



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 2

REGULATION OF RADIO SPECTRUM

CHAPTER 1

WIRELESS TELEGRAPHY LICENCES

Licensing of wireless telegraphy

8 Licences and exemptions

- (1) It is unlawful—
 - (a) to establish or use a wireless telegraphy station, or
 - (b) to instal or use wireless telegraphy apparatus,except under and in accordance with a licence (a “wireless telegraphy licence”) granted under this section by OFCOM.
- (2) Subsection (1) does not apply to—
 - (a) the use of a television receiver (within the meaning of Part 4 of the Communications Act 2003) for receiving a television programme; or
 - (b) the installation of a television receiver for use solely for that purpose.
- (3) OFCOM may by regulations exempt from subsection (1) the establishment, installation or use of wireless telegraphy stations or wireless telegraphy apparatus of such classes or descriptions as may be specified in the regulations, either absolutely or subject to such terms, provisions and limitations as may be so specified.

^{F1}[^{F2}(3A)

- (3B) Terms, provisions and limitations specified in regulations under subsection (3) must be—

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- (a) objectively justifiable in relation to the wireless telegraphy stations or wireless telegraphy apparatus to which they relate,
 - (b) not such as to discriminate unduly against particular persons or against a particular description of persons,
 - (c) proportionate to what they are intended to achieve, and
 - (d) in relation to what they are intended to achieve, transparent.]
- (4) If OFCOM are satisfied that [^{F3}the conditions in subsection (5) are] satisfied as respects the use of stations or apparatus of a particular description, they must make regulations under subsection (3) exempting the establishment, installation and use of a station or apparatus of that description from subsection (1).
- [^{F4}(5) The conditions are that the use of stations or apparatus of that description is not likely to —
- (a) involve undue interference with wireless telegraphy;
 - (b) have an adverse effect on technical quality of service;
 - (c) lead to inefficient use of the part of the electromagnetic spectrum available for wireless telegraphy;
- [^{F5}(ca) inhibit the development of effective arrangements for the sharing of frequencies;]
- (d) endanger safety of life;
 - (e) prejudice the promotion of social, regional or territorial cohesion; or
 - (f) prejudice the promotion of cultural and linguistic diversity and media pluralism.]

Textual Amendments

- F1** S. 8(3A) omitted (31.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/246), reg. 1(2), **Sch. 1 para. 45(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** S. 8(3A)(3B) inserted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011](#) (S.I. 2011/1210), reg. 1(2), **Sch. 2 para. 4(a)** (with Sch. 3 para. 2)
- F3** Words in s. 8(4) substituted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011](#) (S.I. 2011/1210), reg. 1(2), **Sch. 2 para. 4(b)** (with Sch. 3 para. 2)
- F4** S. 8(5) substituted (26.5.2011) by [The Electronic Communications and Wireless Telegraphy Regulations 2011](#) (S.I. 2011/1210), reg. 1(2), **Sch. 2 para. 4(c)** (with Sch. 3 para. 2)
- F5** S. 8(5)(ca) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020](#) (S.I. 2020/1419), reg. 1(2), **Sch. 1 para. 81(3)**

Modifications etc. (not altering text)

- C1** S. 8(1) excluded (E.W.S.) (21.10.2013 for E.W., 3.3.2014 for S.) by [Prisons \(Interference with Wireless Telegraphy\) Act 2012](#) (c. 20), **ss. 1(7), 5(3)**; S.I. 2013/2460, art. 3; S.S.I. 2014/34, art. 2
- C2** S. 8(1) restricted (cond.) (30.4.2014) by [The Wireless Telegraphy \(Mobile Communication Services on Aircraft\) \(Exemption\) Regulations 2014](#) (S.I. 2014/953), regs. 1, 4, 5
- C3** S. 8(1) restricted by S.I. 2010/2512, reg. 9 (as inserted (27.6.2014) by [The Wireless Telegraphy \(Exemption and Amendment\) \(Amendment\) Regulations 2014](#) (S.I. 2014/1484), regs. 1, **2(3)**)
- C4** S. 8(1) restricted by S.I. 2010/2512, reg. 10 (as inserted (27.6.2014) by [The Wireless Telegraphy \(Exemption and Amendment\) \(Amendment\) Regulations 2014](#) (S.I. 2014/1484), regs. 1, **2(3)**)
- C5** S. 8(1) excluded (25.3.2015) by [The Wireless Telegraphy \(Ultra-Wideband Equipment\) \(Exemption\) Regulations 2015](#) (S.I. 2015/591), regs. 1, **12, 13**

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- C6** S. 8(1) excluded (25.3.2015) by The Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) Regulations 2015 (S.I. 2015/591), regs. 1, **24**, 25
- C7** S. 8(1) excluded (25.3.2015) by The Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) Regulations 2015 (S.I. 2015/591), regs. 1, **4**, 5
- C8** S. 8(1) excluded (25.3.2015) by The Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) Regulations 2015 (S.I. 2015/591), regs. 1, **29**, 30
- C9** S. 8(1) excluded (25.3.2015) by The Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) Regulations 2015 (S.I. 2015/591), regs. 1, **8**, 9
- C10** S. 8(1) excluded (25.3.2015) by The Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) Regulations 2015 (S.I. 2015/591), regs. 1, **16**, 17
- C11** S. 8(1) excluded (31.12.2015) by The Wireless Telegraphy (White Space Devices) (Exemption) Regulations 2015 (S.I. 2015/2066), regs. 1(1), **3**
- C12** S. 8(1) excluded (15.6.2017) by The Wireless Telegraphy (Mobile Communication Services on Aircraft) (Exemption) Regulations 2017 (S.I. 2017/669), regs. 1, **4**

Changes to legislation:

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