



Wireless Telegraphy Act 1949 (repealed)

1949 CHAPTER 54 12 13 and 14 Geo 6

PART I

Regulation of Wireless Telegraphy

Modifications etc. (not altering text)

C1 Power to exclude Part I conferred by S.I. 1965/1536, art. 7(c)

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 by the [^{F2}Secretary of State], and any person][^{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 instals 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.

- (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 [^{F3}limitations as the [^{F2}Secretary of State] may think fit, including][^{F3}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,

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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], [^{F4}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 [^{F5}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 [^{F6}; 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 be surrendered to the [^{F2}Secretary of State] if required by the [^{F2}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: 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.

[^{F7}(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.]

Textual Amendments

- F1** “granted under this section ...” substituted (1. 4. 1991) for from “granted” to “any person” 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** “limitations—(a)as the Secretary of State may think fit ...” substituted (1. 4. 1991) for from “limitations as ...” where first occurring to “including” by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 1\(3\)](#)

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- F4** Words inserted (1. 4. 1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, **Sch. 18 Pt. I para. 1(4)**
- F5** Words inserted (1. 4. 1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, **Sch. 18 Pt. I para. 1(5)(a)**
- F6** Words added (1. 4. 1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, **Sch. 18 Pt. I para. 1(5)(b)**
- F7** S. 1(7) added by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, **Sch. 18 Pt. I para. 1(6)**

[^{F8}1A 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.]

Textual Amendments

- F8** S. 1A inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 168

[^{F9}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).]

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Textual Amendments

F9 S. 1B inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\), s. 169](#)

[^{F10}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—
- (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

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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;

“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

F10 S. 1C inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 170

VALID FROM 31/12/1997

^{F11}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.

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- (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.
- (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

F11 S. 1D inserted (31.12.1997) by S.I.1997/2930, regs. 1, 4(1)(2).

Marginal Citations

M1 1984 c.12.

VALID FROM 31/12/1997

[^{F12}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—
 - (a) stating the reasons for the proposed variation or revocation; and
 - (b) 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—

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- (a) 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
 - (b) 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—
- (a) such decision is required to limit or prevent interference; or
 - (b) 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—
- (a) in the interests of national security; or
 - (b) 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.]

Textual Amendments

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

VALID FROM 20/12/1999

[^{F13}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 ^{F14} 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.

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- (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.
- (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

F13 S. 1F inserted (20.12.1999) by S.I. 1999/3180, reg. 4(3)

F14 1998 c. 6.

2 Fees and charges for wireless telegraphy licences

- (1) On the issue or renewal of a wireless telegraphy licence, and, where the regulations under this section so provided, at such times thereafter as may be prescribed by the regulations, there shall be [^{F15}paid to the [^{F16}Secretary of State] by the person][^{F15}paid—
- (a) to the Secretary of State; or
 - (b) in the case of a television licence, 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 [^{F16}Secretary of State] with the consent of the Treasury,

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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 [^{F16}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 licences of any type wholly or mainly intended to meet the needs of persons desiring to use, in a private dwelling-house and without making any charge to other persons, apparatus not designed or adapted for emission (as opposed to reception).

- (2) [^{F17}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 [^{F16}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 [^{F16}Secretary of State] may [^{F18}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.]

[^{F17}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.]

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 [^{F19}Health 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 [^{F16}Secretary 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.

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Textual Amendments

- F15** “paid— (a) to the Secretary of State; or ...” substituted (1. 4. 1991) for from “paid to” to “by the person” by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. 1 para. 2\(2\)](#)
- F16** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), s. 3(1) and S.I. 1974/691, [arts. 2, 3\(3\)](#)
- F17** First paragraph of s. 2(2) substituted (1. 4. 1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. 1 para. 2\(3\)](#)
- F18** Words substituted by [Wireless Telegraphy \(Blind Persons\) Act 1955 \(4 & 5 Eliz. 2 c. 7, SIF 96\)](#), s. 1
- F19** Words substituted by S.R. (N.I.) 1973/256, art. 3, Sch. 2

3 Regulations as to wireless telegraphy.

- (1) The [^{F20}Secretary 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 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.

Textual Amendments

- F20** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), s. 3(1) and S.I. 1974/691, [arts. 2, 3\(3\)](#)

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[^{F21}3A Restriction on revocation or variation of certain wireless telegraphy licences

- (1) Subject to subsection (2) below, this section applies in any case where a wireless telegraphy licence is granted to any person who holds a licence granted under section 7 of the ^{M2}Telecommunications Act 1984 (“the telecommunications licence”) authorising the running of a telecommunication system (“the system”), and the wireless telegraphy licence authorises all or any of the following, that is to say—
 - (a) the establishment of stations for wireless telegraphy or the installation of apparatus for wireless telegraphy, being stations or apparatus forming or intended to form part of the system;
 - (b) the use of any such stations or apparatus in running the system; and
 - (c) the installation and use for the purposes of the system (whether by the holder of the licence or by any other person) of any such apparatus connected or intended to be connected to the system.
- (2) This section does not apply unless the telecommunications licence is one to which section 8 of that Act applies (licences including conditions imposing certain obligations with respect to the provision of telecommunications services or other matters).
- (3) In any case to which this section applies the wireless telegraphy licence may include terms restricting the exercise by the Secretary of State of his power under section 1(4) of this Act to revoke or vary the licence.
- (4) Without prejudice to the generality of subsection (3) above, the terms that may be included in a wireless telegraphy licence by virtue of that subsection include, in particular, terms providing that the licence may not be revoked or varied except with the consent of the holder of the licence or (as the case may be) in such other circumstances and on such grounds as may be specified in the licence.
- (5) Any such circumstances or grounds may relate to matters relevant for the purposes of the ^{M3}Telecommunications Act 1984 as well as to matters relevant for the purposes of this Act (and may, in particular, be dependent upon action taken under that Act in relation to the telecommunications licence).
- (6) A wireless telegraphy licence containing any terms included in the licence by virtue of subsection (3) above may also provide that regulations made under section 3 of this Act—
 - (a) shall not apply in relation to any station or apparatus to which the licence relates; or
 - (b) shall apply in relation to any such station or apparatus to such an extent only, or subject to such modifications, as may be specified in the licence.
- (7) Notwithstanding any terms or provisions included in a wireless telegraphy licence in accordance with this section the Secretary of State may at any time, by a notice in writing served on the holder of the licence, revoke the licence or vary its terms, provisions or limitations, if it appears to him to be requisite or expedient to do so in the interests of national security or relations with the government of a country or territory outside the United Kingdom
- (8) Expressions used in this section to which a meaning is given for the purposes of the ^{M4}Telecommunications Act 1984 have the same meaning in this section; and section 106(4) of that Act (interpretation of power of Secretary of State to give a direction if it appears to him to be requisite or expedient to do so as mentioned in subsection (7) above) shall apply in relation to the power of the Secretary of State

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under subsection (7) above to revoke or vary a wireless telegraphy licence as it applies to any power of the Secretary of State under that Act to give such a direction.]

Textual Amendments

F21 S. 3A inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 74

Marginal Citations

M2 [1984 c. 12\(96\)](#).

M3 [1984 c. 12\(96\)](#).

M4 [1984 c. 12 \(96\)](#).

4 Experimental licenses.

- (1) Subject to the provisions of this section, where an application for the grant or renewal of a wireless telegraphy licence is made to the [^{F22}Secretary of State] by a British subject and the [^{F22}Secretary of State] is satisfied that the only purpose for which the applicant requires the licence is to enable him to conduct experiments in wireless telegraphy for the purpose of scientific research, the [^{F22}Secretary of State] shall not refuse to grant or renew the licence and shall not revoke the licence when granted, and no sum shall be payable under the regulations under section two of this Act otherwise than on the issue or renewal of the licence.
- (2) Nothing in subsection (1) of this section shall limit the discretion of the [^{F22}Secretary of State] as to the terms, provisions or limitations which he attaches to any licences or his power to vary the terms, provisions or limitations of any licence.
- (3) Nothing in subsection (1) of this section shall prevent the [^{F22}Secretary of State] from refusing to grant or renew, or from revoking, any licence if, whether before or after the grant or last renewal of the licence, the applicant has been convicted of any offence under this Part of this Act, whether in relation to the same or any other apparatus, or has contravened any of the terms, provisions or limitations of that or any other wireless telegraphy licence granted to him, or has been convicted under Part II of this Act of using any apparatus for the purpose of interfering with any wireless telegraphy.
- (4) If it appears to the [^{F22}Secretary of State] that, by reason of the existence of a national emergency, it is expedient so to do, he may, by a notice in writing served on the holder of any licence granted in pursuance of this section, revoke that licence, or by a general notice published in the London, Edinburgh and Belfast Gazettes, revoke all licences granted in pursuance of this section which are for the time being in force, and the [^{F22}Secretary of State] shall not be obliged by virtue of this section to grant or renew any licence, if it appears to him, by reason of the existence of such an emergency, inexpedient so to do.

Textual Amendments

F22 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 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 [F23Secretary 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 [F23Secretary 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

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\(3\)](#)

Modifications etc. (not altering text)

C2 [S. 5\(a\)](#) amended (as to mode of trial) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#) s. 75(1)(a)

C3 [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 [F24Secretary of State] may by regulations determine, to all stations and apparatus on board any . . . F25ship or . . . F25aircraft 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 [F24Secretary 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 . . . F25ship or . . . F25aircraft 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 [^{F24}Secretary of State] may make regulations for regulating the use, on board any [^{F26}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 [^{F27}a maximum fine for each offence of an amount not exceeding level 5 on the standard scale, as defined in section 75 of the ^{M5}Criminal Justice Act 1982, 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 [^{F28}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 [^{F29}such ship or aircraft as aforesaid].
- (3) His Majesty may by Order in Council direct that any reference in this section to any . . . ^{F25} ship or aircraft registered in the United Kingdom shall be construed as including a reference to any ^{F25} 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) ^{F30}

Textual Amendments

- F24** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)
- F25** Words repealed by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(2\)\(5\)](#)
- F26** Words substituted by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(3\)\(a\)\(i\)](#), (5)
- F27** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s.50](#)
- F28** Words inserted by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(3\)\(b\)](#), (5)
- F29** Words substituted by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(3\)\(a\)\(ii\)](#) (5)
- F30** [S. 6\(4\)](#) repealed by [S.I. 1984/703 \(N.I. 3\)](#), [Sch. 7](#)

Modifications etc. (not altering text)

- C4** [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

Marginal Citations

- M5** 1982 c 48(39:1).

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7 †Powers of Postmaster General as to wireless personnel.

- (1) The [^{F31}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 successful at such examinations certificates of competence of such types as he may from time to time determine.
- (2) The [^{F31}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 [^{F31}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 [^{F31}Secretary of State] if required by the [^{F31}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 [^{F31}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

F31 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)

C5 Unreliable marginal note

8 ^{F32}

Textual Amendments

F32 S. 8 repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. 1](#)

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Changes to legislation:

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