



Receive Only Radio – Scanners Etc.

The purpose of this information sheet is to remove any confusion regarding the reception of personal or business radio transmissions by unauthorised persons or groups. It also gives guidance on the subject by setting out the legal position with regard to the Wireless Telegraphy Act 1949 (WT Act). How the legislation is applied will depend on the individual circumstances of the offence.

Anyone who intends to listen to radio transmissions should be aware of the following:

A licence is not required for a radio receiver as long as it is not capable of transmission as well (The Wireless Telegraphy Apparatus (Receivers) (Exemption) Regulations 1989 (SI 1989 No 123). The exception to this is that it is an offence to listen to unlicensed broadcasters (pirates) without a licence. Licences are not issued for this purpose.

Although it is not illegal to sell, buy or own a scanning or other receiver in the UK, it must only be used to listen to transmissions meant for GENERAL RECEPTION. The services that you can listen to include Amateur and Citizens' Band transmissions, licensed broadcast radio and weather and navigation broadcasts.

It is an offence to listen to any other radio services unless you are authorised by a designated person to do so.

There are two offences under law:

Under Section 5(1)(b) of the WT Act 1949 it is an offence if a person "otherwise than under the authority of a designated person, either:

(i) uses any wireless telegraphy apparatus with intent to obtain information as to the contents, sender or addressee of any message whether sent by means of wireless telegraphy or not, of which neither the person using the apparatus nor a person on whose behalf he is acting is an intended recipient;

This means that it is **illegal** to listen to anything other than general reception transmissions unless you are either a licensed user of the frequencies in question or have been specifically authorised to do so by a designated person. A designated person means:

- a) the Secretary of State;
- b) the Commissioners of Customs and Excise; or
- c) any other person designated for the purpose by regulations made by the Secretary of State.

or:

(ii) except in the course of legal proceedings or for the purpose of any report thereof, discloses any information as to the contents, sender or addressee of any such message, being information which would not have come to his knowledge but for the use of wireless telegraphy apparatus by him or by another person."

This means that it is **also** illegal to tell a third party what you have heard.

With certain exceptions, it is an offence under Section 1 of the Regulation of Investigatory Powers Act 2000 for a person—"intentionally and without lawful authority to intercept, at any place in the United Kingdom, any communication in the course of its transmission by means of:

- a) a public postal service; or
- b) a public telecommunication system."

It is similarly an offence to intercept any communication in the course of its transmission by means of a private telecommunication system.

This means that it is illegal to listen to telephone calls, including mobile phone networks which are designated as forming part of the public telecommunications system.



Common questions answered

Q. Am I breaking the law by **owning** a scanner?

A. No, but it is illegal to **use** one to listen to frequencies other than general reception transmissions or those parts of the radio spectrum which your transmitting licence, if you have one, allows you to use. You could be prosecuted for this.

Q. Can I get a licence to use a scanner?

A. No, there is no scanner licence.

Q. Could I get authority to listen to emergency service transmissions, for example? I am interested and might be able to help.

A. No, authority is reserved for people acting under statutory authority. If you wish to listen in to messages, you should obtain the permission of the person sending them.

Q. Isn't it all right to listen as long as I don't pass on what I hear?

A. No, using radio equipment to listen in, except as provided by section 5(1)(b) of the WT Act, is an offence, regardless of whether the information is passed on.

Q. Isn't this all a bit heavy?

A. No. No-one likes their private or business conversations to be listened to. Parliament has passed these laws to protect the privacy of radio users.

If you require more information on the law regarding receive-only radio and scanners, please write to:

**RA3/ Enforcement Policy Unit,
Radiocommunications Agency**

Wyndham House,
189 Marsh Wall,
London,
E14 9SX.

For further information on other radio matters contact the Agency's 24 hr Enquiry Point on 020 7211 0211

or e-mail on library@ra.gsi.gov.uk

or visit the Agency website at www.radio.gov.uk