

Status: Point in time view as at 18/06/1998. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Wireless Telegraphy Act 1949 (repealed) is up to date with all changes known to be in force on or before 30 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Wireless Telegraphy Act 1949

1949 CHAPTER 54 12 13 and 14 Geo 6

An Act to amend the law relating to wireless telegraphy.

[30th July 1949]

Modifications etc. (not altering text)

- C1 Act extended by [Wireless Telegraphy Act 1967 \(c. 72\), s. 7\(11\)](#) (as substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\), s. 77\(1\)](#); S.I. 1972/971, [art. 4 Sch. I Pt. A](#) and [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\), s. 31\(1\)](#))
- C2 Act amended by S.I. 1980/184, [art. 4](#)
- C3 By [Telecommunications Act 1984 \(c. 12, SIF 96\), s. 89](#) it is provided that the provisions of this Act relating to the committee established under s. 9(1)(a) of this Act cease to have effect
- C4 Power to exclude Part I conferred by S.I. 1965/1536, [art. 7\(c\)](#).
- C5 Act extended by S.I. 1987/2197, [art. 4](#)
- C6 Power to restrict regulations conferred (18.6.1998) by 1998 c. 6, [ss. 4\(1\)\(4\), 10\(2\)](#).

Commencement Information

- I1 Act wholly in force at 1.2.1991

PART I

Modifications etc. (not altering text)

- C7 Pt. I (ss. 1-8) excluded (23.6.1999) by S.I. 1999/1736, [art. 7\(1\)](#)

Regulation of Wireless Telegraphy

Modifications etc. (not altering text)

- C8 Power to exclude Part I conferred by S.I. 1965/1536, [art. 7\(c\)](#)

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1 Licensing of wireless telegraphy.

(1) No person shall establish or use any station for wireless telegraphy or instal or use any apparatus for wireless telegraphy except under the authority of a licence in that behalf [^{F1}granted under this section—

- (a) by the Secretary of State (unless it is a television licence), or
- (b) if it is a television licence, by the BBC;

and any person] who establishes or uses any station for wireless telegraphy or installs or uses any apparatus for wireless telegraphy except under and in accordance with such a licence shall be guilty of an offence under this Act:

Provided that the [^{F2}Secretary of State] may by regulations exempt from the provisions of this subsection the establishment, installation or use of stations for wireless telegraphy 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.

[^{F3}(1A) Subsection (1) of this section shall not apply to the installation or use of any television receiver by a person who is a dealer in such receivers where the installation or use is solely for the purpose of doing any one or more of the following in the course of his business as such a dealer, namely, demonstrating, testing or repairing such receivers.]

(2) A licence granted under this section (hereafter in this Act referred to as a wireless telegraphy licence) may be issued subject to such terms, provisions and [^{F4}limitations—

- (a) as the Secretary of State may think fit; or
- (b) in the case of a television licence, as the Secretary of State may direct or (subject to any such direction) the BBC may think fit,

including] in particular in the case of a licence to establish a station, limitations as to the position and nature of the station, the purposes for which, the circumstances in which, and the persons by whom the station may be used, and the apparatus which may be installed or used therein, and, in the case of any other licence, limitations as to the apparatus which may be installed or used, and the places where, the purposes for which, the circumstances in which and the persons by whom the apparatus may be used.

(3) A wireless telegraphy licence shall, unless previously revoked by the [^{F2}Secretary of State], [^{F5}or (if it is a television licence) by the BBC] continue in force for such period as may be specified in the licence.

(4) A wireless telegraphy licence [^{F6}other than a television licence] may be revoked, or the terms, provisions or limitations thereof varied, by a notice in writing of the [^{F2}Secretary of State] served on the holder of the licence or by a general notice applicable to licences of the class to which the licence in question belongs published in such manner as may be specified in the licence [^{F7}; and a television licence may be revoked, or the terms, provisions or limitations thereof varied, by the BBC (either of their own motion or to give effect to any direction of the Secretary of State under subsection (2)(b) of this section)—

- (a) by a notice in writing served on the holder of the licence; or
- (b) by a general notice published as mentioned above.]

(5) Where a wireless telegraphy licence has expired or has been revoked, it shall be the duty of the person to whom the licence was issued, and of every other person in whose possession or under whose control the licence may be, to cause the licence to

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be surrendered to the [F²Secretary of State] if required by the [F²Secretary of State] so to do, and any person who without reasonable excuse fails or refuses to comply with the provisions of this subsection shall be guilty of an offence under this Act: Provided that this subsection shall not apply to a licence relating solely to apparatus not designed or adapted for emission (as opposed to reception).

- (6) Nothing in this section shall authorise the inclusion, in any wireless telegraphy licence relating solely to apparatus not designed or adapted for emission (as opposed to reception), of any term, or provision requiring any person to concede any form of right of entry into any private dwellinghouse.

[F⁸(7) In this Act—

“television licence” means a wireless telegraphy licence authorising the installation and use of a television receiver; and

“television receiver” means television receiving apparatus of any class or description specified in regulations made by the Secretary of State under section 2 of this Act.]

Subordinate Legislation Made

- P1** S. 1 (with s. 2): power exercised by [S.I. 1991/436](#).
P2 S. 1 power previously exercised by [S.I. 1980/1848](#), [S.I. 1982/1697](#), [S.I. 1984/1053](#), [S.I. 1987/775](#), [S.I. 1987/776](#), [S.I. 1988/1648](#), [S.I. 1988/2090](#), [S.I. 1989/123](#), [S.I. 1989/604](#), [S.I. 1989/943](#), [S.I. 1989/1842](#).
P3 S. 1 (with s. 3): power exercised (3.7.1991) by [S.I. 1991/1523](#)

Textual Amendments

- F1** Words in s. 1(1) substituted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 1\(2\)](#)
F2 Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), s. 3(1) and [S.I. 1974/691](#), arts. 2, 3(3)
F3 S. 1(1A) inserted (16.8.1996) by [S.I. 1996/1864](#), arts. 1, 3.
F4 Words in s. 1(2) substituted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 1\(3\)](#)
F5 Words inserted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 1\(4\)](#)
F6 Words inserted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 1\(5\)\(a\)](#)
F7 Words added (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 1\(5\)\(b\)](#)
F8 S. 1(7) added by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 1\(6\)](#)

Modifications etc. (not altering text)

- C9** S. 1(1) restricted (19.4.1999) by [S.I. 1999/930](#), [regs. 4, 5](#) (with art. 1(2))
C10 S. 1(4): power to restrict conferred (18.6.1998) by [1998 c. 6](#), [ss. 4\(1\), 10\(2\)](#)

[F⁹1A Offence of keeping wireless telegraphy station or apparatus available for unauthorised use.

Any person who has any station for wireless telegraphy or apparatus for wireless telegraphy in his possession or under his control and either—

- (a) intends to use it in contravention of section 1 of this Act; or
 (b) knows, or has reasonable cause to believe, that another person intends to use it in contravention of that section,

shall be guilty of an offence.]

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Textual Amendments

F9 S. 1A inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 168

[^{F10}1B Offence of allowing premises to be used for purpose of unlawful broadcasting.

- (1) A person who is in charge of any premises which are used for making an unlawful broadcast, or for sending signals for the operation or control of any apparatus used for the purpose of making an unlawful broadcast from any other place, shall be guilty of an offence if—
 - (a) he knowingly causes or permits the premises to be so used; or
 - (b) having reasonable cause to believe that the premises are being so used, he fails to take such steps as are reasonable in the circumstances of the case to prevent the premises from being so used.
- (2) For the purposes of this section a person is in charge of any premises if he—
 - (a) is the owner or occupier of the premises; or
 - (b) has, or acts or assists in, the management or control of the premises.
- (3) For the purposes of this section a broadcast is unlawful if—
 - (a) it is made by means of the use of any station for wireless telegraphy or apparatus for wireless telegraphy in contravention of section 1 of this Act; or
 - (b) the making of the broadcast contravenes any provision of the Marine, &c., Broadcasting (Offences) Act 1967.
- (4) In this section—

“broadcast” has the same meaning as in the Marine, &c., Broadcasting (Offences) Act 1967;

“premises” includes any place and, in particular, includes—

 - (a) any vehicle, vessel or aircraft; and
 - (b) any structure or other object (whether movable or otherwise and whether on land or otherwise).]

Textual Amendments

F10 S. 1B inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 169

[^{F11}1C Prohibition of acts facilitating unauthorised broadcasting.

- (1) If a person—
 - (a) does any of the acts mentioned in subsection (2) in relation to a broadcasting station by which unauthorised broadcasts are made, and
 - (b) if any knowledge or belief or any circumstances is or are specified in relation to the act, does it with that knowledge or belief or in those circumstances,

he shall be guilty of an offence.
- (2) The acts referred to in subsection (1) are—

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- (a) participating in the management, financing, operation or day-to-day running of the station knowing, or having reasonable cause to believe, that unauthorised broadcasts are made by the station;
 - (b) supplying, installing, repairing or maintaining any wireless telegraphy apparatus or any other item knowing, or having reasonable cause to believe, that the apparatus or other item is to be, or is, used for the purpose of facilitating the operation or day-to-day running of the station and that unauthorised broadcasts are made by the station;
 - (c) rendering any other service to any person knowing, or having reasonable cause to believe, that the rendering of that service to that person will facilitate the operation or day-to-day running of the station and that unauthorised broadcasts are so made;
 - (d) supplying a film or sound recording knowing, or having reasonable cause to believe, that an unauthorised broadcast of the film or recording is to be so made;
 - (e) making a literary, dramatic or musical work knowing, or having reasonable cause to believe, that an unauthorised broadcast of the work is to be so made;
 - (f) making an artistic work knowing, or having reasonable cause to believe, that an unauthorised broadcast including that work is to be so made;
 - (g) doing any of the following acts, namely—
 - (i) participating in an unauthorised broadcast made by the station, being actually present as an announcer, as a performer or one of the performers concerned in an entertainment given, or as the deliverer of a speech;
 - (ii) advertising, or inviting another to advertise, by means of an unauthorised broadcast made by the station; or
 - (iii) publishing the times or other details of any unauthorised broadcasts made by the station or (otherwise than by publishing such details) publishing an advertisement of matter calculated to promote the station (whether directly or indirectly),
 knowing, or having reasonable cause to believe, that unauthorised broadcasts are made by the station.
- (3) In any proceedings against a person for an offence under this section consisting in the supplying of any thing or the rendering of any service, it shall be a defence for him to prove that he was obliged, under or by virtue of any enactment, to supply that thing or render that service.
- (4) If, by means of an unauthorised broadcast made by a broadcasting station, it is stated, suggested or implied that any entertainment of which a broadcast is so made has been supplied by, or given at the expense of, a person, then for the purposes of this section he shall, unless he proves that it was not so supplied or given, be deemed thereby to have advertised.
- (5) Section 46 of the Consumer Protection Act 1987 shall have effect for the purpose of construing references in this section to the supply of any thing as it has effect for the purpose of construing references in that Act to the supply of any goods.
- (6) In this section—
- “broadcast” has the same meaning as in the Marine, &c., Broadcasting (Offences) Act 1967;

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“broadcasting station” means any business or other operation (whether or not in the nature of a commercial venture) which is engaged in the making of broadcasts;

“film” , “sound recording”, “literary, dramatic or musical work” and “artistic work” have the same meaning as in Part I of the Copyright, Designs and Patents Act 1988;

“speech” includes lecture, address and sermon; and

“unauthorised broadcast” means a broadcast made by means of the use of a station for wireless telegraphy or wireless telegraphy apparatus in contravention of section 1 of this Act.]

Textual Amendments

F11 S. 1C inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 170

[^{F12}1D Procedures for the grant of licences providing a telecommunications service

- (1) This section and the following section apply to wireless telegraphy licences which—
 - (a) authorise the establishment or use of any station, or the installation or use of any apparatus, for wireless telegraphy for the purpose of providing a telecommunications service involving the conveyance of signals by wireless telegraphy; and
 - (b) are not television licences or licences to broadcast programmes for general reception.
- (2) In subsection (1) “telecommunications service” means a service falling within paragraph (a) of the definition of “telecommunication service” in section 4(3) of the ^{M1}Telecommunications Act 1984.
- (3) An application for the grant of a licence shall be determined in accordance with procedures established by the Secretary of State, details of which shall be set out in a notice given by him.
- (4) The procedures specified under subsection (3) shall include time-limits for dealing with the grant of licences, requirements which must be met for the grant of a licence, and particulars of the terms, provisions and limitations to which licences which may be issued are to be subject.
- (5) Where the person applying for a licence fails to provide any information which the Secretary of State reasonably requires in order to satisfy himself that the applicant is able to comply with the terms, provisions and limitations in the licence the Secretary of State may refuse to grant the licence.
- (6) Where the Secretary of State proposes to refuse a licence he shall give to the person applying for the licence the reasons for the proposed refusal and shall specify a period of not less than 28 days within which representations with respect to the proposed refusal may be made.
- (7) The Secretary of State shall give a notice of any proposals that he may have to limit the number of licences that he grants, for the purpose of ensuring the efficient use and management of the electro-magnetic spectrum.

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- (8) A notice under this section shall be published in such manner as the Secretary of State considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of those likely to be affected by them, and a reference to such notice shall also be published in the London, Edinburgh and Belfast Gazettes.
- (9) In granting a licence and in determining any terms, provisions or limitations that a licence which may be issued is to be subject the Secretary of State shall ensure that the requirements of Articles 7 (scope) and 8 (conditions) of Directive 97/13/EC of the European Parliament and of the Council on a common framework for general authorisations and individual licences in the field of telecommunications services are complied with.]

Textual Amendments

F12 S. 1D inserted (31.12.1997) by S.I.1997/2930, regs. 1, 4(1)(2).

Marginal Citations

M1 1984 c.12.

[^{F13}1E Variation or revocation of a licence

- (1) Where the Secretary of State proposes to vary or revoke a licence he shall give to the person holding the licence a notice—
- stating the reasons for the proposed variation or revocation; and
 - specifying a period not less than 28 days from the date of the notice within which representations with respect to the proposal may be made.
- (2) If the proposal is the result of a breach of a term, provision or limitation of the licence—
- the notice given to the person holding the licence shall state that the proposal will be withdrawn or modified if the breach is remedied within the period of 28 days commencing with the date of the notice; and
 - the Secretary of State shall within the period of 28 days following the period referred to in paragraph (a) confirm, modify or withdraw the proposal and give notice of the decision and the reasons for it to the person holding the licence.
- (3) Subsection (1) shall not apply to prevent the variation or revocation of a licence within the period of 28 days referred to in subsection (1)(b) where the Secretary of State considers that—
- such decision is required to limit or prevent interference; or
 - the person holding the licence has repeatedly breached a term, provision or limitation of the licence,
- but in either case the Secretary of State shall review his decision in the light of any subsequent representations being received with respect to the variation or revocation within the said period of 28 days.
- (4) Subsection (1) shall not apply in relation to any variation or revocation of a licence which appears to the Secretary of State to be requisite or expedient—
- in the interests of national security; or
 - for the purposes of complying with a Community obligation of the United Kingdom or with any international agreement or arrangements to which the United Kingdom is a party.]

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Textual Amendments

F13 S. 1E inserted (31.12.1997) by S.I. 1997/2930, regs. 1, 4(1)(2).

VALID FROM 20/12/1999

[^{F14}1F Appeals

- (1) This section shall apply to the following decisions of the Secretary of State taken on or after 20th December 1999—
 - (a) a decision to grant or renew, or refuse to grant or renew, a licence under section 1;
 - (b) a decision to include within a licence particular terms, provisions or limitations;
 - (c) a decision with regard to the variation of any term, provision or limitation in a licence;
 - (d) a decision to revoke a licence;
 - (e) a decision under this Act or under section 84 of the Telecommunications Act 1984 with regard to the approval of any apparatus; and
 - (f) any other decision under this Act or a decision under the Wireless Telegraphy Act 1998 ^{F15} in respect of which the rights or interests of a person who is authorised or who wishes to be authorised by a licence are materially affected.
- (2) Subject to subsection (5) below, a person aggrieved by a decision to which this section applies may appeal against the decision on one or more of the following grounds—
 - (a) that a material error as to the facts has been made;
 - (b) that there was a material procedural error;
 - (c) that an error of law has been made; or
 - (d) that there was some other material illegality, including unreasonableness or lack of proportionality.
- (3) In England and Wales and Northern Ireland, an appeal lies to the High Court, and in Scotland, an appeal lies to the Court of Session.
- (4) The court determining an appeal may—
 - (a) dismiss the appeal; or
 - (b) quash the decision,
 and where the court quashes a decision it may refer the matter to the Secretary of State with a direction to reconsider it and reach a decision in accordance with the findings of the court.
- (5) No appeal under this section shall be brought unless the leave of the court has been obtained.
- (6) An appeal under this section shall be brought without unreasonable delay and in any event not later than three months from the date on which the Secretary of State made his decision, or within such other period as may be specified by rules of court.

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- (7) The effect of a decision to which an appeal under this section relates shall not, except where the court so orders, be suspended in consequence of the bringing of the appeal.
- (8) Any proceedings under this section in the Court of Session shall be before the Lord Ordinary.
- (9) Except as provided by this section, the validity of a decision to which this section applies shall not be questioned in any legal proceedings whatsoever.]

Textual Amendments

F14 S. 1F inserted (20.12.1999) by S.I. 1999/3180, reg. 4(3)

F15 1998 c. 6.

2 Fees and charges for wireless telegraphy licences

- (1) On the issue or renewal of a [^{F16}television licence], and, where the regulations under this section so provided, at such times thereafter as may be prescribed by the regulations, there shall be [^{F17}paid to the BBC by the person] to whom the licence is issued such sums as may be prescribed by regulations to be made by the [^{F18}Secretary of State] with the consent of the Treasury, and different provision may be made in relation to different licences, according to the nature, terms, provisions, limitations and duration thereof:

Provided that the regulations made may contain provisions authorising, in such cases as are not otherwise dealt with by the regulations, the charge by the [^{F18}Secretary of State] of such sums, whether on the issue or renewal of the licence or subsequently, as may in the particular case appear to him to be proper, but this proviso shall not apply to [^{F19}licences in respect of the use of television receivers by any person in a private dwelling-house without any charge being made to other persons].

- (2) [^{F20}Notwithstanding any thing in the preceding subsection, where, upon an application made by a person ordinarily resident in the United Kingdom for the issue or renewal of a wireless telegraphy licence to instal or use apparatus not designed or adapted for emission (as opposed to reception), the [^{F18}Secretary of State] is satisfied, by means of a certificate issued by the local authority and produced to him by the applicant, that the applicant is a blind person not resident in a public or charitable institution or in a school, the [^{F18}Secretary of State] may [^{F21}dispense with the payment of the whole or part of any sum] which would otherwise be payable on the issue or renewal of the licence.]

[^{F20}Notwithstanding anything in subsection (1) of this section, where—

- (a) an application for the issue or renewal of a television licence is made to the BBC by a person ordinarily resident in the United Kingdom, and
- (b) the BBC are satisfied, by means of a certificate issued by the local authority and produced to them by the applicant, that the applicant is a blind person not resident in a public or charitable institution or in a school,

the BBC shall, to such extent as the Secretary of State may determine, dispense with the payment of any sum which would otherwise be payable on the issue or renewal of the licence.]

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In this subsection, the expression “blind person” means a person so blind as to be unable to perform any work for which eyesight is essential, and the expression “the local authority” means—

- (a) in relation to any person ordinarily resident in England and Wales, the council of the county or county borough in which he is ordinarily resident;
 - (b) in relation to a person ordinarily resident in a large burgh in Scotland, the town council of that burgh;
 - (c) in relation to a person ordinarily resident elsewhere in Scotland, the council of the county in which he is ordinarily resident;
 - (d) in relation to a person ordinarily resident in Northern Ireland, the [F22Health and Social Services Board established under the Health and Personal Social Services (Northern Ireland) Order 1972] for the area in which he is ordinarily resident.
- (3) Where sums will or may become payable under subsection (1) of this section subsequently to the issue or renewal of a licence, the [F18Secretary of State] may, on the issue or renewal thereof, require such security to be given, by way of deposit or otherwise, for the payment of the sums which will or may become payable as he thinks fit.

Subordinate Legislation Made

- P4** S.2 power previously exercised by [S.I. 1984/1053](#), 1988/899, 1989/96, 325, 1850, 1929 1990/460.
S. 2(1) power exercised by [S.I. 1991/542](#).
- P5** S. 2: s. 1 (with s. 2) power exercised by [S.I. 1991/436](#).

Textual Amendments

- F16** Words in s. 2(1) substituted (18.6.1998) by [1998 c. 6, ss. 7, 10\(2\)](#), [Sch. 1 para. 1\(a\)](#)
- F17** Words in s. 2(1) substituted (18.6.1998) by [1998 c. 6, ss. 7, 10\(2\)](#), [Sch. 1 para. 1\(b\)](#)
- F18** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)
- F19** Words in s. 2(1) substituted (18.6.1998) by [1998 c. 6, ss. 7, 10\(2\)](#), [Sch. 1 para. 1\(c\)](#)
- F20** First paragraph of s. 2(2) substituted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 2\(3\)](#)
- F21** Words substituted by [Wireless Telegraphy \(Blind Persons\) Act 1955 \(4 & 5 Eliz. 2 c. 7, SIF 96\)](#), [s. 1](#)
- F22** Words substituted by [S.R. \(N.I.\) 1973/256](#), art. 3, Sch. 2

3 Regulations as to wireless telegraphy.

- (1) The [F23Secretary of State] may make regulations—
- (a) prescribing the things which are to be done or are not to be done in connection with the use of any station for wireless telegraphy or wireless telegraphy apparatus, and, in particular, requiring the use of any such station or apparatus to cease on the demand in that behalf of any such persons as may be prescribed by or under the regulations;
 - (b) imposing on the person to whom a wireless telegraphy licence is issued with respect to any station for wireless telegraphy or wireless telegraphy apparatus, or who is in possession or control of any station for wireless telegraphy or wireless telegraphy apparatus, obligations as to permitting and facilitating the inspection of the station and apparatus, as to the condition in which the station

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and apparatus are to be kept and, in the case of a station or apparatus for the establishment, installation or use of which a wireless telegraphy licence is necessary, as to the production of the licence, or of such other evidence of the licensing of the station or apparatus as may be prescribed by the regulations;

(c) where sums are or may become due from the person to whom a wireless telegraphy licence is issued after the issue or renewal thereof, requiring that person to keep and produce such accounts and records as may be specified in the regulations; and

(d) requiring the person to whom a wireless telegraphy licence authorising the establishment or use of a station has been issued to exhibit at the station such notices as may be specified in the regulations,

and different provision may be made by any such regulations for different classes of case:

Provided that nothing in any such regulations shall require any person to concede any form of right of entry into a private dwellinghouse for the purpose of permitting or facilitating the inspection of any apparatus not designed or adapted for emission (as opposed to reception).

(2) Any person who contravenes any regulations made under this section, or causes or permits any station for wireless telegraphy or wireless telegraphy apparatus to be used in contravention of any such regulations, shall be guilty of an offence under this Act.

Subordinate Legislation Made

P6 S. 3: for previous exercises of this power, see Index to Government Orders.

P7 S. 3: s. 1 (with s. 3) power exercised (3.7.1991) by [S.I.1991/1523](#)

Textual Amendments

F23 Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)

F24^{3A}

Textual Amendments

F24 S. 3A repealed (18.6.1998) by [1998 c. 6, ss. 7, 10\(2\)](#), [Sch. 2 Pt. I](#)

F25⁴

Textual Amendments

F25 S. 4 repealed (18.6.1998) by [1998 c. 6, ss. 7, 10\(2\)](#), [Sch. 1 para. 2](#), [Sch. 2 Pt. I](#)

5 Misleading messages and interception and disclosure of messages.

Any person who—

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- (a) by means of wireless telegraphy, sends or attempts to send, any message which, to his knowledge, is false or misleading and is, to his knowledge, likely to prejudice the efficiency of any safety of life service or endanger the safety of any person or of any vessel, aircraft or vehicle, and, in particular, any message which, to his knowledge, falsely suggests that a vessel or aircraft is in distress or in need of assistance or is not in distress or not in need of assistance; or
- (b) otherwise than under the authority of the [^{F26}Secretary of State] or in the course of his duty as a servant of the Crown, either—
 - (i) uses any wireless telegraphy apparatus with intent to obtain information as to the contents, sender or addressee of any message (whether sent by means of wireless telegraphy or not which neither the person using the apparatus nor any person on whose behalf he is acting is authorised by the [^{F26}Secretary of State] to receive; or
 - (ii) except in the course of legal proceedings or for the purpose of any report thereof, discloses any information as to the contents, sender or addressee of any such message, being information which would not have come to his knowledge but for the use of wireless telegraphy apparatus by him or by another person,

shall be guilty of an offence under this Act.

Textual Amendments

F26 Words substituted by virtue of Post Office Act 1969 (c. 48, SIF 96), s. 3(1) and S.I. 1974/691, arts. 2, 3(3)

Modifications etc. (not altering text)

C11 S. 5(a) amended (as to mode of trial) by Telecommunications Act 1984 (c. 12, SIF 96) s. 75(1)(a)

C12 S. 5(b): certain functions made exercisable (30.6.1999) by S.I. 1999/1748, art. 3, Sch. 1 para. 1
S. 5(b): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(2), 2, Sch. 1; S.I. 1998/3178, art. 2(1)

6 Territorial extent of preceding provisions.

- (1) Subject to the provisions of this section, the preceding provisions of this Part of this Act shall apply—
 - (a) to all stations and apparatus in or over, or for the time being in or over, the United Kingdom to the territorial waters adjacent thereto; and
 - (b) subject to any limitations which the [^{F27}Secretary of State] may by regulations determine, to all stations and apparatus on board any . . . ^{F28}ship or . . . ^{F28}aircraft which is registered in the United Kingdom but is not for the time being in or over the United Kingdom or the said territorial waters; and
 - (c) subject to any limitations which the [^{F27}Secretary of State] may by regulations determine, to all apparatus which is not in or over the United Kingdom or the said territorial waters but was released from within the United Kingdom or the said territorial waters, or from any . . . ^{F28}ship or . . . ^{F28}aircraft which is registered in the United Kingdom,

and, without prejudice to the liability of any other person, in the event of any contravention of the said preceding provisions or of any regulations made thereunder occurring in relation to any station or apparatus on board or released from any vessel

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or aircraft, the captain or the person for the time being in charge of the vessel or aircraft shall be guilty of an offence under this Act:

Provided that the captain or person for the time being in charge of a vessel or aircraft shall not be guilty of any offence under this Act by reason of any contravention of the said provisions or regulations occurring in relation to apparatus on board the vessel or aircraft if the contravention consists of the use by a passenger on board the ship or aircraft of apparatus not designed or adapted for emission (as opposed to reception) which is not part of the wireless telegraphy apparatus, if any, of the ship or aircraft.

- (2) The [^{F27}Secretary of State] may make regulations for regulating the use, on board any [^{F29}ship or aircraft which, not being registered in the United Kingdom, is registered in a country other than the United Kingdom, the Isle of Man or any of the Channel Islands while that ship or aircraft is] within the limits of the United Kingdom and the territorial waters adjacent thereto, of wireless telegraphy apparatus on board the ship or aircraft, and such regulations may provide for the punishment of persons contravening the regulations by [^{F30}a maximum fine for each offence of an amount not exceeding level 5 on the standard scale, ^{F31} . . . or of a lesser amount], and for the forfeiture of any wireless telegraphy apparatus in respect of which an offence under such regulations is committed; but, save as aforesaid [^{F32}or by virtue of an Order in Council under subsection (3) of this section], nothing in this Part of this Act shall operate so as to impose any prohibition or restriction on persons using wireless telegraphy apparatus on board any [^{F33}such ship or aircraft as aforesaid].
- (3) His Majesty may by Order in Council direct that any reference in this section to any . . . ^{F28} ship or aircraft registered in the United Kingdom shall be construed as including a reference to any ^{F28} ship or aircraft registered in the Isle of Man, in any of the Channel Islands, or in any colony, British protectorate or British protected state, or registered under the law of any other country or territory outside the United Kingdom which is for the time being administered by His Majesty's Government in the United Kingdom.
- (4) ^{F34}

Textual Amendments

- F27** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)
- F28** Words repealed by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(2\)\(5\)](#)
- F29** Words substituted by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(3\)\(a\)\(i\)](#), (5)
- F30** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s.50](#)
- F31** Words in s. 6(2) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIV](#) Group2.
- F32** Words inserted by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(3\)\(b\)](#), (5)
- F33** Words substituted by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(3\)\(a\)\(ii\)](#) (5)
- F34** S. 6(4) repealed by [S.I. 1984/703 \(N.I. 3\)](#), [Sch. 7](#)

Modifications etc. (not altering text)

- C13** S. 6 extended by [S.I. 1954/488 \(1954 II, p. 2370\)](#), art. 1; explained by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(2\)\(5\)](#); amended by [ibid.](#), s. 9(4); extended by [ibid.](#), ss. 10(3), 12

7 †Powers of Postmaster General as to wireless personnel.

- (1) The [^{F35}Secretary of State] may hold examinations to determine the competence of the persons examined to fill positions in connection with the operation of stations for wireless telegraphy or wireless telegraphy apparatus and may issue to persons

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successful at such examinations certificates of competence of such types as he may from time to time determine.

- (2) The [^{F35}Secretary of State] may issue so such persons as he thinks fit authorities in writing authorising the persons to whom the authorities are issued to fill such positions in connection with the operation of stations for wireless telegraphy or wireless telegraphy apparatus as may be specified in the respective authorities, being positions for the holding of which the possession of such an authority is, under wireless telegraphy licences granted under this Act or under any licences granted under any corresponding law of any part of His Majesty’s dominions, a necessity or a qualification.
- (3) The [^{F35}Secretary of State], if it appears to him that there are sufficient grounds so to do, may at any time suspend any authority granted under the last preceding subsection with a view to the revocation thereof, and where he so suspends an authority, the provisions of the First Schedule to this Act shall have effect.
- (4) Where any authority granted under subsection (2) of this section has ceased to be in force or has been suspended, it shall be the duty of the person to whom the authority was issued, and of every other person in whose possession or under whose control the authority may be, to cause the authority to be surrendered to the [^{F35}Secretary of State] if required by the [^{F35}Secretary of State] so to do, and any person who without reasonable excuse fails or refuses to comply with the provisions of this subsection shall be guilty of an offence under this Act.
- (5) The [^{F35}Secretary of State] may charge to persons applying to take part in any examination under this section, and to applicants for, or for copies of, any certificate or authority issued under this section, such fees, if any, as he may determine.

Textual Amendments
F35 Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)

Modifications etc. (not altering text)
C14 Unreliable marginal note

8 ^{F36}

Textual Amendments
F36 S. 8 repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. I](#)

PART II

Special provisions as to interference

9 Advisory committee and appeal tribunal.

- (1) For the purposes specified in this Part of this Act there shall be established—

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- (a) F37
- (b) a tribunal (in this Part of this Act referred to as “the appeal tribunal”).
- (2) F38
- (3) Subject to the provisions of this section, the appeal tribunal shall consist of—
- (a) one person to be appointed by the Lord Chancellor who shall be a [F39] person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,] or a person who has held judicial office, and who shall act only as respects proceedings in England and Wales and shall as respects such proceedings be the president of the tribunal;
 - (b) one person to be appointed by the Lord President of the Court of Session who shall be an advocate of not less than seven year’s standing or a solicitor of not less than seven years’ standing or a person who has held judicial office, and who shall act only as respects proceedings in Scotland and shall as respects such proceedings be the president of the tribunal;
 - (c) one person to be appointed by the Lord Chief Justice of Northern Ireland who shall be a barrister of not less than seven years’ standing or a solicitor of not less than seven years’ standing or a person who has held judicial office, and who shall act only as respects proceedings in Northern Ireland and shall as respects such proceedings be the president of the tribunal; and
 - (d) two assessors, to assist the president of the tribunal, to be appointed by the President of the Institution of Electrical Engineers with the approval of the Council thereof, being persons who, in the opinion of the President of the said Institution, possess expert knowledge of the matters likely to come before the tribunal and are not members of the advisory committee.
- (4) If, within such time, if any, as may be limited in that behalf by the rules regulating the procedure of the appeal tribunal, the parties to any particular case before the tribunal other than the [F40] Secretary of State] request the President of the Institution of Electrical Engineers to appoint either one or two specially qualified assessors under this subsection, the President of the Institution of Electrical Engineers shall, with the approval of the council thereof, select and appoint one or, as the case may be, two such assessors to act for that case, and the assessor or assessors so appointed shall act therefor accordingly in lieu of the assessors appointed under paragraph (d) of subsection (3) of this section, or, if the request is for the appointment of one specially qualified assessor and expresses a specific desire that he shall act in lieu of one only of the assessors appointed under the said paragraph (d), in lieu of such one of the assessors appointed under the said paragraph (d) as the President of the said Institution may select.
- (5) If, in the case of any references or application to the appeal tribunal under section eleven of this Act, any of the parties or the president of the tribunal, within such time, if any, as may be limited in that behalf by the rules regulating the procedure of the tribunal, request the Lord Chancellor, if the proceedings are in England and Wales, or the Secretary of State, if the proceedings are in Scotland or Northern Ireland, to appoint two additional members of the tribunal to act for that case, the Lord Chancellor or Secretary of State, as the case may be, shall select and appoint two persons, who need not possess any legal qualifications or expert knowledge, to act as additional members of the tribunal for that case, and the additional members so appointed shall act therefor accordingly in addition to the president and the assessors or assessor.

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- (6) The provisions of the Second Schedule to this Act shall have effect with respect to the period for which members of the appeal tribunal are to hold office, the appointment of deputies in case of illness or inability to act, the incidental powers of the tribunal, their procedure and the enforcement and proof of their orders.
- (7) The expenses incurred by . . . ^{F41} appeal tribunal, to such extent as may be determined by the [^{F40}Secretary of State] with the consent of the Treasury, (including, . . . ^{F41} such sums by way of fees to, and in respect of the expenses of, the members or persons acting as members thereof, as may be so determined) shall be [^{F42}paid by the [^{F40}Secretary of State]].

Textual Amendments

- F37** S. 9(1)(a) repealed by Telecommunications Act 1984 (c. 12, SIF 96), **Sch. 7 Pt. IV**
- F38** S. 9(2) repealed by Telecommunications Act 1984 (c. 12, SIF 96), **Sch. 7 Pt. IV**
- F39** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 5), s. 71(2), **Sch. 10 para. 8**
- F40** Words substituted by virtue of Post Office Act 1969 (c. 48, SIF 96), **s. 3(1)** and S.I. 1974/691, **arts. 2, 3(3)**
- F41** Words repealed by Telecommunications Act 1984 (c. 12, SIF 96), **Sch. 7 Pt. 7 Pt. IV**
- F42** Words substituted by Post Office Act 1961 (c. 15), **Sch.**

Modifications etc. (not altering text)

- C15** S. 9(5) restricted (31.3.1995) by 1993 c. 8, **s. 26(8)(a)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2.**

10 Regulations as to radiation of electromagnetic energy, etc.

- (1) The [^{F43}Secretary of State] may, . . . ^{F44} make regulations for both or either of the following purposes that is to say—
- (a) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be used;
 - (b) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be sold otherwise than for export, or offered or advertised for sale otherwise than for export, or let on hire or offered or advertised for letting on hire, by any person who in the course of business manufactures, assembles or imports such apparatus.
- (2) The said requirements shall be such requirements as the [^{F43}Secretary of State] thinks fit for the purpose of ensuring that the use of the apparatus does not cause undue interference with wireless telegraphy, and may in particular include—
- (a) requirements as to the maximum intensity of electro-magnetic energy of any specified frequencies which may be radiated in any direction from the apparatus while it is being used; and
 - (b) in the case of an apparatus the power for which is supplied from electric lines, requirements as to the maximum electro-magnetic energy of any specified frequencies which may be injected into those lines by the apparatus,
- and, in so far as appears to the [^{F43}Secretary of State] necessary or expedient in the case of the regulations in question, different requirements may be prescribed for different circumstances and in relation to different classes or descriptions of apparatus, different districts or places and different times of use.

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- (3) The apparatus to which this section applies shall be such apparatus as may be specified in the regulations made thereunder, being apparatus generating, or designed to generate, or liable to generate fortuitously, electro-magnetic energy at frequencies of not more than three million megacycles per second, . . . ^{F45}

The references in this subsection to apparatus include references to any form of electric line, and other references in this Act to apparatus shall be construed accordingly.

- (4) It shall not be unlawful for any person to use any apparatus to which this section applies or to sell any such apparatus or offer or advertise it for sale or let it on hire or offer or advertise it for letting on hire by reason only that it does not comply with the requirements applicable under any regulations made under this section, but the non-compliance shall be a ground for the giving of a notice under the next succeeding section or under section twelve of this Act, as the case may be.

Textual Amendments

F43 Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)

F44 Words repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 7 Pt. 7 Pt. IV](#)

F45 Words repealed by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 10\(2\)](#)

Modifications etc. (not altering text)

C16 Power to exclude s. 10 conferred by [S.I. 1965/1536](#), [art. 7\(d\)](#)

C17 S. 10 excluded (23.6.1999) by [S.I. 1999/1736](#), [art. 7\(2\)](#)

11 Enforcement of regulations as to use of apparatus.

- (1) If the [^{F46}Secretary of State] is of opinion—
- (a) that any apparatus does not comply with the requirements applicable to it under regulations made for the purpose specified in paragraph (a) of subsection (1) of the last preceding section; and
 - (b) that either—
 - (i) the use of the apparatus is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or for any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend; or
 - (ii) the use of the apparatus is likely to cause undue interference with any other wireless telegraphy and in fact has caused or is causing such interference in a case where he considers that all reasonable steps to minimize interference have been taken in relation to the station or apparatus receiving the telegraphy,

he may serve on the person in whose possession the apparatus is a notice in writing requiring that, after a date fixed by the notice, not being less than twenty-eight days from the date of the service thereof, the apparatus shall not be used, whether by the person to whom the notice is given or otherwise, or, if the [^{F46}Secretary of State] thinks fit so to frame the notice, shall only be used in such manner, at such times and in such circumstances as may be specified in the notice:

Provided that—

- (i) if before the date fixed by the notice, a notice is given under subsection (3) of this section requiring the [^{F46}Secretary of State] to refer the matter to the appeal

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tribunal, the [F46Secretary of State's] notice shall not operate until the termination of the proceedings before the tribunal, and any notice given under this subsection by the [F46Secretary of State] (other than a notice to which paragraph (ii) of this proviso applies) shall be framed accordingly;

- (ii) if the [F46Secretary of State] is satisfied that the use of the apparatus in question is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or for any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend, the date to be fixed by the notice may be the date of the service thereof, and paragraph (i) of this proviso shall not apply.

- (2) A notice under subsection (1) of this section may be revoked or varied by a subsequent notice in writing by the [F46Secretary of State] served on the person in whose possession the apparatus then is:

Provided that where a notice under this subsection has the effect of imposing any additional restrictions on the use of the apparatus, the provisions of subsection (1) of this section relating to the coming into force of notices shall apply in relation to the notice as if it had been a notice served under the said subsection (1).

- (3) Where notice has been given under subsection (1) of this section, any person having possession of or any interest in the apparatus to which the notice relates may at any time (whether before or after the date fixed by the said notice), by notice in writing served on the [F46Secretary of State], require the [F46Secretary of State] to refer the matter to the appeal tribunal, and the [F46Secretary of State], unless he revokes his notice or modifies it to the satisfaction of the said person, shall refer the matter to the tribunal accordingly.

This subsection applies in relation to a notice under subsection (1) of this section which has been varied by a subsequent notice as it applies in relation to a notice which has not been so varied.

- (4) On any such reference, the tribunal shall hear the [F46Secretary of State] and the person at whose instance the reference was made and any other person appearing to them to be interested who desires to be heard, and has, in accordance with the rules regulating the procedure of the tribunal, procured himself to be made a party to the reference, and—
 - (a) if they are satisfied that the apparatus in question complies with requirements applicable to it under the regulations, shall direct the [F46Secretary of State] to revoke the notice;
 - (b) if they are satisfied that the said requirements ought properly to be relaxed in relation to the apparatus, may direct the [F46Secretary of State] to revoke the notice or to vary it in such manner as may be specified in the direction,

and the [F46Secretary of State] shall revoke or vary the notice accordingly:

Provided that the making by the tribunal of a direction under this subsection or the refusal by the tribunal to make a direction under this subsection shall not prevent any such person as is mentioned in subsection (3) of this section from giving a further notice under subsection (3) of this section and shall not, where the [F46Secretary of State] is of opinion that there has been a relevant change in the circumstances, prevent the [F46Secretary of State] from giving a further notice under subsection (1) or subsection (2) of this section.

- (5) A direction given under subsection (4) of this section may be absolute, or may be conditional on such steps being taken in relation to the apparatus, or on the apparatus being made to comply with such requirements, as may be specified in the direction, and any question whether or not those steps have been taken or, as the case may be,

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whether or not the apparatus has been made to comply with those requirements, shall, on the application of the [F46Secretary of State] or of any person having possession of or any interest in the apparatus, be determined by the tribunal.

- (6) Where any matter is referred to the tribunal under subsection (3) of this section or any application is made to the tribunal under the last preceding subsection, the tribunal shall, unless the parties otherwise agree, sit in England and Wales, in Scotland or in Northern Ireland, according to the place where the apparatus was at the date of the reference or application, and in some place which in the judgment of the tribunal is reasonably near to the place where the apparatus was as aforesaid.
- (7) Any person who, knowing that a notice of the [F46Secretary of State] under this section is in force with respect to any apparatus, uses that apparatus, or causes or permits it to be used, in contravention of the notice shall be guilty of an offence under this Act.

Textual Amendments

F46 Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)

12 Enforcement of regulations as to sales, etc., by manufacturers and others.

- (1) If the [F47Secretary of State] is of opinion that any apparatus does not comply with the requirements applicable to it under regulations made for the purpose specified in paragraph (b) of subsection (1) of section ten of this Act, he may serve on any person who has manufactured, assembled or imported the apparatus in the course of business a notice in writing prohibiting him from selling the apparatus, otherwise than for export, or offering or advertising it for sale, otherwise than for export, or letting it on hire or offering or advertising it for letting on hire.
- (2) Where a notice has been served under subsection (1) of this section, the person on whom the notice has been served may, by notice in writing served on the [F47Secretary of State], require the [F47Secretary of State] to refer the matter to the appeal tribunal and the [F47Secretary of State], unless he revokes the notice shall refer the matter to the tribunal accordingly.
- (3) On any such reference, the tribunal shall hear the [F47Secretary of State] and the person at whose instance the reference was made and any other person appearing to them to be interested who desires to be heard and has, in accordance with the rules regulating the procedure of the tribunal, procured himself to be made a party to the reference, and, if they are satisfied that the apparatus in question complies with the requirements applicable to it under the regulations, shall direct the [F47Secretary of State] to revoke the notice and he shall revoke it accordingly:
Provided that the making by the tribunal of a direction under this subsection shall not, where the apparatus is subsequently altered, prevent the [F47Secretary of State] from serving a fresh notice under subsection (1) of this section with respect to the apparatus and the refusal by the tribunal to make a direction under this subsection shall not, where the apparatus is subsequently altered, prevent the [F47Secretary of State] from revoking the notice or the person on whom the notice was served from giving a further notice under subsection (2) of this section.

Status: Point in time view as at 18/06/1998. This version of this Act contains provisions that are not valid for this point in time.

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- (4) The provisions of subsection (6) of section eleven of this Act shall apply in relation to any reference under this section as they apply in relation to any reference under subsection (3) of that section.
- (5) Where a notice has been served under subsection (1) of this section, the person on whom the notice has been served shall, if he contravenes the provisions of the notice without the notice having been previously revoked by the [^{F47}Secretary of State], be guilty of an offence under this Act.

Textual Amendments

F47 Words substituted by virtue of Post Office Act 1969 (c. 48, SIF 96), s. 3(1) and S.I. 1974/691, arts. 2, 3(3)

^{F48}12A

Textual Amendments

F48 s. 12A repealed (28.10.1992) by S.I. 1992/2372, reg. 2(1) (with regs. 100, 101).

13 Deliberate interference.

- (1) Any person who uses any apparatus for the purpose of interfering with any wireless telegraphy shall be guilty of an offence under this Act.
- (2) This section shall apply whether or not the apparatus in question is wireless telegraphy apparatus or apparatus to which any of the preceding provisions of this Part of this Act apply, and whether or not any notice under section eleven or section twelve of this Act has been given with respect to the apparatus, or, if given, has been varied or revoked.

Modifications etc. (not altering text)

C18 S. 14 amended by Telecommunications Act 1984 (c. 12, SIF 96), s. 75 (2) (3) and S.I. 1984/703(N.I. 3), arts. 4(7)

C19 S. 13 amended (as to mode of trial) by Telecommunications Act 1984 (c. 12, SIF 96), s. 75 (1)(b), (3)

PART III

Supplemental

14 Penalties and legal proceedings.

[^{F49}(1) Any person committing—

- [any offence under section 1(1) of this Act other than one falling within
^{F50}(aa) subsection (1A)(a) of this section;
 (ab) any offence under section 1A of this Act other than one falling within
 subsection (1A)(aa) of this section;

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- (ac) any offence under section 1B or 1C of this Act;]
- (a) any offence under section 5(a) of this Act; or
- (b) any offence under section 13 of this Act;

shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both, or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(1A) Any person committing—

- (a) any offence under section 1(1) of this Act consisting in the installation or use, otherwise than under and in accordance with a wireless telegraphy licence, of any apparatus not designed or adapted for emission (as opposed to reception); or
- ^{F51} [any offence under section 1A of this Act committed in relation to any wireless telegraphy apparatus not designed or adapted for emission (as opposed to reception);]
- (b) any offence under section 3(2) of this Act consisting in a contravention, in relation to any such apparatus, of any regulations made under that section; or
- (c) any offence under section 11(7) or 12(5) of this Act involving or consisting in a contravention of a notice of the Secretary of State in relation to any apparatus, not being apparatus the use of which is likely to cause undue interference with any wireless telegraphy used for the purpose of any safety of life service or any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend; or
- (d) any offence under section 1(5) or 7(4) of this Act; or
- (e) any offence under section 12A of this Act; or
- (f) any offence under this Act which is an offence under section 5 or 8(2) of the ^{M2}Wireless Telegraphy Act 1967 (failure to comply with notices under Part I of that Act, giving false information, etc.);

shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(1B) Any person committing—

- (a) ^{F52}
- (b) any offence under section 11(7) of this Act other than one within subsection (1A)(c) of this section;

shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or both.

(1C) Any person committing any other offence under this Act shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

- (2) Where any offence under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance, and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and in all the circumstances.

In this subsection the expression “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national

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ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body.

[^{F53}(3) Where a person is convicted of—

- (a) an offence under this Act consisting in any contravention of any of the provisions of Part I of this Act in relation to any station for wireless telegraphy or any wireless telegraphy apparatus (including an offence under section 1B or 1C of this Act) or in the use of any apparatus for the purpose of interfering with any wireless telegraphy;
- (b) any offence under section 12A of this Act;
- (c) any offence under the Marine, &c., Broadcasting (Offences) Act 1967; or
- (d) any offence under this Act which is an offence under section 7 of the Wireless Telegraphy Act 1967 (whether as originally enacted or as substituted by section 77 of the Telecommunications Act 1984),

the court may, in addition to any other penalty, order such of the following things to be forfeited to the Secretary of State as the court considers appropriate, that is to say—

- (i) any vehicle, vessel or aircraft, or any structure or other object, which was used in connection with the commission of the offence;
- (ii) any wireless telegraphy apparatus or other apparatus in relation to which the offence was committed or which was used in connection with the commission of it;
- (iii) any wireless telegraphy apparatus or other apparatus not falling within paragraph (ii) above which was, at the time of the commission of the offence, in the possession or under the control of the person convicted of the offence and was intended to be used (whether or not by that person) in connection with the making of any broadcast or other transmission that would contravene section 1 of this Act or any provision of the Marine, &c., Broadcasting (Offences) Act 1967.

(3AA) The power conferred by virtue of subsection (3)(a) above does not apply in a case where the offence is any such offence as is mentioned in subsection (1A)(a) or (aa) above.

(3AB) References in subsection (3)(ii) or (iii) above to apparatus other than wireless telegraphy apparatus include references to—

- (a) recordings;
- (b) equipment designed or adapted for use—
 - (i) in making recordings; or
 - (ii) in reproducing from recordings any sounds or visual images; and
- (c) equipment not falling within paragraphs (a) and (b) above but connected, directly or indirectly, to wireless telegraphy apparatus.]

[^{F54}(3A) Without prejudice to the operation of subsection (3) of this section in relation to any other apparatus, where a person is convicted of an offence under this Act involving restricted apparatus, the court shall order the apparatus to be forfeited to the Secretary of State unless the accused or any person claiming to be the owner of or otherwise interested in the apparatus shows cause why the apparatus should not be forfeited.

Apparatus is restricted apparatus for the purposes of this subsection if custody or control of apparatus of any class or description to which it belongs is for the time being restricted by an order under section 7 of the ^{M3}Wireless Telegraphy Act 1967.

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(3B) Apparatus may be ordered to be forfeited under this section notwithstanding that it is not the property of the person by whom the offence giving rise to the forfeiture was committed, and any apparatus ordered to be forfeited under this section may be disposed of by the Secretary of State in such manner as he thinks fit.

(3C) Subsections (3) to (3B) of this section have effect notwithstanding anything in section 140 of the ^{M4}Magistrates’ Courts Act 1980 or Article 58 of the ^{M5}Magistrates’ Courts (Northern Ireland) Order 1981.

(3D) The court by whom any apparatus is ordered to be forfeited under this section may also order the person by whom the offence giving rise to the forfeiture was committed not to dispose of that apparatus except by delivering it up to the Secretary of State within forty-eight hours of being so required by him.

(3E) If a person against whom an order is made under subsection (3D) of this section contravenes that order or fails to deliver up the apparatus to the Secretary of State as required he shall be guilty of a further offence under this Act which, for the purpose of determining the appropriate penalty in accordance with the provisions of this section relating to penalties [^{F55}, shall be treated as an offence committed under the same provision, and at the same time,] as the offence for which the forfeiture was ordered.]

(4) ^{F56}

(5) ^{F57}

(6) Without prejudice to the right to bring separate proceedings for contraventions of this Act taking place on separate occasions, a person who is convicted of an offence under this Act consisting in the use of any station or apparatus, or in a failure or refusal to cause any licence or authority to be surrendered, shall, where the use, or failure or refusal continues after the conviction, be deemed to commit a separate offence in respect of every day on which the use, failure or refusal so continues.

(7) Nothing in the preceding provisions of this section shall limit any right of any person to bring civil proceedings in respect of the doing or apprehended doing of anything rendered unlawful by any provision of this Act, and, without prejudice to the generality of the preceding words, compliance with the provisions of this Act contraventions of which are declared to be offences under this Act shall be enforceable by civil proceedings by the Crown for an injunction or for any other appropriate relief.

In the application of this subsection to Scotland, for the words “civil proceedings by the Crown for an injunction” there shall be substituted the words “civil proceedings by the Lord Advocate for an interdict”.

^{F58}(8)

^{F59}(9)

Textual Amendments

F49 S. 14(1)(1A)(1B)(1C) substituted for s. 14(1) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 75(2)(3), [Sch. 3 para. 1](#)

F50 S. 14(1)(aa)(ab)(ac) inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 172(2)

F51 Para. (aa) inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 172(3)

F52 S. 14(1B)(a) repealed by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), ss. 4(6), 87(6), 134, 203(3), [Sch. 12 Pt. II para. 1, Sch. 21](#)

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- F53** S. 14(3)(3AA)(3AB) substituted for s. 14(3) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. [172\(4\)](#)
- F54** S. 14(3A)–(3E) substituted for s. 14(3) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. [82](#)
- F55** Words substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. [172\(5\)](#)
- F56** S. 14(4) repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. II](#)
- F57** S. 14(5) repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. I](#)
- F58** S. 14(8) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\) Sch. 1 Pt. XIV](#) Group2.
- F59** S. 14(9) repealed by [S.I. 1986/1883, art. 13\(3\)](#), [Sch. 5](#) and expressed to be repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIV](#) Group2.

Modifications etc. (not altering text)

- C20** S. 14 amended by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. [75 \(2\) \(3\)](#) and [S.I. 1984/703\(N.I. 3\)](#), arts. [4\(7\)](#)
- C21** S. 14(7): transfer of functions (19.5.1999) by [S.I. 1999/679, arts. 1\(2\), 2](#), [Sch.](#); [S.I. 1998/3178, art. 2\(2\)](#), [Sch. 4](#)

Marginal Citations

- M2** [1967 c. 72\(96\)](#).
- M3** [1967 c. 72\(96\)](#).
- M4** [1980 c. 43\(82\)](#).
- M5** [1981/1675 \(N.I. 26\)](#).

15 Entry and search of premises, etc.

- (1) If, in England, Wales or Northern Ireland, a justice of the peace, or, in Scotland, the sheriff, is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act [^{F60}or under the Marine, &c., Broadcasting (Offences) Act 1967] has been or is being committed, and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, vessel or aircraft so specified, he may grant a search warrant [^{F61}authorising any person or persons authorised in that behalf by the [^{F62}Secretary of State]] [^{F61}authorising—
- (a) any person or persons authorised in that behalf by the Secretary of State; or
 - (b) where the offence relates to the installation or use of a television receiver, any person or persons authorised in that behalf by the BBC or the Secretary of State,] . . . ^{F63} with or without any constables, to enter, at any time within one month from the date of the warrant, the premises specified in the information or, as the case may be, the vehicle, vessel or aircraft so specified and any premises upon which it may be, and to search the premises, or, as the case may be, the vehicle, vessel or aircraft, and to examine and test any apparatus found on the premises, vessel, vehicle or aircraft.
- (2) If, in England, Wales or Northern Ireland, a justice of the peace, or, in Scotland, the sheriff, is satisfied upon an application supported by sworn evidence—
- (a) that there is reasonable ground for believing that, on any specified premises or in any specified vessel, aircraft or vehicle, apparatus to which section ten of this Act applies is to be found which does not comply with the requirements applicable to it under regulations made under that section; and
 - (b) that it is necessary to enter those premises, or that vessel, aircraft or vehicle, for the purpose of obtaining such information as will enable the [^{F62}Secretary of State] to decide whether or not to serve a notice under section eleven or section twelve of this Act; and

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- (c) that access to the premises, vessel, aircraft or vehicle for the purpose of obtaining such information as aforesaid has, within fourteen days before the date of the application to the justice or sheriff, been demanded by a person authorised in that behalf by the [^{F62}Secretary of State] and producing sufficient documentary evidence of his identity and authority, but has been refused,

the justice or sheriff may issue a written authorisation under his hand empowering any person or persons authorised in that behalf by the [^{F62}Secretary of State] . . . ^{F64}, with or without any constables, to enter the premises, or, as the case may be, the vessel, aircraft or vehicle and any premises on which it may be and to search the premises, vessel, aircraft or vehicle with a view to discovering whether any such apparatus as aforesaid is situate thereon or therein, and, if he finds or they find any such apparatus thereon, or therein, to examine and test it with a view to obtaining such information as aforesaid:

Provided that an authorisation shall not be issued under this subsection unless either—

- (i) it is shown to the justice or sheriff that the [^{F62}Secretary of State] is satisfied that there is reasonable ground for believing that the use of the apparatus in question is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend; or
- (ii) it is shown to the justice or sheriff that not less than seven days' notice of the demand for access was served on the occupier of the premises, or, as the case may be, the person in possession or the person in charge of the vessel, aircraft or vehicle, and that the demand was made at a reasonable hour and was unreasonably refused.

[^{F65}(2A) Without prejudice to any power exercisable by him apart from this subsection, a person authorised by the Secretary of State or (as the case may be) by the BBC to exercise any power conferred by this section may use reasonable force, if necessary, in the exercise of that power.]

- (3) Where under this section a person has a right to examine and test any apparatus on any premises or in any vessel, aircraft or vehicle, it shall be the duty of any person who is on the premises, or is in charge of, or in or in attendance on, the vessel, aircraft or vehicle, to give him any such assistance as he may reasonably require in the examination or testing of the apparatus.

- (4) Any person who—

- (a) [^{F66}intentionally] obstructs any person in the exercise of the powers conferred on him under this section; or
- (b) [^{F67}without reasonable excuse] fails or refuses to give any such person any assistance which he is under this section under a duty to give to him; or
- (c) discloses, otherwise than for the purposes of this Act or of any report of proceedings thereunder, any information obtained by means of the exercise of powers under this Act, being information with regard to any manufacturing process or trade secret,

shall be guilty of an offence under this Act, . . . ^{F68}

Textual Amendments

F60 Words inserted as provided by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 173(1)

F61 Words substituted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 3](#)

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- F62** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and S.I. 1974/691, [arts. 2, 3\(3\)](#)
- F63** Words repealed as provided by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [s. 173\(1\)](#)
- F64** Words repealed by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), ss. 134, 173(2), 203(3), Sch. 12 Pt. II para. 1, [Sch. 21](#)
- F65** S. 15(2A) inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [s. 173\(3\)](#)
- F66** Word inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [s. 92\(2\)\(a\)](#)
- F67** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [s. 92\(2\)\(b\)](#)
- F68** Words repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. II](#)

16 Regulations and orders.

- (1) Any Order in Council under this Act may be revoked or varied by a subsequent Order in Council.
- (2) The power to make orders conferred on the [^{F69}Secretary of State] by section eight of this Act and any power conferred on him by any of the provisions of this Act to make regulations shall be exercisable by statutory instrument, and any statutory instrument made in the exercise of any of the said powers shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F69** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and S.I. 1974/691, [arts. 2, 3\(3\)](#)

Modifications etc. (not altering text)

- C22** [S. 16\(2\)](#) repealed, so far as relating to the power conferred by s. 8 of this Act, by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. I](#)

17 Financial provisions.

- (1) ^{F70} any fines imposed for offences under this Act, shall be paid into the Exchequer.
- (2) ^{F71}

Textual Amendments

- F70** Words substituted by [Post Office Act 1961 \(c. 15\)](#), [Sch.](#)
- F71** [S. 17\(2\)](#) repealed by S.R. (N.I.) 1973/256, art. 3, Sch. 2

Modifications etc. (not altering text)

- C23** [S. 17\(1\)](#) restricted by [Northern Ireland Act 1962 \(c. 30, SIF 29:3\)](#), [Sch. 2](#)

18 ^{F72}

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Textual Amendments

F72 S. 18 repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. I](#)

19 Interpretation.

(1) In this Act, except where the context otherwise requires, the expression “wireless telegraphy” means the emitting or receiving, over paths which are not provided by any material substance constructed or arranged for that purpose, of electromagnetic energy of a frequency not exceeding three million megacycles a second, being energy which either—

- (a) serves for the conveying of messages, sound or visual images (whether the messages, sound or images are actually received by any person or not), or for the actuation or control of machinery or apparatus; or
- (b) is used in connection with the determination of position, bearing or distance, or for the gaining of information as to the presence, absence, position or motion of any object or any objects of any class,

and references to stations for wireless telegraphy and apparatus for wireless telegraphy or wireless telegraphy apparatus shall be construed as references to stations and apparatus for the emitting or receiving as aforesaid of such electro-magnetic energy as aforesaid: ^{F73}

(2) In this Act, the expression “station for wireless telegraphy” includes the wireless telegraphy apparatus of a ship or aircraft, and the expression “electric line” has the same meaning as in the ^{M6}^{F74}Electric Lighting Act 1882.]^{F74}The Electricity Act 1989]

^{F75}(2A) In this Act—

“the BBC” means the British Broadcasting Corporation; and

“television licence” and “television receiver” have the meaning given by section 1(7) of this Act.]

(3) Any reference in this Act to the emission of electro-magnetic energy, or to emission (as opposed to reception), shall be construed as including a reference to the deliberate reflection of electro-magnetic energy by means of any apparatus designed or specially adapted for that purpose, whether the reflection is continuous or intermittent.

(4) In this Act, the expression “interference,” in relation to wireless telegraphy, means the prejudicing by any emission or reflection of electro-magnetic energy of the fulfilment of the purposes of the telegraphy (either generally or in part, and, without prejudice to the generality of the preceding words, as respects all, or as respects any, of the recipients or intended recipients of any message, sound or visual image intended to be conveyed by the telegraphy), and the expression “interfere” shall be construed accordingly

(5) In considering for any of the purposes of this Act, whether, in any particular case, any interference with any wireless telegraphy caused or likely to be caused by the use of any apparatus, is or is not undue interference, regard shall be had to all the known circumstances of the case and the interference shall not be regarded as undue interference if so to regard it would unreasonably cause hardship to the person using or desiring to use the apparatus.

(6) Any reference in this Act to the sending or the conveying of messages includes a reference to the making of any signal or the sending or conveying of any warning

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or information, and any reference to the reception of messages shall be construed accordingly.

- (7) In this Act, the expressions “ship” and “vessel” have the [^{F76}same meaning as “ship” in the Merchant Shipping Act 1995].
- (8) References in this Act to apparatus on board a ship or vessel include references to apparatus on a kite or captive balloon flown from a ship or vessel.
- (9) Any notice required or authorised by any provision of this Act to be served on any person may be served by registered post.
- (10) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

Textual Amendments

- F73** Proviso repealed by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), [Sch. 6](#)
- F74** “The Electricity Act 1989” substituted (E.W.S.) for “the Electric Lighting Act, 1882” by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 6, Sch. 17 paras. 33, [35\(1\)](#)
- F75** S. 19(2A) inserted (I. 4. 1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 4](#)
- F76** Words in s. 19(7) substituted (1.1.1996) by [1995 c. 21](#), ss. 314(2), 316(2), [Sch. 13 para. 24](#) (with s. 312(1)).

Modifications etc. (not altering text)

- C24** In s. 19(1), definition of “wireless telegraphy” applied (N.I.) (27.8.1991) (temporarily until 15.6.1992 unless continued by Order) by [Northern Ireland \(Emergency Provisions\) Act 1991 \(c. 24, SIF 39:1\)](#), s. [19\(14\)](#) (with s. 69)

Marginal Citations

- M6** [1882 c. 56\(44:1\)](#).

20 Short title and extent.

- (1) This Act may be cited as the Wireless Telegraphy Act 1949.
- (2) It is hereby declared that this Act extends to Northern Ireland.
- (3) His Majesty may by Order in Council direct that all or any of the provisions of this Act shall extend to the Isle of Man or any of the Channel Islands with such adaptations and modifications, if any, as may be specified in the Order.

Modifications etc. (not altering text)

- C25** S. 20(3) extended by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. [174](#)
S. 20(3) extended (18.6.1998) by [1998 c. 6](#), ss. [9\(2\)](#), 10(2)
- C26** S. 20(3) extended by [Post Office Act 1969 \(c. 48, SIF 96\)](#), s. [3\(6\)](#)

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SCHEDULES

FIRST SCHEDULE

PROCEDURE IN RELATION TO SUSPENSION AND REVOCATION OF AUTHORITIES TO WIRELESS PERSONNEL

- 1 The [F77Secretary of State] shall, on suspending the authority, serve on the person to whom it was issued a notice informing him of the suspension, of the grounds thereof and of his rights under the subsequent provisions of this Schedule, and further informing him that if he does not avail himself of those rights the [F77Secretary of State] may revoke the authority:
- Provided that where it appears to the [F77Secretary of State] that it is not reasonably practicable to serve the notice on the said person, the [F77Secretary of State], in lieu of serving the notice on him, shall take such steps, by advertisement or otherwise, to bring the notice to his knowledge as appear to be the [F77Secretary of State] to be reasonable in the circumstances.

Textual Amendments

F77 Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\), s. 3\(1\)](#) and [S.I. 1974/691, arts. 2, 3\(3\)](#)

- 2 (1) If, within such time and in such manner as may be specified in the notice, the person to whom the authority was issued requests that the question whether the authority should be revoked or the suspension thereof continued or terminated should be referred to an advisory committee, the [F78Secretary of State] unless he terminates the suspension, shall refer that question to an advisory committee accordingly.
- (2) Every such advisory committee shall consist of three persons appointed by the [F78Secretary of State], of whom one shall be an independent chairman selected by the [F78Secretary of State] and two shall be persons nominated respectively by such body or bodies representing employers of wireless operators and such association or associations representing wireless operators as seem to the [F78Secretary of State] to be appropriate for the purpose.
- (3) Where a question is referred to an advisory committee under this paragraph, the committee shall inquire into the matter, shall consider any representations made by the person to whom the authority was issued, and shall then make a report to the [F78Secretary of State] stating the facts as found by them and the action which, in their opinion, ought to be taken as respects the revocation of the authority or the continuation or termination of the suspension thereof, and the [F78Secretary of State] shall consider the report.
- (4) After considering the report of the advisory committee or, as the case may be, on the expiration of the time referred to in sub-paragraph (1) of this paragraph without the person to whom the authority was issued having required in the manner therein referred to that the question should be referred to an advisory committee, the

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[^{F78}Secretary of State] shall, as he thinks fit, either revoke the authority, or terminate the suspension thereof, or continue the suspension thereof for such period as he thinks fit.

- (5) Where the [^{F78}Secretary of State] revokes the authority or continues the suspension thereof, he shall, if requested so to do by the person to whom the authority was issued, inform him of the opinion which the advisory committee expressed as to the action which ought to be taken as respects the revocation of the authority or the continuation or termination of the suspension thereof.

Textual Amendments

F78 Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)

- [^{F793} (1) There shall be paid by the [^{F80}Secretary of State]—
- (a) the expenses, to such extent as he may determine, incurred by an advisory committee under this Schedule; and
 - (b) such sums as he may determine in respect of the expenses of the members of the committee.
- (2) The approval of the Treasury shall be requisite to a determination under head (a) of the foregoing sub-paragraph and that of [^{F81}the Treasury] to a determination under head (b) of that sub-paragraph.]

Textual Amendments

F79 [Para. 3](#) substituted by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(2\)\(b\)](#)

F80 Words substituted by virtue of [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)

F81 Words substituted by virtue of [S.I. 1981/1670](#) arts. 2(2), 3(5)

SECOND SCHEDULE

PROVISIONS AS TO THE APPEAL TRIBUNAL

- 1 (1) Subject to the provisions of this paragraph, the members of the appeal tribunal, other than any members appointed to act for a particular case, shall hold office for such period as may be determined at the time of their respective appointments.
- [^{F82}(1A) No appointment of a person to be the president of the appeal tribunal shall be such as to extend beyond the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).
- (1B) No person shall be appointed after the day on which he attains the age of seventy years to act as one of the additional members of the appeal tribunal under subsection (5) of section 9 of this Act.]
- (2) Any member of the tribunal may at any time by notice in writing to the Lord Chancellor resign his appointment.

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- (3) If a member of the tribunal becomes a member of the advisory committee, his office shall thereupon become vacant.
- (4) The Lord Chancellor may declare the office of any member of the tribunal vacant on the ground of incapacity to perform the duties thereof, or on the ground of misconduct.
- (5) If any member of the tribunal becomes bankrupt or makes an arrangement with his creditors, his office shall thereupon become vacant.
- (6) In the application of the preceding provisions of this paragraph to members appointed by the Lord President of the Court of Session, the Lord Chief Justice of Northern Ireland or the Secretary of State, references to the Lord President, Lord Chief Justice or Secretary of State, as the case may be, shall be substituted for the references to the Lord Chancellor.

Textual Amendments

F82 Sch. 2 para. 1(1A)(1B) inserted (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para.58 (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, art. 2.

- 2 If any member of the tribunal is, by reason of illness, absence or other reasonable cause, for the time being unable to perform the duties of his office, either generally or in relation to any particular proceedings, the Lord Chancellor, the Lord President of the Court of Session, the Lord Chief Justice of Northern Ireland, or the President of the Institution of Electrical Engineers acting with the approval of the Council thereof, as the case may be, shall appoint some other duly qualified person to discharge the duties of that member for any period not exceeding six months at one time, or, as the case may be, in relation to those proceedings, and the person so appointed shall, during that period or in relation to those proceedings, have the same powers as the person in whose place he is appointed.
- 3 (1) The provisions of [^{F83}Part I of the Arbitration Act 1996], with respect to—
 - (a) the administration of oaths and the taking of affirmations; and
 - (b) the correction in awards of mistakes and errors; and
 - (c) the summoning, attendance and examination of witnesses and the production of documents; and
 - (d) the costs of the reference and award,shall, with any necessary modifications, apply in respect of any proceedings in England and Wales [^{F84}or Northern Ireland] before the appeal tribunal, but save as aforesaid [^{F85}Part I of that Act] shall not apply to any proceedings before the appeal tribunal.
- (2) The appeal tribunal shall, as respects proceedings in Scotland, have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the examination of witnesses on oath and the awarding of expenses, as if the tribunal were an arbiter under a submission.
- (3)

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Textual Amendments

- F83** Words in [Sch. 2 para. 3\(1\)](#) substituted (31.1.1997 subject to transitional provisions, see [S.I. 1996/3146](#), s. 4, Sch. 2) by virtue of [1996 c. 23](#), s. 107(1), [Sch. 3 para. 7\(a\)](#) (with 81(2)); [S.I. 1996/3146](#), [art. 3](#).
- F84** Words in [Sch. 2 para. 3\(1\)](#) inserted (31.1.1997 subject to transitional provisions, see [S.I. 1996/3146](#), s. 4, Sch. 2) by [1996 c. 23](#), s. 107(1), [Sch. 3 para. 7\(b\)](#) (with 81(2)); [S.I. 1996/3146](#), [art. 3](#).
- F85** Words in [Sch. 2 para. 3\(1\)](#) substituted (31.1.1997 subject to transitional provisions, see [S.I. 1996/3146](#), s. 4, Sch. 2) by virtue of [1996 c. 23](#), s. 107(1), [Sch. 3 para. 7\(c\)](#) (with 81(2)); [S.I. 1996/3146](#), [art. 3](#).

- 4 The power of the tribunal to award costs or expenses shall include power to order a sum to be paid to the [^{F86}Secretary of State] in respect of the expenses of the tribunal. Provided that an order under this paragraph shall only be made where, in the opinion of the tribunal, the person against whom the order is made was acting frivolously or vexatiously in requiring the matter in question to be referred to the tribunal or, as the case may be, in making or resisting the application before the tribunal.

Textual Amendments

- F86** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)

- 5 The assessors shall give their opinions to the president on all matters of a technical nature and shall take such further part in the proceedings of the tribunal as he may direct, but the decision of the president or, in a case where additional members have been appointed, the decision of all, or, in the event of a difference of opinion, of the majority of, the members of the tribunal other than the assessors, shall, on all questions, be the decision of the tribunal.
- 6 Subject to the provisions of this Schedule and of part II of this Act, the procedure in or in connection with any proceedings before the tribunal shall be such as may be determined by rules to be made [^{F87}by the Secretary of State by statutory instrument.]

Textual Amendments

- F87** Words substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#). s. 92(4)

- 7 Without prejudice to any method available by law for the proof of orders of the tribunal, a document purporting to be a copy of any such order and to be certified by the president of the tribunal to be a true copy thereof shall, in any legal proceedings, be sufficient evidence of the order until the contrary is proved.

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