



Wireless Telegraphy Act 2006

2006 CHAPTER 36

[^{F1}PART 2A

REGULATION OF DYNAMIC SPECTRUM ACCESS SERVICES

[^{F1}Information

Textual Amendments

F1 Pt. 2A inserted (31.7.2017) by [Digital Economy Act 2017 \(c. 30\)](#), ss. 8(1), 118(6); S.I. 2017/765, reg. 2(c)

53J Provision of information to persons registered under section 53A

- (1) OFCOM may require a person falling within subsection (2) to provide a person registered under section 53A with all such information as OFCOM consider necessary and proportionate for the purpose of enabling the registered person to avoid undue interference with wireless telegraphy.
- (2) The persons falling within this subsection are—
 - (a) a person who is using, or has established or used, a wireless telegraphy station, and
 - (b) a person who is using, or has installed or used, wireless telegraphy apparatus.
- (3) A demand for information required under this section must be contained in a notice given to the person from whom the information is required.
- (4) The notice must—
 - (a) describe the required information,
 - (b) specify the manner and form in which it is to be provided,
 - (c) specify when and (if appropriate) how frequently it is to be provided, and
 - (d) specify to whom it is to be provided.

Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Cross Heading: Information. (See end of Document for details)

53K Notification of contravention of information requirements

- (1) Where OFCOM determine that there are reasonable grounds for believing that a person is contravening, or has contravened, a requirement imposed under section 53J, they may give the person a notification under this section.
- (2) A notification under this section is one which—
 - (a) sets out the determination made by OFCOM,
 - (b) specifies the requirement and contravention in respect of which the determination has been made,
 - (c) specifies the period during which the person notified has an opportunity to make representations, and
 - (d) specifies any penalty which OFCOM are minded to impose in accordance with section 53L.
- (3) A notification under this section—
 - (a) may be given in respect of more than one contravention, and
 - (b) if it is given in respect of a continuing contravention, may be given in respect of any period during which the contravention has continued.
- (4) Where a notification under this section has been given to a person in respect of a contravention of a requirement, OFCOM may give a further notification in respect of the same contravention if, and only if—
 - (a) the contravention is one occurring after the time of the giving of the earlier notification,
 - (b) the contravention is a continuing contravention and the subsequent notification is in respect of so much of a period as falls after a period to which the earlier notification relates, or
 - (c) the earlier notification has been withdrawn without a penalty having been imposed in respect of the notified contravention.

53L Penalties under section 53K

- (1) This section applies where a person is given a notification under section 53K that specifies a proposed penalty.
- (2) Where the notification relates to more than one contravention, a separate penalty may be specified in respect of each contravention.
- (3) Where the notification relates to a continuing contravention, no more than one penalty may be specified in respect of the period of contravention specified in the notification.
- (4) But, in relation to a continuing contravention, a penalty may be specified in respect of each day on which the contravention continues after—
 - (a) the giving of a confirmation decision under section 53M(4)(c) which requires immediate action, or
 - (b) the expiry of any period specified in the confirmation decision for complying with a requirement so specified.
- (5) The amount of a penalty specified under subsection (4) is to be such amount, not exceeding £20,000 per day, as OFCOM determine to be—
 - (a) appropriate; and
 - (b) proportionate to the contravention in respect of which it is imposed.

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- (6) The amount of any other penalty specified under this section is to be such amount, not exceeding £2 million, as OFCOM determine to be both—
- (a) appropriate; and
 - (b) proportionate to the contravention in respect of which it is imposed.

53M Enforcement of notification under section 53K

- (1) This section applies where—
- (a) a person has been given a notification under section 53K,
 - (b) OFCOM have allowed the person an opportunity to make representations about the matters notified, and
 - (c) the period allowed for the making of representations has expired.
- (2) OFCOM may—
- (a) give the person a decision (a “confirmation decision”) confirming the imposition of requirements in accordance with the notification under section 53K, or
 - (b) inform the person that they are satisfied with the person's representations and that no further action will be taken.
- (3) OFCOM may not give a confirmation decision to a person unless, after considering any representations, they are satisfied that the person has, in one or more of the respects notified, been in contravention of a requirement notified under section 53K.
- (4) A confirmation decision—
- (a) must be given to the person without delay,
 - (b) must include reasons for the decision,
 - (c) may require immediate action by the person to comply with a requirement notified under section 53K, or may specify a period within which the person must comply with the requirement,
 - (d) may require the person to pay—
 - (i) the penalty specified in the notification under section 53L, or
 - (ii) such lesser penalty as OFCOM consider appropriate in the light of the person's representations or steps taken by the person to comply with the requirement or remedy the consequences of the contravention, and
 - (e) may specify the period within which any such penalty is to be paid.
- (5) It is the duty of the person to comply with any requirement imposed by a confirmation decision.
- (6) That duty is enforceable in civil proceedings by OFCOM—
- (a) for an injunction,
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
 - (c) for any other appropriate remedy or relief.
- (7) A penalty imposed by a confirmation decision—
- (a) must be paid to OFCOM, and
 - (b) if not paid within the period specified by them, is to be recoverable by them accordingly.]

Changes to legislation:

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Cross
Heading: Information.