



Telecommunications Act 1984

1984 CHAPTER 12

PART VI

PROVISIONS RELATING TO WIRELESS TELEGRAPHY

Marking etc. of apparatus

85 Information etc. to be marked on or to accompany apparatus

- (1) Where it appears to the Secretary of State expedient that any description of relevant apparatus should be marked with or accompanied by any information or instruction relating to the apparatus or its installation or use, the Secretary of State may by order—
 - (a) impose requirements for securing that relevant apparatus of that description is so marked or accompanied, and
 - (b) regulate or prohibit the supply of any such apparatus with respect to which the requirements are not complied with;and the requirements may extend to the form and manner in which the information or instruction is given.
- (2) An order under this section may, in the case of apparatus supplied in circumstances where the information or instruction required by the order would not be conveyed until after delivery, require the whole or part thereof to be also displayed near the apparatus.
- (3) Where an order under this section is in force with respect to relevant apparatus of any description, any person who, in the course of any trade or business, supplies or offers to supply relevant apparatus of that description in contravention of the order shall, subject to section 87 below, be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) For the purposes of this section a person exposing relevant apparatus for supply or having such apparatus in his possession for supply shall be deemed to offer to supply it.
- (5) In this section and section 86 below—

Status: This is the original version (as it was originally enacted).

- (a) "relevant apparatus" means wireless telegraphy apparatus or apparatus designed or adapted for use in connection with wireless telegraphy apparatus ; and
- (b) "supply" shall be construed in accordance with section 9 of the Consumer Safety Act 1978.

86 Information etc. to be given in advertisements

- (1) Where it appears to the Secretary of State expedient that any description of advertisements of relevant apparatus should contain or refer to any information relating to the apparatus or its installation or use, the Secretary of State may by order impose requirements as to the inclusion of the information, or an indication of the means by which it may be obtained, in advertisements of that description.
- (2) An order under this section may specify the form and manner in which any information or indication required by the order is to be included in advertisements of any description.
- (3) Where an advertisement of any relevant apparatus which is to be supplied in the course of any trade or business fails to comply with any requirement imposed under this section, any person who publishes the advertisement shall, subject to section 87 below, be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) Section 85(5) above applies for the purposes of this section ; and in this section "advertisement" includes a catalogue, a circular and a price list.

87 Offences under section 85 or 86 due to default of third person

- (1) Where the commission by any person of an offence under section 85 or 86 above is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.
- (2) In any proceedings for an offence under either of those sections it shall, subject to subsection (3) below, be a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.
- (3) Where the defence provided by subsection (2) above involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.
- (4) In any proceedings for an offence under section 86 above it shall be a defence for the person charged to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under that section.