



# Wireless Telegraphy Act 2006

## CHAPTER 36

### WIRELESS TELEGRAPHY ACT 2006

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- 3 Duties of OFCOM when carrying out functions
- 4 Advisory service in relation to interference
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#### *General procedure for applications*

- 1 (1) An application for a grant of a wireless telegraphy...

#### *Time limits*

- 2 (1) The time limits fixed for the purposes of paragraph...

#### *Information to be provided in connection with applications*

- 3 The grounds on which a licence may be refused by...

#### *Proposed refusal*

- 4 Where OFCOM propose to refuse a licence they must—

#### *Duration*

- 5 A wireless telegraphy licence continues in force, unless previously revoked...

#### *Revocation or variation*

- 6 OFCOM may revoke a wireless telegraphy licence or vary its...  
6A OFCOM may not revoke or vary a wireless telegraphy licence...

#### *Notification of proposed revocation or variation*

- 7 (1) Where OFCOM propose to revoke or vary a wireless...

#### *Restriction on powers of revocation and variation*

- 8 (1) The terms that OFCOM may include in a wireless...

### SCHEDULE 2 — Procedure for grants of recognised spectrum access

#### *General procedure for applications*

- 1 (1) An application for a grant of recognised spectrum access...

#### *Information to be provided in connection with applications*

- 2 The grounds on which a grant of recognised spectrum access...

#### *Notice of proposed refusal of application*

- 3 (1) Where OFCOM propose to refuse an application for a...

#### *Duration of grant*

- 4 A grant of recognised spectrum access continues in force, unless...

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*Revocation or modification*

5 OFCOM may revoke or modify a grant of recognised spectrum...

*Notice of proposed revocation or modification*

6 (1) Where OFCOM propose to revoke or modify a grant...

*Restriction on powers of revocation and modification*

7 (1) The conditions that OFCOM may include in a grant...

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*Notice of suspension*

1 (1) On suspending the authority, the Secretary of State must...

*Reference to advisory committee*

2 (1) The person to whom the authority was issued may...

*Decision by Secretary of State*

3 (1) Sub-paragraph (2) applies— (a) after the Secretary of State...

*Payment of expenses*

4 The Secretary of State is to pay—

SCHEDULE 4 — Fixed penalties

*Offences to which this Schedule applies*

1 (1) This Schedule applies to an offence under this Act...

*Fixed penalties and fixed penalty notices*

2 (1) The fixed penalty for a relevant offence is such...

*Issuing of fixed penalty notice*

3 (1) If OFCOM have reason to believe that a person...

*Content of fixed penalty notice*

4 (1) A fixed penalty notice must— (a) state the alleged...

*Withdrawal of fixed penalty notice*

5 If it appears to a person who has issued a...

*Notification to person to whom payment is to be made*

6 A person who issues (or withdraws) a fixed penalty notice...

*Effect of fixed penalty notice*

7 (1) This paragraph applies if a fixed penalty notice is...



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*Payment of fixed penalty*

8 (1) If the alleged offender decides to pay the fixed...

*Effect of payment*

9 If the fixed penalty specified in a fixed penalty notice...

*Service of statement and proof of service*

10 (1) This paragraph applies to proceedings for a relevant offence....

*Certificate about payment*

11 In any proceedings, a certificate— (a) that payment of a...

*Regulations*

12 The Secretary of State may by regulations make provision as...

*Interpretation*

13 In this Schedule “relevant officer” means— (a) in relation to...

SCHEDULE 5 — Forfeiture on conviction

*Power to order forfeiture*

1 (1) Where a person is convicted of a relevant offence,...

*Forfeiture in relation to restricted apparatus*

2 (1) Where a person is convicted of an offence under...

*Property of third parties*

3 Apparatus may be ordered to be forfeited under paragraph 1...

*Disposal of apparatus*

4 Apparatus ordered to be forfeited under paragraph 1 or 2...

*Delivery to OFCOM*

5 (1) A court that orders apparatus to be forfeited under...

*Provisions as to disposal of property disapplied*

6 Section 140 of the Magistrates' Courts Act 1980 (c. 43)...

*Provisions as to deprivation of property disapplied*

7 The following provisions (under which a court convicting a person...

SCHEDULE 6 — Seizure and forfeiture of restricted apparatus

*Application of Schedule*

1 (1) This Schedule applies to restricted apparatus seized—

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*Notice of seizure*

- 2 (1) OFCOM must give notice of the seizure of the...

*Notice of claim*

- 3 A person claiming that the restricted apparatus is not liable...  
4 (1) A notice of claim must be given within one...

*Condemnation*

- 5 The restricted apparatus is to be taken to have been...  
6 (1) Where a notice of claim in respect of the...  
7 Where the restricted apparatus is condemned or taken to have...

*Proceedings for condemnation by court*

- 8 Proceedings for condemnation are civil proceedings and may be  
instituted—...  
9 Proceedings for the condemnation of restricted apparatus instituted in  
a...  
10 (1) In proceedings for condemnation that are instituted in England...  
11 (1) In the case of proceedings for condemnation instituted in...  
12 Where an appeal has been made (whether by case stated...

*Disposal of unclaimed property*

- 13 (1) This paragraph applies where a requirement is imposed by...

*Provisions as to proof*

- 14 In proceedings arising out of the seizure of restricted apparatus,...  
15 In any proceedings, the condemnation by a court of restricted...

*Special provisions as to certain claimants*

- 16 (1) This paragraph applies for the purposes of—

*Saving for owner's rights*

- 17 Neither the imposition of a requirement by or under this...

SCHEDULE 7 — Consequential amendments

*Defamation Act (Northern Ireland) 1955 (c. 11 (N.I.))*

- 1 In section 14 of the Defamation Act (Northern Ireland) 1955...

*Wireless Telegraphy Act 1967 (c. 72)*

- 2 (1) Section 5 of the Wireless Telegraphy Act 1967 (offences...

*Theatres Act 1968 (c. 54)*

- 3 In section 7 of the Theatres Act 1968 (exceptions for...

*Port of London Act 1968 (c. xxxii)*

- 4 In section 190 of the Port of London Act 1968...

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*Local Government Act 1972 (c. 70)*

5 In section 142 of the Local Government Act 1972 (provision...

*Thames Barrier and Flood Prevention Act 1972 (c. xlv)*

6 In section 53 of the Thames Barrier and Flood Prevention...

*Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22)*

7 In section 9 of the Road Traffic (Driver Licensing and...

*Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))*

8 In Article 26(2) of the Police and Criminal Evidence (Northern...

*Broadcasting Act 1990 (c. 42)*

9 The Broadcasting Act 1990 is amended as follows.

10 In section 3 (licences under Part 1 of that Act)...

11 In section 86 (licences under Part 3 of that Act)...

12 (1) Section 89 (offences giving rise to disqualification) is amended...

13 In section 202 (general interpretation) in subsection (1), for the...

*Intelligence Services Act 1994 (c. 13)*

14 In section 11 of the Intelligence Services Act 1994 (interpretation...

*Merchant Shipping Act 1995 (c. 21)*

15 In section 91 of the Merchant Shipping Act 1995 (report...

*Criminal Procedure (Scotland) Act 1995 (c. 46)*

16 In section 302 of the Criminal Procedure (Scotland) Act 1995...

*Broadcasting Act 1996 (c. 55)*

17 In section 3 of the Broadcasting Act 1996 (licences under...

18 In section 42 of that Act (licences under Part 2...

*Police Act 1997 (c. 50)*

19 In section 108 of the Police Act 1997 (interpretation of...

*Terrorism Act 2000 (c. 11)*

20 In Schedule 10 to the Terrorism Act 2000 (munitions and...

*Regulation of Investigatory Powers Act 2000 (c. 23)*

21 The Regulation of Investigatory Powers Act 2000 is amended as...

22 (1) Section 3 (lawful interception without an interception warrant) is...

23 In section 18 (exceptions to section 17) in subsection (12)(c),...

24 In section 81 (general interpretation) in subsection (1), in the...

*Communications Act 2003 (c. 21)*

25 The Communications Act 2003 is amended as follows.

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- 26 In section 14 (consumer research) in subsection (2), for “the...
- 27 In section 190 (resolution of disputes referred to OFCOM) in...
- 28 In section 192(1) (appeals: decisions subject to appeal)—
- 29 In section 364 (TV licences) in subsection (2)(f), for “the...
- 30 In section 366 (powers to enforce TV licensing) in subsection...
- 31 In section 393 (general restrictions on disclosure of information) in...
- 32 In section 400 (destination of licence fees and penalties), in...
- 33 (1) Section 401 (power of OFCOM to retain costs of...
- 34 (1) Section 405 (general interpretation) is amended as follows.
- 35 In section 410 (application of enactments to territorial sea and...
- 36 In Schedule 8 (decisions not subject to civil appeal), omit...

*Income Tax (Trading and Other Income) Act 2005 (c. 5)*

- 37 In section 146 of the Income Tax (Trading and Other...

*Commissioners for Revenue and Customs Act 2005 (c. 11)*

- 38 In Part 1 of Schedule 2 to the Commissioners for...

SCHEDULE 8 — Transitional provisions, savings and transitory modifications  
Part 1 — TRANSITIONAL PROVISIONS AND SAVINGS

*General provisions*

- 1 The substitution of provisions of this Act for provisions repealed...
- 2 Anything done, or having effect as if done, under or...
- 3 A reference (express or implied) in this Act or another...
- 4 (1) A reference (express or implied) in an enactment, or...
- 5 Paragraphs 1 to 4 have effect in place of section...
- 6 Paragraphs 2 and 4(1) do not apply to an Order...

*General rule for old savings*

- 7 (1) The repeal by this Act of an enactment previously...

*Use of existing forms etc*

- 8 A reference to an enactment repealed by this Act which...

*Regulatory Reform Act 2001 (c. 6)*

- 9 (1) This paragraph has effect during the period of two...

*Contracted-out functions under section 1 of the Wireless Telegraphy Act 1949*

- 10 An order under Part 2 of the Deregulation and Contracting...

*Wireless telegraphy licences granted before 18th June 1998*

- 11 (1) This paragraph has effect in relation to wireless telegraphy...

*Procedures treated as prescribed by regulations made by OFCOM*

- 12 (1) Sub-paragraph (2) applies where, immediately before the commencement of...

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*Tribunal established under section 9 of the Wireless Telegraphy Act 1949*

13 The repeal by this Act of sections 11 and 12...

*References to Postmaster General etc*

14 The repeal by this Act of part of section 3(1)(ii)...

*Procedure for prosecutions*

15 (1) This paragraph has effect in relation to prosecutions to...

*Penalties for certain offences triable either way*

16 In relation to an offence committed before 2 May 2022,...

*Penalties for offences: unauthorised use of wireless telegraphy station etc*

17 In relation to an offence committed before 18th September 2003...

18 In relation to an offence committed on or after 18th...

*Penalties for offences: contravening notice under section 55 or 56*

19 In relation to an offence committed before the commencement of...

*Fixed penalties for wireless telegraphy offences*

20 Schedule 4 to this Act does not apply to offences...

*Powers of seizure*

21 In relation to an offence committed before 18th September 2003...

*Forfeiture etc of restricted apparatus*

22 Nothing in section 104 of, and Schedule 6 to, this...

*Appeals of wireless telegraphy decisions*

23 The repeals made by this Act do not affect the...

*Orders in Council: section 118*

24 (1) An Order in Council made under a provision that...

*Orders in Council: continental shelf*

25 (1) This paragraph applies in the case of an Order...

Part 2 — TRANSITORY MODIFICATIONS

*Justice (Northern Ireland) Act 2002 (c. 26)*

26 (1) This paragraph applies if paragraph 25 of Schedule 7...

*Communications Act 2003 (c. 21)*

27 (1) This paragraph applies if— (a) section 180 of the...

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*Power to make transitional provision*

28 Section 121(3) of this Act does not apply to an...

*Saving for old transitional provisions*

29 (1) This paragraph applies to any transitional or transitory provision...

SCHEDULE 9 — Repeals and revocations

Part 1 — REPEALS

Part 2 — REVOCATIONS

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**Changes and effects yet to be applied to :**

- s. 30(1A) omitted by [S.I. 2019/246 Sch. 1 para. 45\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). Amending provision omitted (21.12.2020) by virtue of [S.I. 2020/1419](#), reg. 1(2), [Sch. 2 para. 4\(2\)](#))
- [Sch. 7 para. 38](#) repealed by [2007 c. 27 Sch. 14](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 36](#)