



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 2

REGULATION OF RADIO SPECTRUM

CHAPTER 3

MANAGEMENT OF RADIO SPECTRUM

Statistical information

[^{F1}32E. Enforcement of notification under section 32C

- (1) This section applies where—
 - (a) a person has been given a notification under section 32C;
 - (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 32C; 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 32C.
- (4) A confirmation decision—
 - (a) must be given to the person without delay;

Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 32E. (See end of Document for details)

- (b) must include reasons for the decision;
 - (c) may require immediate action by the person to comply with a requirement notified under section 32C, or may specify a period within which the person must comply with the requirement; and
 - (d) may require the person to pay—
 - (i) the penalty specified in the notification under section 32C, 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 may specify the period within which the 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.]

Textual Amendments

F1 Ss. 32A-32E inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011 \(S.I. 2011/1210\)](#), reg. 1(2), **Sch. 2 para. 10** (with Sch. 3 para. 2)

Changes to legislation:

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 32E.