

Reference: 1803460

Information Requests
information.requests@ofcom.org.uk

29 April 2024

Freedom of Information request: Right to know request

Thank you for your request for information about prosecutions under section 48 of the Wireless Telegraphy Act 2006.

We received this request on 28 March 2024 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

Your request and our response

I am writing to request information on how prosecutions under Section 48 of the Wireless Telegraphy Act 2006 are handled.

We handle any investigation in line with our enforcement principles on our website. We have attached information on the rules of managing radio equipment [here](#) and for our approach to compliance and enforcement [here](#).

I also wish to request guidance if any, given to Police Forces on this as I understand that OFCOM would investigate and wondered if there's any guidelines/advice given to the police on prosecuting under this section, specifically on unauthorised reception of transmissions. I did find a past FOI request requesting the number of prosecutions under this section and saw it was noted that advice was given to the police on a specific case.

We do not have generic guidance that is given to police forces on this issue, nor is it Ofcom’s sole remit to investigate these cases. The police are able to pursue a prosecution of these offences independently of Ofcom. If police officers were to approach Ofcom for advice and guidance then each case will be treated on its own merits, based on the specifics of the case, which may solely involve identifying that an offence may have occurred.

I hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk – quoting the reference number above in any future communications.

Yours sincerely,

Information Requests

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress.

Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).