

Wireless Telegraphy Act, 1949

12 & 13 GEO. 6 CH. 54

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Regulation of Wireless Telegraphy

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CHAPTER 54

An Act to amend the law relating to wireless telegraphy.
[30th July 1949.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

Regulation of Wireless Telegraphy

1.—(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 instals 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: Licensing of wireless telegraphy.

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

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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 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.—(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 licence.

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.—(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

Regulations
as to wireless
telegraphy.

PART I
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- 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.

Experimental
licences.

4.—(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. 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

Misleading
messages and
interception
and disclosure
of messages.

PART I
—cont.

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

Powers of
Postmaster
General as
to wireless
personnel.

(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

PART I
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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. 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.

PART II

Special provisions as to interference

9.—(1) For the purposes specified in this Part of this Act there shall be established—

- (a) a committee appointed by the Postmaster General (in this Part of this Act referred to as “the advisory committee”); and
- (b) a tribunal (in this Part of this Act referred to as “the appeal tribunal”).

(2) The advisory committee shall be appointed from a panel consisting of such number of persons as the Postmaster General may direct, to be nominated by the President of the Institution of Electrical Engineers with the approval of the Council thereof, being persons who, in the opinion of the President of the said Institution, either possess expert knowledge of the matters falling to be dealt with by the regulations falling to be made under this Part of this Act or represent persons whose interests are likely to be affected by the making thereof, and the Postmaster General and the President of the Institution of Electrical Engineers shall each exercise his powers under this subsection in such manner as to secure that the committee or the panel, as the case may be, is in his opinion sufficiently representative of persons whose interests are likely to be affected as aforesaid.

(3) Subject to the provisions of this section, the appeal tribunal shall consist of—

- (a) one person to be appointed by the Lord Chancellor who shall be a barrister of not less than seven years’ standing or a solicitor of not less than seven years’ standing or a person who has held judicial office, and who shall act only as respects proceedings in England and Wales and shall as respects such proceedings be the president of the tribunal;
- (b) one person to be appointed by the Lord President of the Court of Session who shall be an advocate of not less than seven years’ standing or a solicitor of not less than seven years’ standing or a person who has

Commence-
ment of
Part I.Advisory
committee
and appeal
tribunal.

held judicial office, and who shall act only as respects proceedings in Scotland and shall as respects such proceedings be the president of the tribunal ;

- (c) one person to be appointed by the Lord Chief Justice of Northern Ireland who shall be a barrister of not less than seven years' standing or a solicitor of not less than seven years' standing or a person who has held judicial office, and who shall act only as respects proceedings in Northern Ireland and shall as respects such proceedings be the president of the tribunal ; and
- (d) two assessors, to assist the president of the tribunal, to be appointed by the President of the Institution of Electrical Engineers with the approval of the Council thereof, being persons who, in the opinion of the President of the said Institution, possess expert knowledge of the matters likely to come before the tribunal and are not members of the advisory committee.

(4) If, within such time, if any, as may be limited in that behalf by the rules regulating the procedure of the appeal tribunal, the parties to any particular case before the tribunal other than the Postmaster General request the President of the Institution of Electrical Engineers to appoint either one or two specially qualified assessors under this subsection, the President of the Institution of Electrical Engineers shall, with the approval of the Council thereof, select and appoint one or, as the case may be, two such assessors to act for that case, and the assessor or assessors so appointed shall act therefore accordingly in lieu of the assessors appointed under paragraph (d) of subsection (3) of this section, or, if the request is for the appointment of one specially qualified assessor and expresses a specific desire that he shall act in lieu of one only of the assessors appointed under the said paragraph (d), in lieu of such one of the assessors appointed under the said paragraph (d) as the President of the said Institution may select.

(5) If, in the case of any reference or application to the appeal tribunal under section eleven of this Act, any of the parties or the president of the tribunal, within such time, if any, as may be limited in that behalf by the rules regulating the procedure of the tribunal, request the Lord Chancellor, if the proceedings are in England and Wales, or the Secretary of State, if the proceedings are in Scotland or Northern Ireland, to appoint two additional members of the tribunal to act for that case, the Lord Chancellor or Secretary of State, as the case may be, shall select and appoint two persons, who need not possess any legal qualifications or expert knowledge, to act as additional members of the tribunal for that case, and the additional members so appointed shall act therefore accordingly in addition to the president and the assessors or assessor.

PART II
—cont.

(6) The provisions of the Second Schedule to this Act shall have effect with respect to the period for which members of the appeal tribunal are to hold office, the appointment of deputies in case of illness or inability to act, the incidental powers of the tribunal, their procedure and the enforcement and proof of their orders.

(7) The expenses incurred by the advisory committee and the appeal tribunal, to such extent as may be determined by the Postmaster General with the consent of the Treasury, (including, in the case of the committee, such sums in respect of the expenses of the members thereof, and, in the case of the tribunal, such sums by way of fees to, and in respect of the expenses of, the members or persons acting as members thereof, as may be so determined) shall be paid out of moneys provided by Parliament.

Regulations
as to radiation
of electro-
magnetic
energy, etc.

10.—(1) The Postmaster General may, after consultation with the advisory committee, make regulations for both or either of the following purposes, that is to say—

- (a) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be used ;
- (b) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be sold otherwise than for export, or offered or advertised for sale otherwise than for export, or let on hire or offered or advertised for letting on hire, by any person who in the course of business manufactures, assembles or imports such apparatus.

(2) The said requirements shall be such requirements as the Postmaster General thinks fit for the purpose of ensuring that the use of the apparatus does not cause undue interference with wireless telegraphy, and may in particular include—

- (a) requirements as to the maximum intensity of electro-magnetic energy of any specified frequencies which may be radiated in any direction from the apparatus while it is being used; and
- (b) in the case of an apparatus the power for which is supplied from electric lines, requirements as to the maximum electro-magnetic energy of any specified frequencies which may be injected into those lines by the apparatus,

and, in so far as appears to the Postmaster General necessary or expedient in the case of the regulations in question, different requirements may be prescribed for different circumstances and in relation to different classes or descriptions of apparatus, different districts or places and different times of use.

(3) The apparatus to which this section applies shall be such apparatus as may be specified in the regulations made thereunder, being apparatus generating, or designed to generate, or liable to generate fortuitously, electro-magnetic energy at frequencies of not more than three million megacycles per second, and not being wireless telegraphy apparatus.

The references in this subsection to apparatus include references to any form of electric line, and other references in this Act to apparatus shall be construed accordingly.

(4) It shall not be unlawful for any person to use any apparatus to which this section applies or to sell any such apparatus or offer or advertise it for sale or let it on hire or offer or advertise it for letting on hire by reason only that it does not comply with the requirements applicable under any regulations made under this section, but the non-compliance shall be a ground for the giving of a notice under the next succeeding section or under section twelve of this Act, as the case may be.

11.—(1) If the Postmaster General is of opinion—

Enforcement
of regulations
as to use of
apparatus.

(a) that any apparatus does not comply with the requirements applicable to it under regulations made for the purpose specified in paragraph (a) of subsection (1) of the last preceding section ; and

(b) that either—

(i) the use of the apparatus is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or for any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend ; or

(ii) the use of the apparatus is likely to cause undue interference with any other wireless telegraphy and in fact has caused or is causing such interference in a case where he considers that all reasonable steps to minimize interference have been taken in relation to the station or apparatus receiving the telegraphy,

he may serve on the person in whose possession the apparatus is a notice in writing requiring that, after a date fixed by the notice, not being less than twenty-eight days from the date of the service thereof, the apparatus shall not be used, whether by the person to whom the notice is given or otherwise, or, if the Postmaster General thinks fit so to frame the notice, shall only be used in such manner, at such times and in such circumstances as may be specified in the notice :

Provided that—

(i) if before the date fixed by the notice, a notice is given under subsection (3) of this section requiring the Post-

master General to refer the matter to the appeal tribunal, the Postmaster General's notice shall not operate until the termination of the proceedings before the tribunal, and any notice given under this subsection by the Postmaster General (other than a notice to which paragraph (ii) of this proviso applies) shall be framed accordingly ;

- (ii) if the Postmaster General is satisfied that the use of the apparatus in question is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or for any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend, the date to be fixed by the notice may be the date of the service thereof, and paragraph (i) of this proviso shall not apply.

(2) A notice under subsection (1) of this section may be revoked or varied by a subsequent notice in writing by the Postmaster General served on the person in whose possession the apparatus then is :

Provided that where a notice under this subsection has the effect of imposing any additional restrictions on the use of the apparatus, the provisions of subsection (1) of this section relating to the coming into force of notices shall apply in relation to the notice as if it had been a notice served under the said subsection (1).

(3) Where notice has been given under subsection (1) of this section, any person having possession of or any interest in the apparatus to which the notice relates may at any time (whether before or after the date fixed by the said notice), by notice in writing served on the Postmaster General, require the Postmaster General to refer the matter to the appeal tribunal, and the Postmaster General, unless he revokes his notice or modifies it to the satisfaction of the said person, shall refer the matter to the tribunal accordingly.

This subsection applies in relation to a notice under subsection (1) of this section which has been varied by a subsequent notice as it applies in relation to a notice which has not been so varied.

(4) On any such reference, the tribunal shall hear the Postmaster General and the person at whose instance the reference was made and any other person appearing to them to be interested who desires to be heard, and has, in accordance with the rules regulating the procedure of the tribunal, procured himself to be made a party to the reference, and—

- (a) if they are satisfied that the apparatus in question complies with requirements applicable to it under the regulations, shall direct the Postmaster General to revoke the notice ;

(b) if they are satisfied that the said requirements ought properly to be relaxed in relation to the apparatus, may direct the Postmaster General to revoke the notice or to vary it in such manner as may be specified in the direction,

and the Postmaster General shall revoke or vary the notice accordingly:

Provided that the making by the tribunal of a direction under this subsection or the refusal by the tribunal to make a direction under this subsection shall not prevent any such person as is mentioned in subsection (3) of this section from giving a further notice under subsection (3) of this section and shall not, where the Postmaster General is of opinion that there has been a relevant change in the circumstances, prevent the Postmaster General from giving a further notice under subsection (1) or subsection (2) of this section.

(5) A direction given under subsection (4) of this section may be absolute, or may be conditional on such steps being taken in relation to the apparatus, or on the apparatus being made to comply with such requirements, as may be specified in the direction, and any question whether or not those steps have been taken or, as the case may be, whether or not the apparatus has been made to comply with those requirements, shall, on the application of the Postmaster General or of any person having possession of or any interest in the apparatus, be determined by the tribunal.

(6) Where any matter is referred to the tribunal under subsection (3) of this section or any application is made to the tribunal under the last preceding subsection, the tribunal shall, unless the parties otherwise agree, sit in England and Wales, in Scotland or in Northern Ireland, according to the place where the apparatus was at the date of the reference or application, and in some place which in the judgment of the tribunal is reasonably near to the place where the apparatus was as aforesaid.

(7) Any person who, knowing that a notice of the Postmaster General under this section is in force with respect to any apparatus, uses that apparatus, or causes or permits it to be used, in contravention of the notice, shall be guilty of an offence under this Act.

12.—(1) If the Postmaster General is of opinion that any apparatus does not comply with the requirements applicable to it under regulations made for the purpose specified in paragraph (b) of subsection (1) of section ten of this Act, he may serve on any person who has manufactured, assembled or imported the apparatus in the course of business a notice in writing prohibiting him from selling the apparatus, otherwise than for export, or

Enforcement of regulations as to sales, etc., by manufacturers and others.

PART II
—cont.

offering or advertising it for sale, otherwise than for export, or letting it on hire or offering or advertising it for letting on hire.

(2) Where a notice has been served under subsection (1) of this section, the person on whom the notice has been served may, by notice in writing served on the Postmaster General, require the Postmaster General to refer the matter to the appeal tribunal and the Postmaster General, unless he revokes the notice, shall refer the matter to the tribunal accordingly.

(3) On any such reference, the tribunal shall hear the Postmaster General and the person at whose instance the reference was made and any other person appearing to them to be interested who desires to be heard and has, in accordance with the rules regulating the procedure of the tribunal, procured himself to be made a party to the reference, and, if they are satisfied that the apparatus in question complies with the requirements applicable to it under the regulations, shall direct the Postmaster General to revoke the notice and he shall revoke it accordingly :

Provided that the making by the tribunal of a direction under this subsection shall not, where the apparatus is subsequently altered, prevent the Postmaster General from serving a fresh notice under subsection (1) of this section with respect to the apparatus and the refusal by the tribunal to make a direction under this subsection shall not, where the apparatus is subsequently altered, prevent the Postmaster General from revoking the notice or the person on whom the notice was served from giving a further notice under subsection (2) of this section.

(4) The provisions of subsection (6) of section eleven of this Act shall apply in relation to any reference under this section as they apply in relation to any reference under subsection (3) of that section.

(5) Where a notice has been served under subsection (1) of this section, the person on whom the notice has been served shall, if he contravenes the provisions of the notice without the notice having been previously revoked by the Postmaster General, be guilty of an offence under this Act.

Deliberate
interference.

13.—(1) Any person who uses any apparatus for the purpose of interfering with any wireless telegraphy shall be guilty of an offence under this Act.

(2) This section shall apply whether or not the apparatus in question is wireless telegraphy apparatus or apparatus to which any of the preceding provisions of this Part of this Act apply, and whether or not any notice under section eleven or section twelve of this Act has been given with respect to the apparatus, or, if given, has been varied or revoked.

PART III

Supplemental

14.—(1) Subject to the provisions of Part I of this Act relating to offences committed in relation to apparatus on board foreign seagoing ships or foreign aircraft, any person committing any offence under this Act—

Penalties
and legal
proceedings.

(a) shall, if the offence is under Part I of this Act and consists either—

(i) in the installation or use, otherwise than under and in accordance with a wireless telegraphy licence, of any apparatus not designed or adapted for emission (as opposed to reception); or

(ii) in a contravention, in relation to any such apparatus, of any regulation made under the said Part I; or

(iii) in a failure or refusal to cause any licence or authority to be surrendered to the Postmaster General,

be liable on summary conviction, in the case of the first such offence, to a fine not exceeding ten pounds, and, in the case of any subsequent such offence, to a fine not exceeding fifty pounds;

(b) shall, if the offence is under Part II of this Act and consists in the use, or in the causing or permitting of the use, or in the selling, offering or advertising for sale, letting on hire or offering or advertising for letting on hire, of apparatus in contravention of a notice of the Postmaster General, not being apparatus the use of which is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend, be liable on summary conviction, in the case of the first such offence, to a fine not exceeding ten pounds, and, in the case of any subsequent such offence, to a fine not exceeding fifty pounds.

(c) shall, in the case of any other offence, be liable on summary conviction to imprisonment for a period not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such a fine.

(2) Where any offence under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting

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—cont.

to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance, and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and in all the circumstances.

In this subsection, the expression “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body.

(3) Where a person is convicted of an offence under this Act consisting in any contravention of any of the provisions of Part I of this Act in relation to any station for wireless telegraphy or any wireless telegraphy apparatus or in the use of any apparatus for the purpose of interfering with any wireless telegraphy, the court may, in addition to any other penalty, order all or any of the apparatus of the station, or, as the case may be, of the apparatus in connection with which the offence was committed, to be forfeited to the Postmaster General.

(4) Except as otherwise expressly provided in this Act, no criminal proceedings for an offence under this Act shall be instituted in England, Wales or Northern Ireland except with the consent of the Postmaster General.

(5) Section seventy-six of the Post Office Act, 1908 (which gives to the Postmaster General power to compound proceedings) shall extend to proceedings for an offence under this Act in connection with apparatus for wireless telegraphy not designed or adapted for emission (as opposed to reception).

(6) Without prejudice to the right to bring separate proceedings for contraventions of this Act taking place on separate occasions, a person who is convicted of an offence under this Act consisting in the use of any station or apparatus, or in a failure or refusal to cause any licence or authority to be surrendered, shall, where the use, or failure or refusal continues after the conviction, be deemed to commit a separate offence in respect of every day on which the use, failure or refusal so continues.

(7) Nothing in the preceding provisions of this section shall limit any right of any person to bring civil proceedings in respect of the doing or apprehended doing of anything rendered unlawful by any provision of this Act, and, without prejudice to the generality of the preceding words, compliance with the provisions of this Act contraventions of which are declared to be offences

under this Act shall be enforceable by civil proceedings by the Crown for an injunction or for any other appropriate relief.

In the application of this subsection to Scotland, for the words "civil proceedings by the Crown for an injunction" there shall be substituted the words "civil proceedings by the Lord Advocate for an interdict".

(8) In this section, the expression "summary conviction", in relation to Northern Ireland, means conviction subject to, and in accordance with, the Summary Jurisdiction Acts, and the expression "the Summary Jurisdiction Acts" means, in relation to Northern Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act (including any Act of the Parliament of Northern Ireland), whether passed before or after the passing of this Act, amending that Act.

15.—(1) If, in England, Wales or Northern Ireland, a justice of the peace, or, in Scotland, the sheriff, is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is being committed, and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, vessel or aircraft so specified, he may grant a search warrant authorising any person or persons authorised in that behalf by the Postmaster General and named in the warrant, with or without any constables, to enter, at any time within one month from the date of the warrant, the premises specified in the information or, as the case may be, the vehicle, vessel or aircraft so specified and any premises upon which it may be, and to search the premises, or, as the case may be, the vehicle, vessel or aircraft, and to examine and test any apparatus found on the premises, vessel, vehicle or aircraft.

(2) If, in England, Wales or Northern Ireland, a justice of the peace, or, in Scotland, the sheriff, is satisfied upon an application supported by sworn evidence—

- (a) that there is reasonable ground for believing that, on any specified premises or in any specified vessel, aircraft or vehicle, apparatus to which section ten of this Act applies is to be found which does not comply with the requirements applicable to it under regulations made under that section; and
- (b) that it is necessary to enter those premises, or that vessel, aircraft or vehicle, for the purpose of obtaining such information as will enable the Postmaster General to decide whether or not to serve a notice under section eleven or section twelve of this Act; and
- (c) that access to the premises, vessel, aircraft or vehicle for the purpose of obtaining such information as aforesaid

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—cont.

has, within fourteen days before the date of the application to the justice or sheriff, been demanded by a person authorised in that behalf by the Postmaster General and producing sufficient documentary evidence of his identity and authority, but has been refused,

the justice or sheriff may issue a written authorisation under his hand empowering any person or persons authorised in that behalf by the Postmaster General and named in the authorisation, with or without any constables, to enter the premises or, as the case may be, the vessel, aircraft or vehicle and any premises on which it may be and to search the premises, vessel, aircraft or vehicle with a view to discovering whether any such apparatus as aforesaid is situate thereon or therein, and, if he finds or they find any such apparatus thereon, or therein, to examine and test it with a view to obtaining such information as aforesaid:

Provided that an authorisation shall not be issued under this subsection unless either—

- (i) it is shown to the justice or sheriff that the Postmaster General is satisfied that there is reasonable ground for believing that the use of the apparatus in question is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend; or
- (ii) it is shown to the justice or sheriff that not less than seven days' notice of the demand for access was served on the occupier of the premises, or, as the case may be, the person in possession or the person in charge of the vessel, aircraft or vehicle, and that the demand was made at a reasonable hour and was unreasonably refused.

(3) Where under this section a person has a right to examine and test any apparatus on any premises or in any vessel, aircraft or vehicle, it shall be the duty of any person who is on the premises, or is in charge of, or in or in attendance on, the vessel, aircraft or vehicle, to give him any such assistance as he may reasonably require in the examination or testing of the apparatus.

(4) Any person who—

- (a) obstructs any person in the exercise of the powers conferred on him under this section; or
- (b) fails or refuses to give to any such person any assistance which he is under this section under a duty to give to him; or

(c) discloses, otherwise than for the purposes of this Act or of any report of proceedings thereunder, any information obtained by means of the exercise of powers under this Act, being information with regard to any manufacturing process or trade secret,

shall be guilty of an offence under this Act, and criminal proceedings for an offence under paragraph (c) of this subsection may be instituted without the consent of the Postmaster General.

16.—(1) Any Order in Council under this Act may be revoked or varied by a subsequent Order in Council. Regulations and orders.

(2) The power to make orders conferred on the Postmaster General by section eight of this Act and any power conferred on him by any of the provisions of this Act to make regulations shall be exercisable by statutory instrument, and any statutory instrument made in the exercise of any of the said powers shall be subject to annulment in pursuance of a resolution of either House of Parliament.

17.—(1) Any expenses incurred for the purpose of this Act by the Postmaster General shall be defrayed out of moneys provided by Parliament, and any sums received by the Postmaster General under this Act, and any fines imposed for offences under this Act, shall be paid into the Exchequer. Financial provisions.

(2) Any expenses incurred under any provision of this Act by a welfare authority established under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946, shall be defrayed in like manner as the other expenses of that authority are, for the time being, defrayed.

18.—(1) If the date appointed for the coming into operation of section one of this Act is later than the date on which the Wireless Telegraphy Acts, 1904 to 1926, are limited to expire apart from this Act, those Acts shall continue in force until the date so appointed. Temporary continuation of Wireless Telegraphy Acts, 1904 to 1926, and transitional provisions.

(2) On the expiry of the said Acts the same consequences shall ensue as would have ensued if the said Acts had been permanent Acts repealed by this Act as from the date of the expiry thereof:

Provided that any licence granted under the said Acts which is in force immediately before the date of the expiry thereof shall, as from that date, be deemed to be a wireless telegraphy licence duly granted under this Act and shall, with any necessary modifications, have effect accordingly.

19.—(1) In this Act, except where the context otherwise requires, the expression “wireless telegraphy” means the emitting or receiving, over paths which are not provided by any Interpretation.

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—cont.

material substance constructed or arranged for that purpose, of electromagnetic energy of a frequency not exceeding three million megacycles a second, being energy which either—

- (a) serves for the conveying of messages, sound or visual images (whether the messages, sound or images are actually received by any person or not), or for the actuation or control of machinery or apparatus; or
- (b) is used in connection with the determination of position, bearing or distance, or for the gaining of information as to the presence, absence, position or motion of any object or of any objects of any class,

and references to stations for wireless telegraphy and apparatus for wireless telegraphy or wireless telegraphy apparatus shall be construed as references to stations and apparatus for the emitting or receiving as aforesaid of such electro-magnetic energy as aforesaid:

Provided that where—

- (i) a station or apparatus for wireless telegraphy cannot lawfully be used without a wireless telegraphy licence or could not lawfully be used without such a licence but for regulations under section one of this Act; and
- (ii) any such electro-magnetic energy as aforesaid which is received by that station or apparatus serves for the conveying of messages, sound or visual images; and
- (iii) any apparatus is electrically coupled with that station or apparatus for the purpose of enabling any person to receive any of the said messages, sound or visual images,

the apparatus so coupled shall itself be deemed for the purposes of this Act to be apparatus for wireless telegraphy.

(2) In this Act, the expression “station for wireless telegraphy” includes the wireless telegraphy apparatus of a ship or aircraft, and the expression “electric line” has the same meaning as in the Electric Lighting Act, 1882.

(3) Any reference in this Act to the emission of electro-magnetic energy, or to emission (as opposed to reception), shall be construed as including a reference to the deliberate reflection of electro-magnetic energy by means of any apparatus designed or specially adapted for that purpose, whether the reflection is continuous or intermittent.

(4) In this Act, the expression “interference,” in relation to wireless telegraphy, means the prejudicing by any emission or reflection of electro-magnetic energy of the fulfilment of the purposes of the telegraphy (either generally or in part, and, without prejudice to the generality of the preceding words, as respects all, or as respects any, of the recipients or intended recipients

of any message, sound or visual image intended to be conveyed by the telegraphy), and the expression “interfere” shall be construed accordingly.

(5) In considering for any of the purposes of this Act, whether, in any particular case, any interference with any wireless telegraphy caused or likely to be caused by the use of any apparatus, is or is not undue interference, regard shall be had to all the known circumstances of the case and the interference shall not be regarded as undue interference if so to regard it would unreasonably cause hardship to the person using or desiring to use the apparatus.

(6) Any reference in this Act to the sending or the conveying of messages includes a reference to the making of any signal or the sending or conveying of any warning or information, and any reference to the reception of messages shall be construed accordingly.

(7) In this Act, the expressions “ship” and “vessel” have the meanings respectively assigned to them by section seven hundred and forty-two of the Merchant Shipping Act, 1894.

(8) References in this Act to apparatus on board a ship or vessel include references to apparatus on a kite or captive balloon flown from a ship or vessel.

(9) Any notice required or authorised by any provision of this Act to be served on any person may be served by registered post.

(10) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

20.—(1) This Act may be cited as the Wireless Telegraphy Act, 1949. Short title
and extent.

(2) It is hereby declared that this Act extends to Northern Ireland.

(3) His Majesty may by Order in Council direct that all or any of the provisions of this Act shall extend to the Isle of Man or any of the Channel Islands with such adaptations and modifications, if any, as may be specified in the Order.

SCHEDULES

FIRST SCHEDULE

PROCEDURE IN RELATION TO SUSPENSION AND REVOCATION OF
AUTHORITIES TO WIRELESS PERSONNEL

1. The Postmaster General shall, on suspending the authority, serve on the person to whom it was issued a notice informing him of the suspension, of the grounds thereof and of his rights under the subsequent provisions of this Schedule, and further informing him that if he does not avail himself of those rights the Postmaster General may revoke the authority:

Provided that where it appears to the Postmaster General that it is not reasonably practicable to serve the notice on the said person, the Postmaster General, in lieu of serving the notice on him, shall take such steps, by advertisement or otherwise, to bring the notice to his knowledge as appear to the Postmaster General to be reasonable in the circumstances.

2.—(1) If, within such time and in such manner as may be specified in the notice, the person to whom the authority was issued requests that the question whether the authority should be revoked or the suspension thereof continued or terminated should be referred to an advisory committee, the Postmaster General, unless he terminates the suspension, shall refer that question to an advisory committee accordingly.

(2) Every such advisory committee shall consist of three persons appointed by the Postmaster General, of whom one shall be an independent chairman selected by the Postmaster General and two shall be persons nominated respectively by such body or bodies representing employers of wireless operators and such association or associations representing wireless operators as seem to the Postmaster General to be appropriate for the purpose.

(3) Where a question is referred to an advisory committee under this paragraph, the committee shall inquire into the matter, shall consider any representations made by the person to whom the authority was issued, and shall then make a report to the Postmaster General stating the facts as found by them and the action which, in their opinion, ought to be taken as respects the revocation of the authority or the continuation or termination of the suspension thereof, and the Postmaster General shall consider the report.

(4) After considering the report of the advisory committee or, as the case may be, on the expiration of the time referred to in subparagraph (1) of this paragraph without the person to whom the authority was issued having required in the manner therein referred to that the question should be referred to an advisory committee, the Postmaster General shall, as he thinks fit, either revoke the authority, or terminate the suspension thereof, or continue the suspension thereof for such period as he thinks fit.

(5) Where the Postmaster General revokes the authority or continues the suspension thereof, he shall, if requested so to do by the person to whom the authority was issued, inform him of the opinion which the advisory committee expressed as to the action which ought to be taken as respects the revocation of the authority or the continuation or termination of the suspension thereof.

1ST SCH.
—cont.

3. Any expenses incurred by an advisory committee under this Schedule, to such extent as may be determined by the Postmaster General with the consent of the Treasury including such sums in respect of the expenses of the members of the committee as may be so determined, shall be paid out of moneys provided by Parliament.

SECOND SCHEDULE

Section 9.

PROVISIONS AS TO THE APPEAL TRIBUNAL

1.—(1) Subject to the provisions of this paragraph, the members of the appeal tribunal, other than any members appointed to act for a particular case, shall hold office for such period as may be determined at the time of their respective appointments.

(2) Any member of the tribunal may at any time by notice in writing to the Lord Chancellor resign his appointment.

(3) If a member of the tribunal becomes a member of the advisory committee, his office shall thereupon become vacant.

(4) The Lord Chancellor may declare the office of any member of the tribunal vacant on the ground of incapacity to perform the duties thereof, or on the ground of misconduct.

(5) If any member of the tribunal becomes bankrupt or makes an arrangement with his creditors, his office shall thereupon become vacant.

(6) In the application of the preceding provisions of this paragraph to members appointed by the Lord President of the Court of Session, the Lord Chief Justice of Northern Ireland or the Secretary of State, references to the Lord President, Lord Chief Justice or Secretary of State, as the case may be, shall be substituted for the references to the Lord Chancellor.

2. If any member of the tribunal is, by reason of illness, absence or other reasonable cause, for the time being unable to perform the duties of his office, either generally or in relation to any particular proceedings, the Lord Chancellor, the Lord President of the Court of Session, the Lord Chief Justice of Northern Ireland, or the President of the Institution of Electrical Engineers acting with the approval of the Council thereof, as the case may be, shall appoint some other duly qualified person to discharge the duties of that member for any period not exceeding six months at one time, or, as the case may be, in relation to those proceedings, and the person so appointed shall, during that period or in relation to those proceedings, have the same powers as the person in whose place he is appointed.

2ND SCH.
—cont.

3.—(1) The provisions of the Arbitration Acts, 1889 to 1934, with respect to—

- (a) the administration of oaths and the taking of affirmations; and
- (b) the correction in awards of mistakes and errors; and
- (c) the summoning, attendance and examination of witnesses and the production of documents; and
- (d) the costs of the reference and award,

shall, with any necessary modifications, apply in respect of any proceedings in England and Wales before the appeal tribunal, but save as aforesaid the said Acts shall not apply to any proceedings before the appeal tribunal.

(2) The appeal tribunal shall, as respects proceedings in Scotland, have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the examination of witnesses on oath and the awarding of expenses, as if the tribunal were an arbiter under a submission.

(3) Sub-paragraph (1) of this paragraph shall apply in relation to proceedings in Northern Ireland as it applies in relation to proceedings in England and Wales, with the substitution of references to the Arbitration Act (Northern Ireland), 1937, for the references to the Arbitration Acts, 1889 to 1934.

4. The power of the tribunal to award costs or expenses shall include power to order a sum to be paid to the Postmaster General in respect of the expenses of the tribunal:

Provided that an order under this paragraph shall only be made where, in the opinion of the tribunal, the person against whom the order is made was acting frivolously or vexatiously in requiring the matter in question to be referred to the tribunal or, as the case may be, in making or resisting the application before the tribunal.

5. The assessors shall give their opinions to the president on all matters of a technical nature and shall take such further part in the proceedings of the tribunal as he may direct, but the decision of the president or, in a case where additional members have been appointed, the decision of all, or, in the event of a difference of opinion, of the majority of, the members of the tribunal other than the assessors, shall, on all questions, be the decision of the tribunal.

6. Subject to the provisions of this Schedule and of Part II of this Act, the procedure in or in connection with any proceedings before the tribunal shall be such as may be determined by rules to be made by the tribunal with the approval of the Lord Chancellor as respects proceedings in England and Wales, of the Lord President of the Court of Session as respects proceedings in Scotland and of the Lord Chief Justice of Northern Ireland as respects proceedings in Northern Ireland.

7. Without prejudice to any method available by law for the proof of orders of the tribunal, a document purporting to be a copy of any such order and to be certified by the president of the tribunal to be a true copy thereof shall, in any legal proceedings, be sufficient evidence of the order until the contrary is proved.

2ND SCH.
—cont.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict. c. 93.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Post Office Act, 1908	8 Edw. 7. c. 48.

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