

Status: Point in time view as at 05/11/1993.

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 75

PENALTIES AND MODE OF TRIAL UNDER THE WIRELESS TELEGRAPHY ACT 1949

Modifications etc. (not altering text)

- C1** Sch. 3 extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), Sch. Pt. I
- C2** Sch. 3 extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), art. 3(1), Sch. Pt. I

1 The following subsections shall be substituted for subsection (1) of section 14 of the 1949 Act—

“(1) Any person committing—

- (a) any offence under section 5(a) of this Act; or
- (b) any offence under section 13 of this Act;

shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both, or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(1A) Any person committing—

- (a) any offence under section 1(1) of this Act consisting 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
- (b) any offence under section 3(2) of this Act consisting in a contravention, in relation to any such apparatus, of any regulations made under that section; or
- (c) any offence under section 11(7) or 12(5) of this Act involving or consisting in a contravention of a notice of the Secretary of State in relation to any apparatus, not being apparatus the use of which is likely to cause undue interference with any wireless telegraphy used for the purpose 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
- (d) any offence under section 1(5) or 7(4) of this Act; or
- (e) any offence under section 12A of this Act; or
- (f) any offence under this Act which is an offence under section 5 or 8(2) of the Wireless Telegraphy Act 1967 (failure to comply with notices under Part I of that Act, giving false information, etc.);

shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(1B) Any person committing—

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- (a) any offence under section 1(1) of this Act other than one within subsection (1A)(a) of this section; or
- (b) any offence under section 11(7) of this Act other than one within subsection (1A)(c) of this section;

shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or both.

(1C) Any person committing any other offence under this Act shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

^{F12}

Textual Amendments
F1 Sch. 3 para. 2 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV Group 2.

3 The following provisions shall not apply where a person is convicted of an offence under the 1949 Act—

- (a) section 43 of the ^{M1}Powers of Criminal Courts Act 1973 (which gives the convicting court in England and Wales power to deprive a person convicted of an offence punishable on indictment with imprisonment for two years or more of any property in his possession or control used or intended for use for purposes of crime); and
- (b) sections 223 and 436 of the ^{M2}Criminal Procedure (Scotland) Act 1975 and Article 7 of the ^{M3}Criminal Justice (Northern Ireland) Order 1980 (which give the convicting court in Scotland and Northern Ireland respectively power corresponding to the power under section 43 of the Powers of Criminal Courts Act 1973).

Marginal Citations
M1 1973 c. 62.
M2 1975 c. 21.
M3 S.I. 1980/704 (N.I. 6).

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