a person who is on the premises or in the vehicle, and
  - (b) in the case of a vehicle, of a person who has charge of it or is present when it is searched,
 to give the person carrying out the examination or test all such assistance as that person may reasonably require for carrying it out.
- (8) A person is guilty of an offence if he—
  - (a) intentionally obstructs a person in the exercise of any power conferred on that person by virtue of a warrant under this section; or
  - (b) without reasonable excuse, fails to give any assistance that he is under a duty to give by virtue of subsection (7).
- (9) A person guilty of an offence under subsection (8) shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (10) In this section—
 

“interference”, in relation to wireless telegraphy, has the same meaning as in <sup>[F1]</sup>the Wireless Telegraphy Act 2006; and

“vehicle” includes vessel, aircraft or hovercraft.
- (11) In the application of this section to Scotland, the reference in subsection (1) to information on oath shall have effect as a reference to evidence on oath.
- (12) In the application of this section to Northern Ireland, the reference in subsection (1) to a lay magistrate shall have effect, in relation to times before the coming into force of sections 9 and 10 of the Justice (Northern Ireland) Act 2002 (c. 26), as a reference to a justice of the peace.

#### Textual Amendments

- F1** Words in s. 366(10) substituted (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\), s. 126\(2\), Sch. 7 para. 30](#)

#### Commencement Information

- I1** S. 366 in force at 1.4.2004 by [S.I. 2003/3142, art. 4\(2\), Sch. 2](#) (with [art. 11](#)) (as amended (8.3.2004) by [S.I. 2004/697, art. 2\(3\)](#))

**Changes to legislation:**

Communications Act 2003, Section 366 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)