



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 4

APPROVAL OF APPARATUS ETC

Approval of apparatus

69 Approval of apparatus

- (1) This section applies where an instrument falling within subsection (2) contains provision framed by reference to relevant apparatus for the time being approved under this section for the purposes of that instrument.
- (2) The instruments are—
 - (a) wireless telegraphy licences granted under section 8;
 - (b) regulations made under section 8(3);
 - (c) regulations made under section 54;
 - (d) restriction orders made under section 62;
 - (e) authorities given under section 62(5).
- (3) The relevant authority may approve relevant apparatus for the purposes of such an instrument.
- (4) The relevant authority may require a person applying for an approval under this section to comply with such requirements as the relevant authority may think appropriate; and those requirements may include a requirement to satisfy some other person with respect to a particular matter.
- (5) An approval under this section may apply—
 - (a) to particular apparatus or to apparatus of a description specified in the approval;
 - (b) for the purposes of a particular instrument or for the purposes of instruments that are of a description specified in the approval.

Status: This is the original version (as it was originally enacted).

- (6) An approval under this section may specify conditions that must be complied with if the approval is to apply to apparatus specified in the approval (or to apparatus of a description so specified) for purposes specified in the approval.
- (7) A condition so specified may impose on the person to whom the approval is given a requirement to satisfy a person from time to time with respect to a particular matter.
- (8) The relevant authority may at any time vary or withdraw an approval given by the relevant authority under this section.

70 Approvals: supplementary

- (1) A person appointed by the relevant authority may exercise a function conferred on the relevant authority by section 69 to such extent and subject to such conditions as may be specified in the appointment.
- (2) The relevant authority may by order provide for the charging of fees in respect of the exercise of a function in pursuance of section 69 by or on behalf of the relevant authority.
- (3) Section 128 of the Finance Act 1990 (c. 29) (power to provide for repayment of fees etc) applies in relation to the power under subsection (2) to make an order as it applies in relation to any power to make such an order conferred before that Act was passed.
- (4) An appointment under subsection (1) may authorise the person appointed to retain any fees received by him in pursuance of an order under subsection (2).
- (5) Nothing in subsection (2) precludes a person (not being the relevant authority or a person acting on behalf of the relevant authority) by whom a matter falls to be determined for the purposes of a requirement imposed in pursuance of section 69(4) or (7) from charging a fee in respect of the carrying out of a test or other assessment made by him.
- (6) Any sums received by the Secretary of State under this section shall be paid into the Consolidated Fund.

71 The relevant authority

- (1) In sections 69 and 70 “the relevant authority” means (subject to subsection (2))—
 - (a) in such cases as may be specified in an order made by the Secretary of State, the Secretary of State; and
 - (b) in any other case, OFCOM.
- (2) Where an application for the purposes of section 69 is made to the Secretary of State or OFCOM and it appears to the person to whom it is made that it should have been made to the other—
 - (a) that person is to refer the application to the other; and
 - (b) the application is to be proceeded with as if made to the person to whom it is referred.