



# Wireless Telegraphy Act 2006

## 2006 CHAPTER 36

### PART 5

#### PROHIBITION OF BROADCASTING FROM SEA OR AIR

##### *Prohibitions*

#### **77 Broadcasting from ships and aircraft**

- (1) It is unlawful—
  - (a) in the case of any ship or aircraft, to make a broadcast from it while it is in or over the United Kingdom or external waters; or
  - (b) in the case of a British-registered ship or British-registered aircraft, to make a broadcast from it while it is not in or over the United Kingdom or external waters.
- (2) If a broadcast is made from a ship in contravention of subsection (1), an offence is committed by—
  - (a) the owner of the ship;
  - (b) the master of the ship; and
  - (c) a person who operates, or participates in the operation of, the apparatus by means of which the broadcast is made.
- (3) If a broadcast is made from an aircraft in contravention of subsection (1), an offence is committed by—
  - (a) the operator of the aircraft;
  - (b) the commander of the aircraft; and
  - (c) a person who operates, or participates in the operation of, the apparatus by means of which the broadcast is made.
- (4) A person commits an offence if he procures a broadcast to be made in contravention of subsection (1).
- (5) In this section—

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“master”, in relation to a ship, includes any other person (except a pilot) who has command or charge of the ship;

“operator”, in relation to an aircraft, means the person who at the relevant time has the management of the aircraft.

## **78 Broadcasting from marine structures etc**

- (1) This section applies to—
  - (a) tidal waters in the United Kingdom;
  - (b) external waters;
  - (c) waters in a designated area.
- (2) It is unlawful to make a broadcast from—
  - (a) a structure, other than a ship, that is affixed to, or supported by, the bed of waters to which this section applies, or
  - (b) any other object in those waters.
- (3) Subsection (2) does not apply by virtue of paragraph (b) to a broadcast made from a ship or aircraft.
- (4) A person commits an offence if he operates, or participates in the operation of, apparatus by means of which a broadcast is made in contravention of subsection (2).
- (5) A person commits an offence if he procures a broadcast to be made in contravention of subsection (2).

## **79 Broadcasting from prescribed areas of high seas**

- (1) It is unlawful—
  - (a) to make a broadcast that is capable of being received in the United Kingdom, or
  - (b) to make a broadcast that causes interference with any wireless telegraphy in the United Kingdom,
 from a ship (other than a British-registered ship) while it is within a prescribed area of the high seas.
- (2) If a broadcast is made in contravention of subsection (1), an offence is committed by—
  - (a) the owner of the ship from which the broadcast is made;
  - (b) the master of the ship; and
  - (c) a person who operates, or participates in the operation of, apparatus by means of which the broadcast is made.
- (3) A person commits an offence if he procures a broadcast to be made in contravention of subsection (1).
- (4) The making of a broadcast does not contravene subsection (1) if it is shown to have been authorised under the law of a country or territory outside the United Kingdom.
- (5) “Prescribed” means prescribed for the purposes of this section by an order made by the Secretary of State.

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## **80 Acts connected with broadcasting**

- (1) A British person commits an offence if he operates, or participates in the operation of, apparatus by means of which a broadcast is made—
  - (a) from a ship (other than a British-registered ship) while it is on the high seas;
  - (b) from an aircraft (other than a British-registered aircraft) while it is on or over the high seas;
  - (c) from a structure (other than a ship) that is affixed to, or supported by, the bed of the high seas; or
  - (d) from an object on the high seas (other than a structure falling within paragraph (c), a ship or an aircraft).
- (2) Subsection (1) does not apply—
  - (a) by virtue of paragraph (a), to a broadcast made in contravention of section 79(1);
  - (b) by virtue of paragraph (c) or (d), to a broadcast made from a structure or other object in waters in a designated area.
- (3) A person commits an offence if he procures a broadcast to be made as mentioned in subsection (1).

## **81 Management of station**

- (1) A person commits an offence if, from anywhere in the United Kingdom or external waters, he participates in the management, financing, operation or day-to-day running of a broadcasting station by which broadcasts are made—
  - (a) in contravention of section 77(1), 78(2) or 79(1); or
  - (b) as mentioned in section 80(1)(a).
- (2) In this section “broadcasting station” means a business or other operation (whether or not in the nature of a commercial venture) that is engaged in the making of broadcasts.

## **82 Facilitating broadcasting from ships or aircraft**

- (1) A person commits an offence if he provides a ship or aircraft to another, or agrees to do so, knowing, or having reasonable cause to believe, that broadcasts are to be made from it—
  - (a) in contravention of section 77(1); or
  - (b) while it is on or over the high seas.
- (2) A person commits an offence if—
  - (a) he carries wireless telegraphy apparatus in a ship or aircraft, or agrees to do so, or
  - (b) he supplies wireless telegraphy apparatus to a ship or aircraft, or instals such apparatus in a ship or aircraft,knowing, or having reasonable cause to believe, that by means of the apparatus broadcasts are to be made from the ship or aircraft as mentioned in subsection (1).
- (3) A person commits an offence if—
  - (a) he supplies goods or materials—
    - (i) for the operation or maintenance of a ship or aircraft,

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- (ii) for the operation or maintenance of wireless telegraphy apparatus installed in a ship or aircraft, or
  - (iii) for the sustenance or comfort of the persons on board a ship or aircraft,
  - (b) he carries by water or air goods or persons to or from a ship or aircraft, or
  - (c) he engages a person as an officer or one of the crew of a ship or aircraft,
- knowing, or having reasonable cause to believe, that broadcasts are made, or are to be made, from the ship or aircraft as mentioned in subsection (1).
- (4) In proceedings for an offence under this section consisting in carrying goods or persons to or from a ship or aircraft, it is a defence for the defendant to prove—
- (a) that the ship or aircraft was, or was believed to be, wrecked, stranded or in distress, and that the goods or persons were carried for the purpose of—
    - (i) preserving the ship or aircraft, or its cargo or equipment, or
    - (ii) saving the lives of persons on board the ship or aircraft; or
  - (b) that a person on board the ship or aircraft was, or was believed to be, hurt, injured or ill, and that the goods or persons were carried for the purpose of securing that he received the necessary surgical or medical advice and attendance.
- (5) The reference in subsection (4)(a) to persons carried for the purpose of saving lives is not to be read as excluding the persons whose lives were to be saved.
- (6) The reference in subsection (4)(b) to persons carried for the purpose of securing that advice and attendance were received is not to be read as excluding the person who was (or was believed to be) hurt, injured or ill.
- (7) In proceedings for an offence under this section consisting in carrying a person (“A”) to or from a ship or aircraft, it is a defence for the defendant to prove that A was visiting the ship or aircraft for the purpose of exercising or performing a power or duty conferred or imposed on A by law.
- (8) This section is subject to section 86.

### **83 Facilitating broadcasting from structures etc**

- (1) A person commits an offence if he installs wireless telegraphy apparatus on or in a structure or other object, or supplies such apparatus for installation on or in a structure or other object, knowing, or having reasonable cause to believe, that by means of the apparatus broadcasts are to be made from it—
- (a) in contravention of section 78(2); or
  - (b) while it is on the high seas.
- (2) A person commits an offence if, in the case of a structure or other object—
- (a) he supplies goods or materials—
    - (i) for its maintenance,
    - (ii) for the operation or maintenance of wireless telegraphy apparatus installed in or on it, or
    - (iii) for the sustenance or comfort of the persons in or on it,
  - (b) he carries goods or persons to or from it by water or air, or
  - (c) he engages a person to render services in or on it,

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knowing, or having reasonable cause to believe, that broadcasts are made, or are to be made, from the structure or other object as mentioned in subsection (1).

- (3) In proceedings for an offence under this section consisting in carrying goods or persons to or from a structure or other object, it is a defence for the defendant to prove—
  - (a) that it was, or was believed to be, unsafe, and that the goods or persons were carried for the purpose of saving the lives of persons in or on it; or
  - (b) that a person in or on it was, or was believed to be, hurt, injured or ill, and that the goods or persons were carried for the purpose of securing that he received the necessary surgical or medical advice and attendance.
- (4) The reference in subsection (3)(a) to persons carried for the purpose of saving lives is not to be read as excluding the persons whose lives were to be saved.
- (5) The reference in subsection (3)(b) to persons carried for the purpose of securing that advice and attendance were received is not to be read as excluding the person who was (or was believed to be) hurt, injured or ill.
- (6) In proceedings for an offence under this section consisting in carrying a person (“A”) to or from a structure or other object, it is a defence for the defendant to prove that A was visiting it for the purpose of exercising or performing a power or duty conferred or imposed on A by law.
- (7) In this section references to a structure or other object do not include references to a ship or aircraft.
- (8) This section is subject to section 86.

#### **84 Maintaining or repairing apparatus**

- (1) A person commits an offence if he repairs or maintains wireless telegraphy apparatus knowing, or having reasonable cause to believe, that by means of it broadcasts are made, or are to be made—
  - (a) in contravention of section 77(1), 78(2) or 79(1); or
  - (b) as mentioned in section 80(1).
- (2) This section is subject to section 86.

#### **85 Acts relating to broadcast material**

- (1) A person commits an offence if—
  - (a) he supplies a film or sound recording knowing, or having reasonable cause to believe, that an unlawful broadcast is to be made of it;
  - (b) he makes a literary, dramatic or musical work knowing, or having reasonable cause to believe, that an unlawful broadcast is to be made of it;
  - (c) he makes an artistic work knowing, or having reasonable cause to believe, that it is to be included in an unlawful television broadcast;
  - (d) he participates in an unlawful broadcast;
  - (e) he advertises by means of an unlawful broadcast or invites another to advertise by means of an unlawful broadcast that is to be made;
  - (f) he publishes the times or other details of unlawful broadcasts that are to be made, or (otherwise than by publishing such details) publishes an advertisement of matter calculated to promote (whether directly or indirectly)

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the interests of a business whose activities consist in or include the operation of a station from which unlawful broadcasts are or are to be made.

- (2) An unlawful broadcast is a broadcast made—
  - (a) in contravention of section 77(1), 78(2) or 79(1); or
  - (b) as mentioned in section 80(1).
- (3) A person participates in a broadcast only if he is actually present—
  - (a) as an announcer;
  - (b) as a performer or one of the performers concerned in an entertainment given; or
  - (c) as the deliverer of a speech.
- (4) The cases in which a person is to be taken for the purposes of this section as advertising by means of a broadcast include any case in which he causes or allows it to be stated, suggested or implied that entertainment included in the broadcast—
  - (a) has been supplied by him; or
  - (b) is provided wholly or partly at his expense.
- (5) For the purposes of this section advertising by means of a broadcast takes place not only where the broadcast is made but also wherever it is received.
- (6) This section is subject to section 86.

## **86 Facilitation offences: territorial scope**

- (1) A person who does an act mentioned in section 82, 83, 84 or 85 does not commit an offence under that section unless condition A, B, C, D or E is satisfied.
- (2) Condition A is satisfied if he does the act in the United Kingdom or external waters.
- (3) Condition B is satisfied if he does the act in a British-registered ship or British-registered aircraft while it is not in or over the United Kingdom or external waters.
- (4) Condition C is satisfied if, in a case where—
  - (a) neither condition A nor condition B is satisfied, but
  - (b) the broadcasts in question are made, or are to be made, from a structure or other object (which is not a ship or aircraft) in waters in a designated area,
 he does the act on that structure or other object within those waters.
- (5) Condition D is satisfied if, in a case where—
  - (a) neither condition A nor condition B is satisfied, but
  - (b) the broadcasts in question are made, or are to be made, from a ship in contravention of section 79(1),
 he does the act in that ship within an area of the high seas that is prescribed for the purposes of section 79.
- (6) Condition E is satisfied if—
  - (a) he is a British person; and
  - (b) he does the act on or over the high seas.

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## **87 Procuring person to commit offence abroad**

A person commits an offence if he procures, in the United Kingdom, another person to do, outside the United Kingdom, anything that would have constituted an offence under sections 82 to 85 had the other person done it in the United Kingdom.

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