

SCHEDULES

SCHEDULE 3

Section 52

SUSPENSION AND REVOCATION OF AUTHORITIES ISSUED TO WIRELESS PERSONNEL

Notice of suspension

- 1 (1) On suspending the authority, the Secretary of State must give the person to whom the authority under section 52(3) was issued a notice—
- (a) informing him of the suspension, of the grounds of the suspension and of his rights under this Schedule;
 - (b) further informing him that if he does not avail himself of those rights the Secretary of State may revoke the authority.
- (2) Sub-paragraph (3) applies where it appears to the Secretary of State that it is not reasonably practicable to give the notice to the person to whom the authority was issued.
- (3) The Secretary of State must take such steps, by advertisement or otherwise, to bring the notice to the person's knowledge as appear to the Secretary of State to be reasonable in the circumstances.

Reference to advisory committee

- 2 (1) The person to whom the authority was issued may request that the question whether the authority should be revoked, or its suspension continued or terminated, be referred to an advisory committee.
- (2) The request is to be made within such period and in such manner as may be specified in the notice under paragraph 1.
- (3) Where a request is made under sub-paragraph (1) the Secretary of State must, unless he terminates the suspension, refer the question to an advisory committee.
- (4) For the purposes of this Schedule an advisory committee is a committee consisting of three persons appointed by the Secretary of State.
- (5) The three persons appointed are to be—
- (a) an independent chairman selected by the Secretary of State;
 - (b) a person nominated by such body or bodies representing employers of wireless operators as seem to the Secretary of State to be appropriate for the purpose;
 - (c) a person nominated by such association or associations representing wireless operators as seem to the Secretary of State to be appropriate for the purpose.
- (6) Where a question is referred to an advisory committee under this paragraph, the committee must—
- (a) inquire into the matter, and

*Changes to legislation: There are currently no known outstanding effects for the
 Wireless Telegraphy Act 2006, SCHEDULE 3. (See end of Document for details)*

- (b) consider any representations made by the person to whom the authority was issued,
and then make a report to the Secretary of State.
- (7) The report is to state—
 - (a) the facts as found by the committee, and
 - (b) the action that, in their opinion, ought to be taken as respects the revocation of the authority or the continuation or termination of its suspension.
- (8) The Secretary of State is to consider the report.

Decision by Secretary of State

- 3 (1) Sub-paragraph (2) applies—
 - (a) after the Secretary of State has considered the report of the advisory committee; or
 - (b) if no request for a reference to an advisory committee has been made within the period and in the manner referred to in paragraph 2(2), on the expiry of that period.
- (2) The Secretary of State must (as he thinks fit)—
 - (a) revoke the authority;
 - (b) terminate the suspension of the authority; or
 - (c) continue the suspension for such period as he thinks fit.
- (3) Sub-paragraph (4) applies where the Secretary of State revokes the authority or continues its suspension.
- (4) The Secretary of State must, if requested to do so by the person to whom the authority was issued, inform him of the opinion expressed by the advisory committee as to the action that ought to be taken as respects—
 - (a) the revocation of the authority; or
 - (b) the continuation or termination of its suspension.

Payment of expenses

- 4 The Secretary of State is to pay—
 - (a) the expenses incurred by an advisory committee under this Schedule, to the extent determined by him; and
 - (b) such sums as he may determine in respect of the expenses of the members of the committee.

Changes to legislation:

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006,
SCHEDULE 3.