



# Wireless Telegraphy Act 2006

## 2006 CHAPTER 36

### PART 2

#### REGULATION OF RADIO SPECTRUM

### CHAPTER 4

#### ENFORCEMENT

##### *Procedures for contraventions*

#### [<sup>F1</sup>43A Special procedure for contraventions of certain provisions

- (1) OFCOM may impose a penalty on a person if—
  - (a) that person is or has been in contravention in any respect of a provision, term or limitation of a wireless telegraphy licence;
  - (b) OFCOM have notified that person that it appears to them that the provision, term or limitation has been contravened in that respect;
  - (c) this section applies to that contravention by virtue of provision included in the licence; and
  - (d) that contravention is not one in respect of which proceedings for an offence under this Chapter have been brought against that person.
- (2) A licence may provide in accordance with subsection (1)(c) that this section applies to the contravention of a provision, term or limitation only if it appears to OFCOM that a direction under section 5 requires the provision, term or limitation to be included in the licence.
- (3) Where OFCOM impose a penalty on a person under this section, they must—
  - (a) notify that person of that decision and of their reasons for that decision; and
  - (b) in that notification, fix a reasonable period after it is given as the period within which the penalty is to be paid.

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*Status: Point in time view as at 08/06/2010. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 43A. (See end of Document for details)*

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- (4) A penalty imposed under this section—
- (a) must be paid to OFCOM; and
  - (b) if not paid within the period fixed by them, is to be recoverable by them accordingly.
- (5) No proceedings for an offence under this Chapter may be commenced against a person in respect of a contravention in respect of which a penalty has been imposed by OFCOM under this section.
- (6) The amount of a penalty imposed under this section is to be such amount not exceeding 10 per cent of the relevant amount of gross revenue as OFCOM think—
- (a) appropriate; and
  - (b) proportionate to the contravention in respect of which it is imposed.]

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**Textual Amendments**

**F1** S. 43A inserted (8.6.2010) by Digital Economy Act 2010 (c. 24), ss. 39(1), 47(1)

**Status:**

Point in time view as at 08/06/2010. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 43A.