

SCHEDULES

SCHEDULE 3

Section 75

PENALTIES AND MODE OF TRIAL UNDER THE WIRELESS TELEGRAPHY ACT 1949

Modifications etc. (not altering text)

- C1** Sch. 3 extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), Sch. Pt. I
- C2** Sch. 3 extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), art. 3(1), Sch. Pt. I

1 The following subsections shall be substituted for subsection (1) of section 14 of the 1949 Act—

“(1) Any person committing—

- (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
- (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 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—

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, SCHEDULE 3. (See end of Document for details)

- (a) any offence under section 1(1) of this Act other than one within subsection (1A)(a) of this section; or
- (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.”.

^{F12}

Textual Amendments

F1 Sch. 3 para. 2 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 2.

- 3 The following provisions shall not apply where a person is convicted of an offence under the 1949 Act [^{F2}or the Marine, &c., Broadcasting (Offences) Act 1967]—
- [^{F3}(a) section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (which gives the convicting court in England and Wales power to deprive a person convicted of an offence of property used etc. for purposes of crime); and]
 - (b) [^{F4}Part II of the Proceeds of Crime (Scotland) Act 1995] and [^{F5}Article 11 of the Criminal Justice (Northern Ireland) Order 1994] (which give the convicting court in Scotland and Northern Ireland respectively power corresponding to the power under [^{F6}that section]).

Textual Amendments

- F2** Words in Sch. 3 para. 3 inserted (8.2.2007) by The Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006 (S.I. 2006/1391), arts. 1, 2, **Sch. para. 4**
- F3** Sch. 3 para. 3(a) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 92(a)**
- F4** Words in Sch. 3 para. 3(b) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 48(4)**
- F5** Words in Sch. 3 para. 3(b) substituted (9.1.1995) by S.I. 1994/2795 (N.I. 15), art. 26(1), **Sch. 2 para. 10**; S.R. 1994/446, **art. 2**
- F6** Words in Sch. 3(b) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 92(b)**

Changes to legislation:

There are currently no known outstanding effects for the Telecommunications Act 1984,
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