

Guidance on Receive-Only Radio Scanners

**Legal position and common questions on Receive -
Only Radio Scanners.**

**19th May 2016
C01/16**

Gibraltar Regulatory Authority

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Introduction

This guidance sets out the legal position relating to the reception of radio transmissions by unauthorised persons or groups.

Radio scanners and general reception

A radio scanner is a radio receiver that can automatically tune, or scan, two or more discrete frequencies stopping when it finds a signal on one of them and then continuing scanning when that frequency goes silent. Generally, scanners cover the non-broadcast radio bands between 30 and 951 MHz using FM, although there are models that cover more of the radio spectrum and use other modulation types.

A licence is not required to use a radio receiver or scanner as long as it is not capable of transmission. It is not illegal to sell, buy or own a scanner or any other receiver but it should only be used to listen to transmissions meant for general reception.

The services that can be listened to under the definition of general reception are:

1. licensed broadcasting stations;
2. amateur and citizens' band radio transmissions; and
3. weather and navigation transmissions

Radio scanners should not be used to listen to any other radio services.

Unauthorised reception

There are two criminal offences, under section 76(2) of the Communications Act 2016, relating to unauthorised reception.

Offence 1

It is an offence if a person "*otherwise than under the authority of the Minister or in the course of his duty as an officer of the Crown:*

.... uses any radiocommunications apparatus with intent to obtain information as to the contents, sender or addressee of any message (whether sent by means of radiocommunications or not) which neither the person using the apparatus nor any person on whose behalf he is acting is authorised by the Minister to receive;"

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.

Offence 2

It is also an offence for someone, otherwise than under the authority of the Minister or the course of his duty as an officer of the Crown, to disclose any information as to the contents, sender or addressee of any message referred to in Offence 1. However, this does not apply where the disclosure is in the course of legal proceedings or for the purpose of any report of those proceedings. And, it does not apply where the

information would have come to the person's knowledge without the use of radiocommunications apparatus by him or by anyone else.

This means that it is **also** illegal to tell a third party what has been heard in a transmission a person has listened to illegally.

Common questions answered

Question: Am I breaking the law by owning a scanner?

Answer: No, but you should not use one to listen to frequencies other than general reception transmissions.

Question: Can I get a licence to use a scanner?

Answer: No, there is no scanner licence. You do not need one for a scanner.

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

Answer: 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.

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

Answer: No, using radio equipment to listen in is an offence, regardless of whether the information is passed on.

Question: Isn't this all a bit heavy?

Answer: 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.

For more information please contact:

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