



# Wireless Telegraphy Act 1949 (repealed)

1949 CHAPTER 54 12 13 and 14 Geo 6

## PART I

### *Regulation of Wireless Telegraphy*

#### **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 [<sup>F1</sup>granted under this section [<sup>F2</sup>by OFCOM;] 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:

[<sup>F3</sup>Provided that OFCOM 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.

- [<sup>F4</sup>(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 [<sup>F5</sup>limitations [<sup>F6</sup>as OFCOM 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.

- [<sup>F7</sup>(2A) Those terms, provisions and limitations may also include, in particular—

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- (a) terms, provisions and limitations as to strength or type of signal, as to times of use and as to the sharing of frequencies;
  - (b) terms, provisions or limitations imposing prohibitions on the transmission or broadcasting of particular matters by the holder of the licence; and
  - (c) terms or provisions requiring the transmission or broadcasting of particular matters by that person.
- (2B) A licence under this section may be granted either—
- (a) in relation to a particular station or particular apparatus; or
  - (b) in relation to any station or apparatus falling within a description specified in the licence;
- and such a description may be expressed by reference to such factors (including factors confined to the manner in which it is established, installed or used) as OFCOM think fit.
- (2C) The terms, provisions and limitations of a licence granted under this section to a person must not duplicate obligations already imposed on him by general conditions set under section 45 of the Communications Act 2003.]
- (3) A wireless telegraphy licence shall, unless previously [<sup>F8</sup>revoked by OFCOM] continue in force for such period as may be specified in the licence.
- (4) A wireless telegraphy licence [<sup>F9</sup>other than a television licence] may be revoked, or the terms, provisions or limitations thereof varied, by a [<sup>F10</sup>notice in writing from OFCOM served by them] 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 [<sup>F11</sup>; 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 [<sup>F12</sup>surrendered to OFCOM if required by them to do so], 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.
- [<sup>F13</sup>(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. ]

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### 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 in s. 1(1) substituted (29.12.2003 for specified purposes, 1.4.2004 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 6\(2\)\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with art. 11)
- F3** Words in s. 1(1) substituted (29.12.2003 for specified purposes, 1.4.2004 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 6\(2\)\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with art. 11)
- F4** S. 1(1A) inserted (16.8.1996) by [S.I. 1996/1864](#), arts. 1, 3.
- F5** 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\(3\)](#)
- F6** Words in s. 1(2) substituted (29.12.2003 for specified purposes, 1.4.2004 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 6\(4\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with art. 11)
- F7** S. 1(2A)-(2C) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), ss. 165, 411(2) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)
- F8** Words in s. 1(3) substituted (29.12.2003 for specified purposes, 1.4.2004 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 6\(5\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with art. 11)
- F9** Words inserted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 1\(5\)\(a\)](#)
- F10** Words in s. 1(4) substituted (29.12.2003 for specified purposes, 1.4.2004 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 6\(6\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with art. 11)
- F11** Words added (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 1\(5\)\(b\)](#)
- F12** Words in s. 1(5) substituted (29.12.2003 for specified purposes, 1.4.2004 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 6\(7\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with art. 11)
- F13** 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)

- C1** S. 1(1) restricted (19.4.1999) by [S.I. 1999/930](#), [regs. 4, 5](#) (with art. 1(2))
- C2** S. 1(4): power to restrict conferred (18.6.1998) by 1998 c. 6, [ss. 4\(1\), 10\(2\)](#)

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**Changes to legislation:**

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