



# Wireless Telegraphy Act 1949

## 1949 CHAPTER 54

### PART I

#### *Regulation of Wireless Telegraphy*

#### **1 Licensing of wireless telegraphy**

- (1) No person shall establish or use any station for wireless telegraphy or instal or use any apparatus for wireless telegraphy except under the authority of a licence in that behalf granted by the Postmaster General, and any person who establishes or uses any station for wireless telegraphy or installs or uses any apparatus for wireless telegraphy except under and in accordance with such a licence shall be guilty of an offence under this Act :

Provided that the Postmaster General may by regulations exempt 'from the provisions of this subsection the establishment, installation or use of stations for wireless telegraphy or wireless telegraphy apparatus of such classes or descriptions as may be specified in the regulations, either absolutely or subject to such terms, provisions and limitations as may be so specified.

- (2) A licence granted under this section (hereafter in this Act referred to as a wireless telegraphy licence) may be issued subject to such terms, provisions and limitations as the Postmaster General may think fit, including in particular in the case of a licence to establish a station, limitations as to the position and nature of the station, the purposes for which, the circumstances in which, and the persons by whom the station may be used, and the apparatus which may be installed or used therein, and, in the case of any other licence, limitations as to the apparatus which may be installed or used, and the places where, the purposes for which, the circumstances in which and the persons by whom the apparatus may be used.
- (3) A wireless telegraphy licence shall, unless previously revoked by the Postmaster General, continue in force for such period as may be specified in the licence.
- (4) A wireless telegraphy licence may be revoked, or the terms, provisions or limitations thereof varied, by a notice in writing of the Postmaster General served on the holder of

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the licence or by a general notice applicable to licences of the class to which the licence in question belongs published in such manner as may be specified in the licence.

- (5) Where a wireless telegraphy licence has expired or has been revoked, it shall be the duty of the person to whom the licence was issued, and of every other person in whose possession or under whose control the licence may be, to cause the licence to be surrendered to the Postmaster General if required by the Postmaster General so to do, and any person who without reasonable excuse fails or refuses to comply with the provisions of this subsection shall be guilty of an offence under this Act:

Provided that this subsection shall not apply to a licence relating solely to apparatus not designed or adapted for emission (as opposed to reception).

- (6) Nothing in this section shall authorise the inclusion, in any wireless telegraphy licence relating solely to apparatus not designed or adapted for emission (as opposed to reception), of any term or provision requiring any person to concede any form of right of entry into any private dwellinghouse.

## **2 Fees and charges for wireless telegraphy licences**

- (1) On the issue or renewal of a wireless telegraphy licence, and, where the regulations under this section so provide, at such times thereafter as may be prescribed by the regulations, there shall be paid to the Postmaster General by the person to whom the licence is issued such sums as may be prescribed by regulations to be made by the Postmaster General with the consent of the Treasury, and different provision may be made in relation to different licences, according to the nature, terms, provisions, limitations and duration thereof:

Provided that the regulations made may contain provisions authorising, in such cases as are not otherwise dealt with by the regulations, the charge by the Postmaster General of such sums, whether on the issue or renewal of the licence or subsequently, as may in the particular case appear to him to be proper, but this proviso shall not apply to licences of any type wholly or mainly intended to meet the needs of persons desiring to use, in a private dwelling-house and without making any charge to other persons, apparatus not designed or adapted for emission (as opposed to reception).

- (2) Notwithstanding anything in the preceding subsection, where, upon an application made by a person ordinarily resident in the United Kingdom for the issue or renewal of a wireless telegraphy licence to instal or use apparatus not designed or adapted for emission (as opposed to reception), the Postmaster General is satisfied, by means of a certificate issued by the local authority and produced to him by the applicant, that the applicant is a blind person not resident in a public or charitable institution or in a school, the Postmaster General may dispense with the payment of any sum which would otherwise be payable on the issue or renewal of the

In this subsection, the expression " blind person " means a person so blind as to be unable to perform any work for which eyesight is essential, and the expression " the local authority " means—

- (a) in relation to any person ordinarily resident in England and Wales, the council of the county or county borough in which he is ordinarily resident;
- (b) in relation to a person ordinarily resident in a large burgh in Scotland, the town council of that burgh;
- (c) in relation to a person ordinarily resident elsewhere in Scotland, the council of the county in which he is ordinarily resident;

- (d) in relation to a person ordinarily resident in Northern Ireland, the welfare authority established under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946, for the area in which he is ordinarily resident.
- (3) Where sums will or may become payable under subsection (1) of this section subsequently to the issue or renewal of a licence, the Postmaster General may, on the issue or renewal thereof, require such security to be given, by way of deposit or otherwise, for the payment of the sums which will or may become payable as he thinks fit.

### **3 Regulations as to wireless telegraphy**

- (1) The Postmaster General may make regulations—
- (a) prescribing the things which are to be done or are not to be done in connection with the use of any station for wireless telegraphy or wireless telegraphy apparatus, and, in particular, requiring the use of any such station or apparatus to cease on the demand in that behalf of any such persons as may be prescribed by or under the regulations;
  - (b) imposing on the person to whom a wireless telegraphy licence is issued with respect to any station for wireless telegraphy or wireless telegraphy apparatus, or who is in possession or control of any station for wireless telegraphy or wireless telegraphy apparatus, obligations as to permitting and facilitating the inspection of the station and apparatus, as to the condition in which the station and apparatus are to be kept and, in the case of a station or apparatus for the establishment, installation or use of which a wireless telegraphy licence is necessary, as to the production of the licence, or of such other evidence of the licensing of the station or apparatus as may be prescribed by the regulations;
  - (c) where sums are or may become due from the person to whom a wireless telegraphy licence is issued after the issue or renewal thereof, requiring that person to keep and produce such accounts and records as may be specified in the regulations; and
  - (d) requiring the person to whom a wireless telegraphy licence authorising the establishment or use of a station has been issued to exhibit at the station such notices as may be specified in the regulations,

and different provision may be made by any such regulations for different classes of case:

Provided that nothing in any such regulations shall require any person to concede any form of right of entry into a private dwellinghouse for the purpose of permitting or facilitating the inspection of any apparatus not designed or adapted for emission (as opposed to reception).

- (2) Any person who contravenes any regulations made under this section, or causes or permits any station for wireless telegraphy or wireless telegraphy apparatus to be used in contravention of any such regulations, shall be guilty of an offence under this Act.

### **4 Experimental licences**

- (1) Subject to the provisions of this section, where an application for the grant or renewal of a wireless telegraphy licence is made to the Postmaster General by a British subject and the Postmaster General is satisfied that the only purpose for which the applicant

requires the licence is to enable him to conduct experiments in wireless telegraphy for the purpose of scientific research, the Postmaster General shall not refuse to grant or renew the licence and shall not revoke the licence when granted, and no sum shall be payable under the regulations under section two of this Act otherwise than on the issue or renewal of the licence.

- (2) Nothing in subsection (1) of this section shall limit the discretion of the Postmaster General as to the terms, provisions or limitations which he attaches to any licence or his power to vary the terms, provisions or limitations of any licence.
- (3) Nothing in subsection (1) of this section shall prevent the Postmaster General from refusing to grant or renew, or from revoking, any licence if, whether before or after the grant or last renewal of the licence, the applicant has been convicted of any offence under this Part of this Act, whether in relation to the same or any other apparatus, or has contravened any of the terms, provisions or limitations of that or any other wireless telegraphy licence granted to him, or has been convicted under Part II of this Act of using any apparatus for the purpose of interfering with any wireless telegraphy.
- (4) If it appears to the Postmaster General that, by reason of the existence of a national emergency, it is expedient so to do, he may, by a notice in writing served on the holder of any licence granted in pursuance of this section, revoke that licence, or by a general notice published in the London, Edinburgh and Belfast Gazettes, revoke all licences granted in pursuance of this section which are for the time being in force, and the Postmaster General shall not be obliged by virtue of this section to grant or renew any licence, if it appears to him, by reason of the existence of such an emergency, inexpedient so to do.

## **5 Misleading messages and interception and disclosure of messages**

Any person who—

- (a) by means of wireless telegraphy, sends or attempts to send, any message which, to his knowledge, is false or misleading and is, to his knowledge, likely to prejudice the efficiency of any safety of life service or endanger the safety of any person or of any vessel, aircraft or vehicle, and, in particular, any message which, to his knowledge, falsely suggests that a vessel or aircraft is in distress or in need of assistance or is not in distress or not in need of assistance; or
- (b) otherwise than under the authority of the Postmaster General or in the course of his duty as a servant of the Crown, 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) which neither the person using the apparatus nor any person on whose behalf he is acting is authorised by the Postmaster General to receive; 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,

shall be guilty of an offence under this Act

## **6 Territorial extent of preceding provisions**

- (1) Subject to the provisions of this section, the preceding provisions of this Part of this Act shall apply—
- (a) to all stations and apparatus in or over, or for the time being in or over, the United Kingdom or the territorial waters adjacent thereto; and
  - (b) subject to any limitations which the Postmaster General may by regulations determine, to all stations and apparatus on board any British seagoing ship or British aircraft which is registered in the United Kingdom but is not for the time being in or over the United Kingdom or the said territorial waters; and
  - (c) subject to any limitations which the Postmaster General may by regulations determine, to all apparatus which is not in or over the United Kingdom or the said territorial waters but was released from within the United Kingdom or the said territorial waters, or from any British seagoing ship or British aircraft which is registered in the United Kingdom,

and, without prejudice to the liability of any other person, in the event of any contravention of the said preceding provisions or of any regulations made thereunder occurring in relation to any station or apparatus on board or released from any vessel or aircraft, the captain or the person for the time being in charge of the vessel or aircraft shall be guilty of an offence under this Act:

Provided that the captain or person for the time being in charge of a vessel or aircraft shall not be guilty of any offence under this Act by reason of any contravention of the said provisions or regulations occurring in relation to apparatus on board the vessel or aircraft if the contravention consists of the use by a passenger on board the ship or aircraft of apparatus not designed or adapted for emission (as opposed to reception) which is not part of the wireless telegraphy apparatus, if any, of the ship or aircraft.

- (2) The Postmaster General may make regulations for regulating the use, on board any foreign sea going ship or foreign aircraft within the limits of the United Kingdom and the territorial waters adjacent thereto, of wireless telegraphy apparatus on board the ship or aircraft, and such regulations may provide for the punishment of persons contravening the regulations by such fine, not exceeding in the case of any one offence one hundred pounds, as may be specified in the regulations, and for the forfeiture of any wireless telegraphy apparatus in respect of which an offence under such regulations is committed; but, save as aforesaid, nothing in this Part of this Act shall operate so as to impose any prohibition or restriction on persons using wireless telegraphy apparatus on board any foreign seagoing ship or foreign aircraft.
- (3) His Majesty may by Order in Council direct that any reference in this section to any British ship or aircraft registered in the United Kingdom shall be construed as including a reference to any British ship or aircraft registered in the Isle of Man, in any of the Channel Islands, or in any colony, British protectorate or British protected state, or registered under the law of any other country or territory outside the United Kingdom which is for the time being administered by His Majesty's Government in the United Kingdom.

## **7 Powers of Postmaster General as to wireless personnel**

- (1) The Postmaster General may hold examinations to determine the competence of the persons examined to fill positions in connection with the operation of stations for wireless telegraphy or wireless telegraphy apparatus and may issue to persons

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successful at such examinations certificates of competence of such types as he may from time to time determine.

- (2) The Postmaster General may issue to such persons as he thinks fit authorities in writing authorising the persons to whom the authorities are issued to fill such positions in connection with the operation of stations for wireless telegraphy or wireless telegraphy apparatus as may be specified in the respective authorities, being positions for the holding of which the possession of such an authority is, under wireless telegraphy licences granted under this Act or under any licences granted under any corresponding law of any part of His Majesty's dominions, a necessity or a qualification.
- (3) The Postmaster General, if it appears to him that there are sufficient grounds so to do, may at any time suspend any authority granted under the last preceding subsection with a view to the revocation thereof, and where he so suspends an authority, the provisions of the First Schedule to this Act shall have effect.
- (4) Where any authority granted under subsection (2) of this section has ceased to be in force or has been suspended, it shall be the duty of the person to whom the authority was issued, and of every other person in whose possession or under whose control the authority may be, to cause the authority to be surrendered to the Postmaster General if required by the Postmaster General so to do, and any person who without reasonable excuse fails or refuses to comply with the provisions of this subsection shall be guilty of an offence under this Act.
- (5) The Postmaster General may charge to persons applying to take part in any examination under this section, and to applicants for, or for copies of, any certificate or authority issued under this section, such fees, if any, as he may determine.

## **8 Commencement of Part I**

This Part of this Act shall come into operation on such date as the Postmaster General may by order appoint, and different dates may be appointed for different provisions thereof.