

Status: Point in time view as at 08/02/2007.

Changes to legislation: *There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Cross Heading: Communications Act 2003 (c. 21). (See end of Document for details)*

SCHEDULES

SCHEDULE 7

CONSEQUENTIAL AMENDMENTS

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 ”.
- 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

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- 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—
- “(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.

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

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