

Status: Point in time view as at 08/02/2007.

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SCHEDULES

SCHEDULE 7

Section 123

CONSEQUENTIAL AMENDMENTS

Defamation Act (Northern Ireland) 1955 (c. 11 (N.I.))

- 1 In section 14 of the Defamation Act (Northern Ireland) 1955 (interpretation) in subsection (2), for “the Wireless Telegraphy Act, 1949” substitute “ the Wireless Telegraphy Act 2006 ”.

Wireless Telegraphy Act 1967 (c. 72)

- 2 (1) Section 5 of the Wireless Telegraphy Act 1967 (offences and enforcement) is amended as follows.
- (2) In subsection (1), for “an offence under the principal Act” substitute “ an offence under this section ”.
- (3) After that subsection insert—
- “(1A) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- (4) After subsection (5) insert—
- “(6) Sections 97 and 98 of the Wireless Telegraphy Act 2006 (provision for entry and search of premises) apply in relation to an offence under this section as they apply in relation to an offence under that Act (other than an offence under Part 4 or section 111).”

Theatres Act 1968 (c. 54)

- 3 In section 7 of the Theatres Act 1968 (exceptions for performances given in certain circumstances) in subsection (3), for “the Wireless Telegraphy Act 1949” substitute “ the Wireless Telegraphy Act 2006 ”.

Port of London Act 1968 (c. xxxii)

- 4 In section 190 of the Port of London Act 1968 (saving for Wireless Telegraphy Act 1949 etc) in subsection (1), for the words from “apparatus for” to “Act 1949” substitute “ wireless telegraphy apparatus (within the meaning of the Wireless Telegraphy Act 2006) ”.

Local Government Act 1972 (c. 70)

- 5 In section 142 of the Local Government Act 1972 (provision by local authorities of information relating to their activities) in subsection (1AC), in paragraph (a), for

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“the Wireless Telegraphy Act 1949” substitute “ Part 2 of the Wireless Telegraphy Act 2006 ”.

Thames Barrier and Flood Prevention Act 1972 (c. xlv)

- 6 In section 53 of the Thames Barrier and Flood Prevention Act 1972 (saving for Wireless Telegraphy Act 1949) for the words from “apparatus for” to “Act 1949” substitute “ wireless telegraphy apparatus (within the meaning of the Wireless Telegraphy Act 2006) ”.

Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22)

- 7 In section 9 of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (requirement for licence to operate driver information system) in subsection (3)(a), for “a licence under section 1 of the Wireless Telegraphy Act 1949” substitute “ a licence under section 8 of the Wireless Telegraphy Act 2006 ”.

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 8 In Article 26(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (offences for which power of summary arrest available) omit the sub-paragraph (j) relating to section 14(1) of the Wireless Telegraphy Act 1949 (c. 54) and at the end insert—

“(r) an offence under—

- (i) section 35 of the Wireless Telegraphy Act 2006 (unauthorised use etc of wireless telegraphy station or apparatus) to which section 35(2) applies;
- (ii) section 36 of that Act (keeping wireless telegraphy station or apparatus available for unauthorised use) to which section 36(2) applies;
- (iii) section 37 of that Act (allowing premises to be used for unlawful broadcasting);
- (iv) section 38 of that Act (facilitating unauthorised broadcasting);
- (v) section 47 of that Act (misleading messages);
- (vi) section 68 of that Act (deliberate interference).”

Broadcasting Act 1990 (c. 42)

- 9 The Broadcasting Act 1990 is amended as follows.
- 10 In section 3 (licences under Part 1 of that Act) in subsection (8)(a), for “a licence under section 1 of the Wireless Telegraphy Act 1949” substitute “ a licence under section 8 of the Wireless Telegraphy Act 2006 ”.
- 11 In section 86 (licences under Part 3 of that Act) in subsection (9)(a), for “a licence under section 1 of the Wireless Telegraphy Act 1949” substitute “ a licence under section 8 of the Wireless Telegraphy Act 2006 ”.
- 12 (1) Section 89 (offences giving rise to disqualification) is amended as follows.
- (2) In subsection (1) (disqualification from holding licence on grounds of conviction for transmitting offence), for paragraphs (a), (aa), (ab) and (b) substitute—

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- “(a) an offence under section 35 of the Wireless Telegraphy Act 2006 (unauthorised use etc of wireless telegraphy station or apparatus) consisting in the establishment or use of a wireless telegraphy station, or the installation or use of wireless telegraphy apparatus, for the purpose of making a broadcast (within the meaning of Part 5 of that Act);
- (aa) an offence under section 36 of that Act (keeping wireless telegraphy station or apparatus available for unauthorised use) where the relevant contravention of section 8 of that Act would constitute an offence falling within paragraph (a);
- (ab) an offence under section 37 or 38 of that Act (unlawful broadcasting offences);
- (b) an offence under Part 5 of that Act (prohibition of broadcasting from sea or air); or”.
- (3) In subsection (3)(b) (licence conditions excluding persons disqualified) for “a station for wireless telegraphy” substitute “ a wireless telegraphy station ”.
- 13 In section 202 (general interpretation) in subsection (1), for the definitions of “wireless telegraphy” and “station for wireless telegraphy” substitute—
- ““wireless telegraphy” and “wireless telegraphy station” each has the same meaning as in the Wireless Telegraphy Act 2006.”

Intelligence Services Act 1994 (c. 13)

- 14 In section 11 of the Intelligence Services Act 1994 (interpretation and consequential amendments) in subsection (1)(e), for “the Wireless Telegraphy Act 1949” substitute “ the Wireless Telegraphy Act 2006 ”.

Merchant Shipping Act 1995 (c. 21)

- 15 In section 91 of the Merchant Shipping Act 1995 (report of dangers to navigation) in subsection (7), for the definitions of “wireless telegraphy licence” and “station for wireless telegraphy” substitute—
- ““wireless telegraphy licence” has the same meaning as in the Wireless Telegraphy Act 2006, and “station for wireless telegraphy” has the same meaning as “wireless telegraphy station” in that Act.”

Criminal Procedure (Scotland) Act 1995 (c. 46)

- 16 In section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal) in subsection (9)(a), for “Schedule 6 to the Communications Act 2003” substitute “ Schedule 4 to the Wireless Telegraphy Act 2006 ”.

Broadcasting Act 1996 (c. 55)

- 17 In section 3 of the Broadcasting Act 1996 (licences under Part 1 of that Act) in subsection (8)(a), for “a licence under section 1 of the Wireless Telegraphy Act 1949” substitute “ a licence under section 8 of the Wireless Telegraphy Act 2006 ”.

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- 18 In section 42 of that Act (licences under Part 2 of that Act) in subsection (7)(a), for “a licence under section 1 of the Wireless Telegraphy Act 1949” substitute “ a licence under section 8 of the Wireless Telegraphy Act 2006 ”.

Police Act 1997 (c. 50)

- 19 In section 108 of the Police Act 1997 (interpretation of Part 3) in subsection (1), in the definition of “wireless telegraphy”, for “the Wireless Telegraphy Act 1949” substitute “ the Wireless Telegraphy Act 2006 ”.

Terrorism Act 2000 (c. 11)

- 20 In Schedule 10 to the Terrorism Act 2000 (munitions and transmitters: search and seizure) in paragraph 1(3), in the definition of “wireless telegraphy”, for “has the same meaning as in section 19(1) of the Wireless Telegraphy Act 1949” substitute “ has the meaning given by section 116 of the Wireless Telegraphy Act 2006 ”.

Regulation of Investigatory Powers Act 2000 (c. 23)

- 21 The Regulation of Investigatory Powers Act 2000 is amended as follows.
- 22 (1) Section 3 (lawful interception without an interception warrant) is amended as follows.
- (2) In subsection (4)(a), for “section 5 of the Wireless Telegraphy Act 1949 (misleading messages and interception and disclosure of wireless telegraphy messages)” substitute “ section 48 of the Wireless Telegraphy Act 2006 (interception and disclosure of wireless telegraphy messages) ”.
- (3) In subsection (5)—
- (a) for paragraph (a) substitute—
- “(a) the grant of wireless telegraphy licences under the Wireless Telegraphy Act 2006;”, and
- (b) in paragraph (c), for the words from “any enactment contained” to “so contained” substitute “—
- (i) any provision of Part 2 (other than Chapter 2 and sections 27 to 31) or Part 3 of that Act, or
- (ii) any enactment not falling within sub-paragraph (i)”.

- 23 In section 18 (exceptions to section 17) in subsection (12)(c), for “section 5 of the Wireless Telegraphy Act 1949” substitute “ section 47 or 48 of the Wireless Telegraphy Act 2006 ”.

- 24 In section 81 (general interpretation) in subsection (1), in the definition of “wireless telegraphy”, for “the Wireless Telegraphy Act 1949” substitute “ the Wireless Telegraphy Act 2006 ”.

Communications Act 2003 (c. 21)

- 25 The Communications Act 2003 is amended as follows.
- 26 In section 14 (consumer research) in subsection (2), for “the Wireless Telegraphy Act 1949 (c. 54)” substitute “ the Wireless Telegraphy Act 2006 ”.

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- 27 In section 190 (resolution of disputes referred to OFCOM) in subsection (4)(c), for “regulations under section 1 or 3 of the Wireless Telegraphy Act 1949 (c. 54)” substitute “regulations under section 8 or 45 of the Wireless Telegraphy Act 2006”.
- 28 In section 192(1) (appeals: decisions subject to appeal)—
- (a) in paragraph (a), for “, the Wireless Telegraphy Act 1949 (c. 54) or the Wireless Telegraphy Act 1998 (c. 6)” substitute “or any of Parts 1 to 3 of the Wireless Telegraphy Act 2006”, and
 - (b) in paragraph (d)(iv), for “section 156” substitute “section 5 of the Wireless Telegraphy Act 2006”.
- 29 In section 364 (TV licences) in subsection (2)(f), for “the Wireless Telegraphy Act 1949 (c. 54)” substitute “the Wireless Telegraphy Act 2006”.
- 30 In section 366 (powers to enforce TV licensing) in subsection (10), in the definition of “interference”, for “the Wireless Telegraphy Act 1949 (c. 54)” substitute “the Wireless Telegraphy Act 2006”.
- 31 In section 393 (general restrictions on disclosure of information) in subsection (5), after paragraph (n) insert—
- “(na) the Wireless Telegraphy Act 2006;”.
- 32 In section 400 (destination of licence fees and penalties), in subsection (1)—
- (a) in paragraph (c), for “the Wireless Telegraphy Act 1998 (c. 6)” substitute “Chapter 1 or 2 of Part 2 of the Wireless Telegraphy Act 2006”, and
 - (b) in paragraph (d), for “section 175” substitute “section 42 of that Act”.
- 33 (1) Section 401 (power of OFCOM to retain costs of carrying out spectrum functions) is amended as follows.
- (2) In subsection (1), for “the Wireless Telegraphy Act 1998 (c. 6)” substitute “Chapter 1 or 2 of Part 2 of the Wireless Telegraphy Act 2006”.
- (3) In subsection (5), for paragraphs (b) to (g) (and the word “and” following paragraph (g)) substitute—
- “(b) their functions under section 1(1) and (2) of the Wireless Telegraphy Act 2006 so far as carried out in relation to the use of the electromagnetic spectrum at places outside the United Kingdom, and their functions under section 1(5);
 - (c) their functions under section 4 of that Act;
 - (d) their functions under section 7 of that Act;
 - (e) their functions under section 30 of that Act;
 - (f) their functions under sections 42 to 44 of that Act;
 - (g) any functions conferred on them under sections 47 to 49 of that Act; and”.
- (4) In paragraph (h) of that subsection, for “or 152(8) of this Act” substitute “of this Act or section 1(8) of the Wireless Telegraphy Act 2006”.
- 34 (1) Section 405 (general interpretation) is amended as follows.
- (2) In subsection (1), in the definition of “the enactments relating to the management of the radio spectrum”—
- (a) for paragraphs (a) to (f) (and the word “and” following paragraph (f)) substitute—

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- “(a) the Wireless Telegraphy Act 2006; and”, and
- (b) for paragraph (g) substitute—
- “(g) the provisions of this Act so far as relating to that Act;”.
- (3) In that subsection, for the definition of “wireless telegraphy” substitute—
- ““wireless telegraphy” has the same meaning as in the Wireless Telegraphy Act 2006;”.
- (4) In that subsection, for the definition of “wireless telegraphy licence” substitute—
- ““wireless telegraphy licence” means a licence granted under section 8 of the Wireless Telegraphy Act 2006.”
- 35 In section 410 (application of enactments to territorial sea and other waters) in subsection (1)—
- (a) in paragraph (b), after “that Part” insert “ or the Wireless Telegraphy Act 2006 ”, and
- (b) in paragraph (c), after “made” insert “ or a matter as respects which the Wireless Telegraphy Act 2006 makes provision ”.
- 36 In Schedule 8 (decisions not subject to civil appeal), omit paragraphs 13 to 36 and at end insert—

“Wireless Telegraphy Act 2006

- 37 A decision relating to the publication of the United Kingdom Plan for Frequency Authorisation.
- 38 A decision in exercise of the functions conferred on OFCOM by section 1 as to—
- (a) the services, records and advice to be provided, maintained or given by them;
- (b) the research to be carried out or the arrangements made for carrying it out; or
- (c) the making or terms of any grant.
- 39 A decision under section 4 or 7.
- 40 A decision given effect to—
- (a) by regulations under section 8(3), 12, 14, 18, 21, 23, 27, 30, 45 or 54 or paragraph 1 of Schedule 1 or paragraph 1 of Schedule 2;
- (b) by an order under section 29 or 62.
- 41 A decision relating to the recovery of a sum payable to OFCOM under section 15 or 24.
- 42 A decision given effect to by regulations under section 31 and any decision under any such regulations.
- 43 A decision relating to the making or revision of a statement under—
- (a) section 34, or
- (b) section 44.
- 44 A decision to impose a penalty under section 42(1).
- 45 A decision for the purposes of section 59.

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46 A decision relating to an authority under section 62(5).”

Income Tax (Trading and Other Income) Act 2005 (c. 5)

37 In section 146 of the Income Tax (Trading and Other Income) Act 2005 (meaning of “relevant telecommunication right”), in paragraph (a) (wireless telegraphy licence), for the words from “granted” to “licences),” substitute “ granted under section 8 of the Wireless Telegraphy Act 2006 in accordance with regulations made under section 14 of that Act (bidding for licences), ”.

Commissioners for Revenue and Customs Act 2005 (c. 11)

38 In Part 1 of Schedule 2 to the Commissioners for Revenue and Customs Act 2005 (functions of Commissioners and officers: restrictions)—

- (a) in paragraph 1, for “an authority under section 5 of the Wireless Telegraphy Act 1949 (interception, &c.)” substitute “ an authority for the purposes of section 48 of the Wireless Telegraphy Act 2006 (interception, &c.) ”, and
- (b) for the italic cross-heading before that paragraph substitute “*Wireless Telegraphy Act 2006 (c. 36)*”.

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