



# Wireless Telegraphy Act 2006

## 2006 CHAPTER 36

### PART 6

#### GENERAL

##### *Interpretation*

#### 115 General interpretation

(1) In this Act—

“artistic work” has the meaning given by section 4(1) of the Copyright, Designs and Patents Act 1988 (c. 48);

“associated facility” has the meaning given by section 32 of the Communications Act 2003 (c. 21);

<sup>F1</sup>  
...

“broadcast” (except in sections 35 to 38 and Part 5), means broadcast by wireless telegraphy, and cognate expressions are to be construed accordingly;

“business” includes a trade or profession;

“communications provider” has the same meaning as in the Communications Act 2003;

“contravention” includes a failure to comply, and cognate expressions are to be construed accordingly;

[<sup>F2</sup>“ dynamic spectrum access service ” has the meaning given by section 53A; ]

<sup>F3</sup>  
...

“electric line” has the meaning given by section 64(1) of the Electricity Act 1989 (c. 29);

“electronic communications network” and “electronic communications service” have the meaning given by section 32 of the Communications Act 2003;

“emission”, in relation to electromagnetic energy, is to be construed in accordance with subsection (2);

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“the enactments relating to the management of the radio spectrum” has the meaning given by section 405 of the Communications Act 2003;

“film” has the meaning given by section 5B(1) of the Copyright, Designs and Patents Act 1988 (c. 48);

“frequency” includes frequency band;

“grant of recognised spectrum access” means a grant made under section 18;

“information” includes accounts, estimates and projections and any document;

“interfere” and “interference”, in relation to wireless telegraphy, are to be construed in accordance with subsection (3);

“international obligation of the United Kingdom” includes <sup>F4</sup>... any obligation which will or may arise under any international agreement or arrangements to which the United Kingdom is party;

“literary, dramatic or musical work” has the same meaning as in Part 1 of the Copyright, Designs and Patents Act 1988;

“modification” includes omissions, alterations and additions, and cognate expressions are to be construed accordingly;

“OFCOM” means the Office of Communications;

“radio spectrum functions”, in relation to OFCOM, means their functions under the enactments relating to the management of the radio spectrum;

“receiving apparatus” means wireless telegraphy apparatus that is not designed or adapted for emission (as opposed to reception);

[<sup>F5</sup>“satellite uplink apparatus” means wireless telegraphy apparatus, the purpose of which is to emit, to one or more satellites, energy to which section 116(2) applies;]

[<sup>F5</sup>“satellite uplinker” means a person who operates satellite uplink apparatus, but where a person is employed or engaged to operate satellite uplink apparatus under the direction or control of another person, references to a satellite uplinker are references only to that other person;]

“ship” includes every description of vessel used in navigation;

“sound recording” has the meaning given by section 5A(1) of the Copyright, Designs and Patents Act 1988;

“speech” includes lecture, address and sermon;

“supply”, in relation to any item, is to be construed in accordance with subsection (6);

“UK territorial sea” means the territorial sea adjacent to the United Kingdom;

“wireless telegraphy” is to be construed in accordance with section 116;

“wireless telegraphy apparatus” is to be construed in accordance with section 117;

“wireless telegraphy licence” means a licence granted under section 8;

“wireless telegraphy station” is to be construed in accordance with section 117.

- (2) A reference in this Act to the emission of electromagnetic energy, or to emission (as opposed to reception), includes a reference to the deliberate reflection (whether continuous or intermittent) of electromagnetic energy by means of apparatus designed or specially adapted for the purpose.

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- (3) For the purposes of this Act, wireless telegraphy is interfered with if the fulfilment of the purposes of the telegraphy is prejudiced (either generally or in part and, in particular, as respects all, or as respects any, of the recipients or intended recipients of a message, sound or visual image intended to be conveyed by the telegraphy) by an emission or reflection of electromagnetic energy.
- (4) Interference with any wireless telegraphy is not to be regarded as undue for the purposes of this Act unless it is also harmful.
- (5) For the purposes of this Act interference is harmful if—
- (a) it creates dangers, or risks of danger, in relation to the functioning of any service provided by means of wireless telegraphy for the purposes of navigation or otherwise for safety purposes; or
  - (b) it degrades, obstructs or repeatedly interrupts anything which is being broadcast or otherwise transmitted—
    - (i) by means of wireless telegraphy; and
    - (ii) in accordance with a wireless telegraphy licence, regulations under section 8(3) or a grant of recognised spectrum access or otherwise lawfully.
- (6) Section 46 of the Consumer Protection Act 1987 (c. 43) has effect for the purpose of construing references in this Act to the supply of any thing as it has effect for the purpose of construing references in that Act to the supply of goods.
- (7) In this Act (except Part 5) a reference to the sending or conveying of a message includes a reference to the making of a signal or the sending or conveying of a warning or information, and a reference to the reception of a message is to be construed accordingly.
- (8) A reference in this Act to apparatus on board a ship includes a reference to apparatus on a kite or captive balloon flown from a ship.

#### Textual Amendments

- F1** Words in s. 115(1) omitted (31.12.2020) by virtue of [The Broadcasting \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/224\)](#), reg. 1(2), **Sch. 1 para. 34** (with reg. 6) (as amended by S.I. 2020/1536, regs. 2, **5(3)**); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 115(1) inserted (31.7.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 8(3)**, 118(6); S.I. 2017/765, reg. 2(c)
- F3** Words in s. 115(1) omitted (31.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(3)(a), **Sch. 1 para. 94**
- F4** Words in s. 115(1) omitted (31.12.2020) by virtue of [The Electronic Communications and Wireless Telegraphy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/246\)](#), reg. 1(2), **Sch. 1 para. 45(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 115 inserted (19.12.2009) by [Audiovisual Media Services Regulations 2009 \(S.I. 2009/2979\)](#), regs. 1(1), **13(5)**, 13(7)

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## **116 “Wireless telegraphy”**

- (1) In this Act “wireless telegraphy” means the emitting or receiving, over paths that are not provided by any material substance constructed or arranged for the purpose, of energy to which subsection (2) applies.
- (2) This subsection applies to electromagnetic energy of a frequency not exceeding 3,000 gigahertz that—
  - (a) serves for conveying messages, sound or visual images (whether or not the messages, sound or images are actually received by anyone), or for operating or controlling machinery or apparatus; or
  - (b) is used in connection with determining position, bearing or distance, or for gaining information as to the presence, absence, position or motion of an object or of a class of objects.
- (3) The Secretary of State may by order modify the definition of “wireless telegraphy” by substituting a different frequency for the frequency that is for the time being specified in subsection (2).
- (4) No order is to be made containing provision authorised by subsection (3) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

## **117 “Wireless telegraphy apparatus” and “wireless telegraphy station”**

- (1) In this Act “wireless telegraphy apparatus” means apparatus for the emitting or receiving, over paths that are not provided by any material substance constructed or arranged for the purpose, of energy to which section 116(2) applies.
- (2) In this Act “wireless telegraphy station”—
  - (a) means a station for the emitting or receiving, over paths that are not provided by any material substance constructed or arranged for the purpose, of energy to which section 116(2) applies; and
  - (b) includes the wireless telegraphy apparatus of a ship or aircraft.

**Changes to legislation:**

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