



Telecommunications Act 1984

1984 CHAPTER 12

PART VI

PROVISIONS RELATING TO WIRELESS TELEGRAPHY

Amendment and enforcement of Wireless Telegraphy Acts

78 Regulations with respect to resistance to interference

The following section shall be inserted in the 1949 Act immediately after section 12—

“12A Regulations with respect to resistance to interference.

- (1) This section applies to wireless telegraphy apparatus and to any apparatus designed or adapted for use in connection with wireless telegraphy apparatus.
- (2) The Secretary of State may by regulations prescribe requirements (referred to below in this section as technical requirements) to be complied with in the case of apparatus to which this section applies of any class or description specified in the regulations.
- (3) The technical requirements prescribed in respect of any apparatus shall be such as appear to the Secretary of State to be appropriate for the purpose of minimising so far as practicable the risk of interference, arising from the lawful use of any other apparatus, with any wireless telegraphy the apparatus to which the requirements apply (or any apparatus used in connection with it) is designed or adapted to receive.
- (4) The Secretary of State shall not by regulations under this section prescribe any technical requirements unless the Secretary of State is satisfied that those requirements are compatible with the international obligations of the United Kingdom ; and where any statutory instrument containing such regulations contains a statement that the Secretary of State is so satisfied, that statement shall be evidence (and, in Scotland, sufficient evidence) of that fact.

Status: This is the original version (as it was originally enacted).

- (5) Subject to subsection (6) of this section, any person who in the course of business—
- (a) sells otherwise than for export or offers for sale otherwise than for export any apparatus which does not comply with the technical requirements applicable to it under regulations made under this section; or
 - (b) lets on hire or offers to let on hire any such apparatus; or
 - (c) indicates (whether by display of the apparatus or by any form of advertisement) his willingness to do anything in relation to any such apparatus that falls within paragraph (a) or (b) above ;
- shall be guilty of an offence under this Act.
- (6) In proceedings for an offence under this section brought against any person other than one who in the course of business has manufactured, assembled or imported the apparatus to which the proceedings relate it shall be a defence for the accused to show that he did not know and could not with reasonable care have ascertained that the apparatus did not comply with the requirements in question.”.