



Wireless Telegraphy Act 2006

CHAPTER 36

WIRELESS TELEGRAPHY ACT 2006

PART 1

GENERAL PROVISION ABOUT RADIO SPECTRUM

Radio spectrum functions of OFCOM

- 1 General functions
- 2 United Kingdom Plan for Frequency Authorisation
- 3 Duties of OFCOM when carrying out functions
- 4 Advisory service in relation to interference
- 5 Directions of Secretary of State
- 6 Procedure for directions

Reservation of spectrum for multiplex use

- 7 Special duty in relation to television multiplexes

PART 2

REGULATION OF RADIO SPECTRUM

CHAPTER 1

WIRELESS TELEGRAPHY LICENCES

Licensing of wireless telegraphy

- 8 Licences and exemptions
- 9 Terms, provisions and limitations
- 10 Procedure
- 11 Surrender of licence

Charges etc

- 12 Charges for grant of licence
- 13 Matters taken into account
- 14 Bidding for licences
- 15 Recovery
- 16 Regulations
- 17 Sections 12 to 16: interpretation

CHAPTER 2

GRANTS OF RECOGNISED SPECTRUM ACCESS

Making of grants

- 18 Grant of recognised spectrum access
- 19 Procedure
- 20 Effect of grant of recognised spectrum access

Charges etc

- 21 Charges for grant of recognised spectrum access
- 22 Matters taken into account
- 23 Bidding for grants
- 24 Recovery
- 25 Regulations
- 26 Sections 21 to 25: interpretation

CHAPTER 3

MANAGEMENT OF RADIO SPECTRUM

General

- 27 Conversion into and from wireless telegraphy licences
- 28 Payments by the Crown
- 29 Limitations on authorised spectrum use
- 30 Spectrum trading

Wireless telegraphy register

- 31 Wireless telegraphy register

Statistical information

- 32 Statistical information
- 33 Failure to provide information etc
- 34 Statement of policy

CHAPTER 4

ENFORCEMENT

Unauthorised use etc

- 35 Unauthorised use etc of wireless telegraphy station or apparatus

- 36 Keeping available for unauthorised use
- 37 Allowing premises to be used for unlawful broadcasting
- 38 Facilitating unauthorised broadcasting

Procedures for contraventions

- 39 Contravention of terms, etc
- 40 Repeated contravention
- 41 Procedure for prosecutions
- 42 Special procedure for contraventions by multiplex licence holders
- 43 Amount of penalty under section 42
- 44 Relevant amount of gross revenue

CHAPTER 5

MISCELLANEOUS

Regulations about wireless telegraphy

- 45 Regulations
- 46 Offences

Misuse of wireless telegraphy

- 47 Misleading messages
- 48 Interception and disclosure of messages
- 49 Interception authorities

Miscellaneous

- 50 Apparatus on foreign-registered ships etc
- 51 Apparatus in vehicles
- 52 Wireless personnel
- 53 Surrender of authority

PART 3

REGULATION OF APPARATUS

Undue interference

- 54 Regulations about use and sale etc of apparatus
- 55 Enforcement: use of apparatus
- 56 Enforcement: sale etc of apparatus
- 57 Appeal against notice under section 55 or 56 etc
- 58 Contravening notice under section 55 or 56
- 59 Entry and search of premises etc
- 60 Obstruction and failure to assist
- 61 Sections 54 to 60: interpretation

Restriction orders

- 62 Restriction orders
- 63 Authorities
- 64 Compatibility with international obligations
- 65 Powers of Commissioners for Her Majesty's Revenue and Customs
- 66 Offences

67 Restriction orders: interpretation

Deliberate interference

68 Deliberate interference

PART 4

APPROVAL OF APPARATUS ETC

Approval of apparatus

69 Approval of apparatus

70 Approvals: supplementary

71 The relevant authority

Marking etc of apparatus

72 Information etc on or with apparatus

73 Information etc in advertisements

74 Offences

75 Default of third person

Interpretation

76 Part 4: interpretation

PART 5

PROHIBITION OF BROADCASTING FROM SEA OR AIR

Prohibitions

77 Broadcasting from ships and aircraft

78 Broadcasting from marine structures etc

79 Broadcasting from prescribed areas of high seas

80 Acts connected with broadcasting

81 Management of station

82 Facilitating broadcasting from ships or aircraft

83 Facilitating broadcasting from structures etc

84 Maintaining or repairing apparatus

85 Acts relating to broadcast material

86 Facilitation offences: territorial scope

87 Procuring person to commit offence abroad

Enforcement

88 Enforcement officers

89 Enforcement powers

90 Enforcement powers: facilitation offences

91 Exercise of powers

92 Further provisions

Penalties and proceedings

93 Penalties and proceedings

Saving

- 94 Saving for certain broadcasts

Interpretation

- 95 Part 5: interpretation

PART 6

GENERAL

Fixed penalties

- 96 Fixed penalties for summary offences

Entry, search and seizure

- 97 Powers of entry and search
98 Obstruction and failure to assist
99 Powers of seizure
100 Obstruction

Disposal and forfeiture

- 101 Detention and disposal of property
102 Section 101: conclusion of proceedings
103 Forfeiture on conviction
104 Forfeiture etc of restricted apparatus

Enforcement, proceedings etc

- 105 Offences relating to ships or aircraft
106 Continuing offences
107 Proceedings and enforcement
108 Civil proceedings
109 Fines in Scotland
110 Criminal liability of company directors etc

Disclosure of information

- 111 General restrictions

Notifications etc and electronic working

- 112 Service of documents
113 Documents in electronic form
114 Timing and location of things done electronically

Interpretation

- 115 General interpretation
116 “Wireless telegraphy”
117 “Wireless telegraphy apparatus” and “wireless telegraphy station”

Extent and application

- 118 Extent
119 Territorial application

120 Territorial sea and other waters

Supplemental

121 Orders and regulations made by Secretary of State
 122 Orders and regulations made by OFCOM
 123 Consequential amendments
 124 Transitional provisions, savings and transitory modifications
 125 Repeals and revocations
 126 Short title and commencement

SCHEDULES

SCHEDULE 1 — Procedure for wireless telegraphy licences

- 1 General procedure for applications
- 2 Time limits
- 3 Information to be provided in connection with applications
- 4 Proposed refusal
- 5 Duration
- 6 Revocation or variation
- 7 Notification of proposed revocation or variation
- 8 Restriction on powers of revocation and variation

SCHEDULE 2 — Procedure for grants of recognised spectrum access

- 1 General procedure for applications
- 2 Information to be provided in connection with applications
- 3 Notice of proposed refusal of application
- 4 Duration of grant
- 5 Revocation or modification
- 6 Notice of proposed revocation or modification
- 7 Restriction on powers of revocation and modification

SCHEDULE 3 — Suspension and revocation of authorities issued to wireless personnel

- 1 Notice of suspension
- 2 Reference to advisory committee
- 3 Decision by Secretary of State
- 4 Payment of expenses

SCHEDULE 4 — Fixed penalties

- 1 Offences to which this Schedule applies
- 2 Fixed penalties and fixed penalty notices
- 3 Issuing of fixed penalty notice
- 4 Content of fixed penalty notice
- 5 Withdrawal of fixed penalty notice
- 6 Notification to person to whom payment is to be made
- 7 Effect of fixed penalty notice
- 8 Payment of fixed penalty
- 9 Effect of payment
- 10 Service of statement and proof of service
- 11 Certificate about payment
- 12 Regulations

13 Interpretation

SCHEDULE 5 — Forfeiture on conviction

- 1 Power to order forfeiture
- 2 Forfeiture in relation to restricted apparatus
- 3 Property of third parties
- 4 Disposal of apparatus
- 5 Delivery to OFCOM
- 6 Provisions as to disposal of property disappplied
- 7 Provisions as to deprivation of property disappplied

SCHEDULE 6 — Seizure and forfeiture of restricted apparatus

- 1 Application of Schedule
- 2 Notice of seizure
- 3 Notice of claim
- 4 (1) A notice of claim must be given within one...
- 5 Condemnation
- 6 (1) Where a notice of claim in respect of the...
- 7 Where the restricted apparatus is condemned or taken to have...
- 8 Proceedings for condemnation by court
- 9 Proceedings for the condemnation of restricted apparatus instituted in a...
- 10 (1) In proceedings for condemnation that are instituted in England...
- 11 (1) In the case of proceedings for condemnation instituted in...
- 12 Where an appeal has been made (whether by case stated...
- 13 Disposal of unclaimed property
- 14 Provisions as to proof
- 15 In any proceedings, the condemnation by a court of restricted...
- 16 Special provisions as to certain claimants
- 17 Saving for owner's rights

SCHEDULE 7 — Consequential amendments

- 1 Defamation Act (Northern Ireland) 1955 (c. 11 (N.I.))
- 2 Wireless Telegraphy Act 1967 (c. 72)
- 3 Theatres Act 1968 (c. 54)
- 4 Port of London Act 1968 (c. xxxii)
- 5 Local Government Act 1972 (c. 70)
- 6 Thames Barrier and Flood Prevention Act 1972 (c. xlv)
- 7 Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22)
- 8 Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))
- 9 Broadcasting Act 1990 (c. 42)
- 10 In section 3 (licences under Part 1 of that Act)...
- 11 In section 86 (licences under Part 3 of that Act)...
- 12 (1) Section 89 (offences giving rise to disqualification) is amended...
- 13 In section 202 (general interpretation) in subsection (1), for the...
- 14 Intelligence Services Act 1994 (c. 13)
- 15 Merchant Shipping Act 1995 (c. 21)
- 16 Criminal Procedure (Scotland) Act 1995 (c. 46)
- 17 Broadcasting Act 1996 (c. 55)
- 18 In section 42 of that Act (licences under Part 2...
- 19 Police Act 1997 (c. 50)

- 20 Terrorism Act 2000 (c. 11)
- 21 Regulation of Investigatory Powers Act 2000 (c. 23)
- 22 (1) Section 3 (lawful interception without an interception warrant) is...
- 23 In section 18 (exceptions to section 17) in subsection (12)(c),...
- 24 In section 81 (general interpretation) in subsection (1), in the...
- 25 Communications Act 2003 (c. 21)
- 26 In section 14 (consumer research) in subsection (2), for “the...
- 27 In section 190 (resolution of disputes referred to OFCOM) in...
- 28 In section 192(1) (appeals: decisions subject to appeal)—
- 29 In section 364 (TV licences) in subsection (2)(f), for “the...
- 30 In section 366 (powers to enforce TV licensing) in subsection...
- 31 In section 393 (general restrictions on disclosure of information) in...
- 32 In section 400 (destination of licence fees and penalties), in...
- 33 (1) Section 401 (power of OFCOM to retain costs of...
- 34 (1) Section 405 (general interpretation) is amended as follows.
- 35 In section 410 (application of enactments to territorial sea and...
- 36 In Schedule 8 (decisions not subject to civil appeal), omit...
- 37 Income Tax (Trading and Other Income) Act 2005 (c. 5)
- 38 Commissioners for Revenue and Customs Act 2005 (c. 11)

SCHEDULE 8 — Transitional provisions, savings and transitory modifications

Part 1 — TRANSITIONAL PROVISIONS AND SAVINGS

- 1 General provisions
 - 2 Anything done, or having effect as if done, under or...
 - 3 A reference (express or implied) in this Act or another...
 - 4 (1) A reference (express or implied) in an enactment, or...
 - 5 Paragraphs 1 to 4 have effect in place of section...
 - 6 Paragraphs 2 and 4(1) do not apply to an Order...
 - 7 General rule for old savings
 - 8 Use of existing forms etc
 - 9 Regulatory Reform Act 2001 (c. 6)
 - 10 Contracted-out functions under section 1 of the Wireless Telegraphy Act 1949
 - 11 Wireless telegraphy licences granted before 18th June 1998
 - 12 Procedures treated as prescribed by regulations made by OFCOM
 - 13 Tribunal established under section 9 of the Wireless Telegraphy Act 1949
 - 14 References to Postmaster General etc
 - 15 Procedure for prosecutions
 - 16 Penalties for certain offences triable either way
 - 17 Penalties for offences: unauthorised use of wireless telegraphy station etc
 - 18 In relation to an offence committed on or after 18th...
 - 19 Penalties for offences: contravening notice under section 55 or 56
 - 20 Fixed penalties for wireless telegraphy offences
 - 21 Powers of seizure
 - 22 Forfeiture etc of restricted apparatus
 - 23 Appeals of wireless telegraphy decisions
 - 24 Orders in Council: section 118
 - 25 Orders in Council: continental shelf
- ##### Part 2 — TRANSITORY MODIFICATIONS
- 26 Justice (Northern Ireland) Act 2002 (c. 26)
 - 27 Communications Act 2003 (c. 21)

- 28 Power to make transitional provision
- 29 Saving for old transitional provisions

SCHEDULE 9 — Repeals and revocations

Part 1 — REPEALS

Part 2 — REVOCATIONS