



# Wireless Telegraphy Act 1949

1949 CHAPTER 54 12 13 and 14 Geo 6

An Act to amend the law relating to wireless telegraphy.

[30th July 1949]

## Modifications etc. (not altering text)

- C1** Act extended by [Wireless Telegraphy Act 1967 \(c. 72\), s. 7\(11\)](#) (as substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\), s. 77\(1\)](#); S.I. 1972/971, [art. 4 Sch. I Pt. A](#) and [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\), s. 31\(1\)](#))
- C2** Act amended by S.I. 1980/184, [art. 4](#)
- C3** By [Telecommunications Act 1984 \(c. 12, SIF 96\), s. 89](#) it is provided that the provisions of this Act relating to the committee established under s. 9(1)(a) of this Act cease to have effect
- C4** Power to exclude Part I conferred by S.I. 1965/1536, [art. 7\(c\)](#).
- C5** Act extended by S.I. 1987/2197, [art. 4](#)
- C6** Power to restrict regulations conferred (18.6.1998) by 1998 c. 6, [ss. 4\(1\)\(4\), 10\(2\)](#).
- C7** Act and functions under it modified by S.I. 2000/730 reg. 6(2)(3)(4) (as substituted (25.7.2003) by [Radio Equipment and Telecommunications Terminal Equipment \(Amendment\) Regulations 2003 \(S.I. 2003/1903\), regs. 1\(1\), 2\(6\)](#))
- C8** Act modified (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), ss. 404, 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)
- C9** Act modified (25.7.2003) by [Radio Equipment and Telecommunications Terminal Equipment \(Amendment\) Regulations 2003 \(S.I. 2003/1903\), regs. 1\(1\), 3](#)

## Commencement Information

- I1** Act wholly in force at 1.2.1991

## PART I

## Modifications etc. (not altering text)

- C10** Pt. I (ss. 1-8) excluded (23.6.1999) by S.I. 1999/1736, [art. 7\(1\)](#)

*Status: Point in time view as at 18/09/2003.*

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## *Regulation of Wireless Telegraphy*

### **Modifications etc. (not altering text)**

**C11** Power to exclude Part I conferred by [S.I. 1965/1536](#), [art. 7\(c\)](#)

## **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—

- (a) by the Secretary of State (unless it is a television licence), or
- (b) if it is a television licence, by the BBC ;

and any person] who establishes or uses any station for wireless telegraphy or installs 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:

Provided that the [<sup>F2</sup>Secretary of State] 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>F3</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>F4</sup>limitations—

- (a) as the Secretary of State may think fit; or
- (b) in the case of a television licence, as the Secretary of State may direct or (subject to any such direction) the BBC may 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>F5</sup>(2A) Those terms, provisions and limitations may also include, in particular—

- (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

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- (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 revoked by the [F<sup>2</sup>Secretary of State], [F<sup>6</sup>or (if it is a television licence) by the BBC] continue in force for such period as may be specified in the licence.
- (4) A wireless telegraphy licence [F<sup>7</sup>other than a television licence] may be revoked, or the terms, provisions or limitations thereof varied, by a notice in writing of the [F<sup>2</sup>Secretary of State] served 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 [F<sup>8</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 surrendered to the [F<sup>2</sup>Secretary of State] if required by the [F<sup>2</sup>Secretary of State] so to do, 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.

[F<sup>9</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. ]

#### 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](#)

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#### 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 substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), **s. 3(1)** and S.I. 1974/691, **arts. 2, 3(3)**
- F3** S. 1(1A) inserted (16.8.1996) by S.I. 1996/1864, **arts. 1, 3**.
- F4** 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)**
- F5** 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](#))
- F6** Words inserted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, **Sch. 18 Pt. I para. 1(4)**
- F7** Words inserted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, **Sch. 18 Pt. I para. 1(5)(a)**
- F8** Words added (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, **Sch. 18 Pt. I para. 1(5)(b)**
- F9** 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)

- C12** S. 1(1) restricted (19.4.1999) by S.I. 1999/930, **regs. 4, 5** (with [art. 1\(2\)](#))
- C13** S. 1(4): power to restrict conferred (18.6.1998) by 1998 c. 6, **ss. 4(1), 10(2)**

### [<sup>F10</sup>1AA Exemption from need for wireless telegraphy licence

- (1) If OFCOM are satisfied that the condition in subsection (2) is satisfied as respects the use of stations or apparatus of any particular description, they shall make regulations under section 1 of this Act exempting the establishment, installation and use of any station or apparatus of that description from the prohibition in that section.
- (2) That condition is that the use of stations or apparatus of that description is not likely to involve any undue interference with wireless telegraphy.]

#### Textual Amendments

- F10** S. 1AA 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. 166, 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](#))

### [<sup>F11</sup>1A Offence of keeping wireless telegraphy station or apparatus available for unauthorised use.

Any person who has any station for wireless telegraphy or apparatus for wireless telegraphy in his possession or under his control and either—

- (a) intends to use it in contravention of section 1 of this Act; or
- (b) knows, or has reasonable cause to believe, that another person intends to use it in contravention of that section,

shall be guilty of an offence.]

#### Textual Amendments

- F11** S. 1A inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), **s. 168**

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**[<sup>F12</sup>1B Offence of allowing premises to be used for purpose of unlawful broadcasting.**

- (1) A person who is in charge of any premises which are used for making an unlawful broadcast, or for sending signals for the operation or control of any apparatus used for the purpose of making an unlawful broadcast from any other place, shall be guilty of an offence if—
  - (a) he knowingly causes or permits the premises to be so used; or
  - (b) having reasonable cause to believe that the premises are being so used, he fails to take such steps as are reasonable in the circumstances of the case to prevent the premises from being so used.
- (2) For the purposes of this section a person is in charge of any premises if he—
  - (a) is the owner or occupier of the premises; or
  - (b) has, or acts or assists in, the management or control of the premises.
- (3) For the purposes of this section a broadcast is unlawful if—
  - (a) it is made by means of the use of any station for wireless telegraphy or apparatus for wireless telegraphy in contravention of section 1 of this Act; or
  - (b) the making of the broadcast contravenes any provision of the Marine, &c., Broadcasting (Offences) Act 1967.
- (4) In this section—
  - “ broadcast ” has the same meaning as in the Marine, &c., Broadcasting (Offences) Act 1967;
  - “ premises ” includes any place and, in particular, includes—
    - (a) any vehicle, vessel or aircraft; and
    - (b) any structure or other object (whether movable or otherwise and whether on land or otherwise).]

**Textual Amendments**

**F12** S. 1B inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 169

**[<sup>F13</sup>1C Prohibition of acts facilitating unauthorised broadcasting.**

- (1) If a person—
  - (a) does any of the acts mentioned in subsection (2) in relation to a broadcasting station by which unauthorised broadcasts are made, and
  - (b) if any knowledge or belief or any circumstances is or are specified in relation to the act, does it with that knowledge or belief or in those circumstances,he shall be guilty of an offence.
- (2) The acts referred to in subsection (1) are—
  - (a) participating in the management, financing, operation or day-to-day running of the station knowing, or having reasonable cause to believe, that unauthorised broadcasts are made by the station;
  - (b) supplying, installing, repairing or maintaining any wireless telegraphy apparatus or any other item knowing, or having reasonable cause to believe, that the apparatus or other item is to be, or is, used for the purpose of

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- facilitating the operation or day-to-day running of the station and that unauthorised broadcasts are made by the station;
- (c) rendering any other service to any person knowing, or having reasonable cause to believe, that the rendering of that service to that person will facilitate the operation or day-to-day running of the station and that unauthorised broadcasts are so made;
- (d) supplying a film or sound recording knowing, or having reasonable cause to believe, that an unauthorised broadcast of the film or recording is to be so made;
- (e) making a literary, dramatic or musical work knowing, or having reasonable cause to believe, that an unauthorised broadcast of the work is to be so made;
- (f) making an artistic work knowing, or having reasonable cause to believe, that an unauthorised broadcast including that work is to be so made;
- (g) doing any of the following acts, namely—
- (i) participating in an unauthorised broadcast made by the station, being actually present as an announcer, as a performer or one of the performers concerned in an entertainment given, or as the deliverer of a speech;
  - (ii) advertising, or inviting another to advertise, by means of an unauthorised broadcast made by the station; or
  - (iii) publishing the times or other details of any unauthorised broadcasts made by the station or (otherwise than by publishing such details) publishing an advertisement of matter calculated to promote the station (whether directly or indirectly),
- knowing, or having reasonable cause to believe, that unauthorised broadcasts are made by the station.
- (3) In any proceedings against a person for an offence under this section consisting in the supplying of any thing or the rendering of any service, it shall be a defence for him to prove that he was obliged, under or by virtue of any enactment, to supply that thing or render that service.
- [<sup>F14</sup>(4) The cases in which a person is to be taken for the purposes of this section as advertising by means of a broadcast include any case in which he causes or allows it to be stated, suggested or implied that entertainment included in the broadcast—
- (a) has been supplied by him; or
  - (b) is provided wholly or partly at his expense.]

(5) Section 46 of the Consumer Protection Act 1987 shall have effect for the purpose of construing references in this section to the supply of any thing as it has effect for the purpose of construing references in that Act to the supply of any goods.

(6) In this section—

“ broadcast ” has the same meaning as in the Marine, &c., Broadcasting (Offences) Act 1967;

“ broadcasting station ” means any business or other operation (whether or not in the nature of a commercial venture) which is engaged in the making of broadcasts;

“ film ”, “ sound recording ”, “ literary, dramatic or musical work ” and “ artistic work ” have the same meaning as in Part I of the Copyright, Designs and Patents Act 1988;

“ speech ” includes lecture, address and sermon; and

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“ unauthorised broadcast ” means a broadcast made by means of the use of a station for wireless telegraphy or wireless telegraphy apparatus in contravention of section 1 of this Act. ]

#### Textual Amendments

**F13** S. 1C inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 170

**F14** S. 1C(4) substituted (18.9.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 7](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), art. 2(2), [Sch. 2](#)

#### [<sup>F15</sup>1D Procedures for the grant of licences providing a telecommunications service

<sup>F16</sup>(1) .....

<sup>F16</sup>(2) .....

(3) An application for the grant of a licence shall be determined in accordance with procedures established by the Secretary of State, details of which shall be set out in a notice given by him.

(4) The procedures specified under subsection (3) shall include time-limits for dealing with the grant of licences, requirements which must be met for the grant of a licence, and particulars of the terms, provisions and limitations to which licences which may be issued are to be subject.

[ The time limits fixed for the purposes of subsection (4) in relation to any application <sup>F17</sup>(4A) made after the coming into force of this subsection must require a decision on the application to be made, notified to the applicant and published—

(a) in the case of an application for a licence relating to a frequency allocated in accordance with the United Kingdom Plan for Frequency Authorisation, not more than six weeks after the day of the receipt of the application; and

(b) in any other case, as soon as possible after the receipt of the application.

(4B) The period of six weeks specified in subsection (4A)(a) may be extended by OFCOM where it appears to them necessary to do so—

(a) for the purpose of enabling the requirements of any international agreement relating to frequencies or to orbital positions or to satellite Co-ordination to be complied with; or

(b) in a case where a determination falls to be made as to which of a number of applicants is the more or most suitable to be licensed, for the purpose of securing that the procedure for the making of that determination is fair, reasonable, open and transparent.

(4C) That period shall not be extended by virtue of subsection (4B)(b) by more than eight months.]

(5) Where the person applying for a licence fails to provide any information which the Secretary of State reasonably requires in order to satisfy himself that the applicant is able to comply with the terms, provisions and limitations in the licence the Secretary of State may refuse to grant the licence.

(6) Where the Secretary of State [<sup>F18</sup>propose] to refuse a licence he shall give to the person applying for the licence the reasons for the proposed refusal and shall specify

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a period of not less than [<sup>F19</sup>one month] within which representations with respect to the proposed refusal may be made.

<sup>F20</sup>(7) .....

<sup>F20</sup>(8) .....

[<sup>F21</sup>(9) In imposing terms, provisions or limitations of a wireless telegraphy licence, OFCOM shall impose only those that they are satisfied are—

- (a) objectively justifiable in relation to the networks and services to which they relate;
- (b) not such as to discriminate unduly against particular persons or against a particular description of persons;
- (c) proportionate to what they are intended to achieve; and
- (d) in relation to what they are intended to achieve, transparent.]]

#### Textual Amendments

- F15** S. 1D inserted (31.12.1997) by [S.I.1997/2930](#), [regs. 1](#), 4(1)(2).
- F16** S. 1D(1)(2) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 8\(3\)](#), [Sch. 19\(1\)](#) (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)
- F17** Ss. 1D(4A)-(4C) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 8\(6\)](#) (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)
- F18** Word in s. 1D(6) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 8\(8\)\(a\)](#) (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)
- F19** Words in s. 1D(6) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 8\(8\)\(b\)](#) (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)
- F20** S. 1D(7)(8) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 8\(9\)](#), [Sch. 19\(1\)](#) (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)
- F21** S. 1D(9) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 8\(10\)](#) (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)

#### [<sup>F22</sup>1E Variation or revocation of a licence

- (1) Where OFCOM propose to vary or revoke a wireless telegraphy licence, they shall give the person holding the licence a notification under this subsection—
- (a) stating the reasons for the proposed variation or revocation; and
  - (b) specifying the period during which the person notified has an opportunity to do the things specified in subsection (2).



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- (2) Those things are—
  - (a) making representations about the proposal; and
  - (b) if the proposal is the result of a contravention of a term, provision or limitation of the licence, complying with that term, provision or limitation.
- (3) Subject to subsections (4) to (6), the period for doing those things must be the period of one month beginning with the day after the one on which the notification was given.
- (4) OFCOM may, if they think fit, allow a longer period for doing those things either—
  - (a) by specifying a longer period in the notification; or
  - (b) by subsequently, on one or more occasions, extending the specified period.
- (5) The person notified shall have a shorter period for doing those things if a shorter period is agreed between OFCOM and the person notified.
- (6) The person notified shall also have a shorter period if—
  - (a) OFCOM have reasonable grounds for believing that the case is a case of serious and repeated contravention or an urgent case;
  - (b) they have determined that, in the circumstances, a shorter period would be appropriate; and
  - (c) the shorter period has been specified in the notification.
- (7) A case is an urgent case if the failure to vary or revoke the licence will result in, or create an immediate risk of—
  - (a) a serious threat to the safety of the public, to public health or to national security; or
  - (b) serious economic or operational problems for persons, other than the person in contravention, who—
    - (i) use stations or apparatus for wireless telegraphy; or
    - (ii) are communications providers or make associated facilities available.
- (8) Subsection (1) does not apply to a proposal to vary or revoke a licence if the proposal is made at the request or with the consent of the licence holder.
- (9) For the purposes of this section a contravention of a term, provision or limitation of a licence is a repeated contravention, in relation to a proposal to vary or revoke a licence, if it falls within subsection (10).
- (10) A contravention falls within this subsection if—
  - (a) a previous notification under subsection (1) has been given in respect of the same contravention or in respect of another contravention of a term, provision or limitation of the same licence; and
  - (b) the subsequent notification under that subsection is given no more than twelve months after the day of the making by OFCOM of a determination for the purposes of subsection (11) that the contravention to which the previous notification related did occur.
- (11) Where OFCOM have given a notification under subsection (1), they shall, within the period of one month beginning with the end of the period for the making of representations about the proposal contained in that notification—
  - (a) decide whether or not to vary or revoke the licence in accordance with their proposal, or in accordance with that proposal but with modifications; and
  - (b) give the person holding the licence a notification of their decision.

*Status: Point in time view as at 18/09/2003.*

*Changes to legislation: Wireless Telegraphy Act 1949 (repealed) is up to date with all changes known to be in force on or before 08 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (12) The notification under subsection (11)—
- (a) must be given no more than one week after the making of the decision to which it relates; and
  - (b) must, in accordance with that decision, either vary or revoke the licence or withdraw the proposal for a variation or revocation.
- (13) The reference in subsection (10) to a contravention of a term, provision or limitation of the same licence includes a reference to a contravention of a term, provision or limitation contained in a previous licence of which the licence in question is a direct or indirect renewal.
- (14) In this section, “communications provider” and “associated facility” have the same meaning as in the Communications Act 2003.]

#### Textual Amendments

**F22** S. 1E substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), ss. 169(1), 411(2) (with s. 169(2), 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)

#### <sup>F23</sup>1F Appeals

#### Textual Amendments

**F23** S. 1F repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) (with Note 1 and 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)

## 2 Fees and charges for wireless telegraphy licences

- (1) On the issue or renewal of a [<sup>F24</sup>television licence], and, where the regulations under this section so provided, at such times thereafter as may be prescribed by the regulations, there shall be [<sup>F25</sup>paid to the BBC by the person] to whom the licence is issued such sums as may be prescribed by regulations to be made by the [<sup>F26</sup>Secretary of State] with the consent of the Treasury, and different provision may be made in relation to different licences, according to the nature, terms, provisions, limitations and duration thereof:

Provided that the regulations made may contain provisions authorising, in such cases as are not otherwise dealt with by the regulations, the charge by the [<sup>F26</sup>Secretary of State] of such sums, whether on the issue or renewal of the licence or subsequently, as may in the particular case appear to him to be proper, but this proviso shall not apply to [<sup>F27</sup>licences in respect of the use of television receivers by any person in a private dwelling-house without any charge being made to other persons].

- (2) [<sup>F28</sup>Notwithstanding any thing in the preceding subsection, where, upon an application made by a person ordinarily resident in the United Kingdom for the issue or renewal of a wireless telegraphy licence to instal or use apparatus not designed or adapted for

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emission (as opposed to reception), the [<sup>F26</sup>Secretary of State] is satisfied, by means of a certificate issued by the local authority and produced to him by the applicant, that the applicant is a blind person not resident in a public or charitable institution or in a school, the [<sup>F26</sup>Secretary of State] may [<sup>F29</sup>dispense with the payment of the whole or part of any sum] which would otherwise be payable on the issue or renewal of the licence.]

[<sup>F28</sup>Notwithstanding anything in subsection (1) of this section, where—

- (a) an application for the issue or renewal of a television licence is made to the BBC by a person ordinarily resident in the United Kingdom, and
- (b) the BBC are satisfied, by means of a certificate issued by the local authority and produced to them by the applicant, that the applicant is a blind person not resident in a public or charitable institution or in a school,

the BBC shall, to such extent as the Secretary of State may determine, dispense with the payment of any sum which would otherwise be payable on the issue or renewal of the licence.]

In this subsection, the expression “blind person” means a person so blind as to be unable to perform any work for which eyesight is essential, and the expression “the local authority” means—

- (a) in relation to any person ordinarily resident in England and Wales, the council of the county or county borough in which he is ordinarily resident;
- (b) in relation to a person ordinarily resident in a large burgh in Scotland, the town council of that burgh;
- (c) in relation to a person ordinarily resident elsewhere in Scotland, the council of the county in which he is ordinarily resident;
- (d) in relation to a person ordinarily resident in Northern Ireland, the [<sup>F30</sup>Health and Social Services Board established under the Health and Personal Social Services (Northern Ireland) Order 1972] for the area in which he is ordinarily resident.

- (3) Where sums will or may become payable under subsection (1) of this section subsequently to the issue or renewal of a licence, the [<sup>F26</sup>Secretary of State] may, on the issue or renewal thereof, require such security to be given, by way of deposit or otherwise, for the payment of the sums which will or may become payable as he thinks fit.

#### Subordinate Legislation Made

- P4** S.2 power previously exercised by [S.I. 1984/1053](#), 1988/899, 1989/96, 325, 1850, 1929 1990/460.  
S. 2(1) power exercised by [S.I. 1991/542](#).
- P5** S. 2: s. 1 (with s. 2) power exercised by [S.I. 1991/436](#).

#### Textual Amendments

- F24** Words in s. 2(1) substituted (18.6.1998) by 1998 c. 6, ss. 7, 10(2), [Sch. 1 para. 1\(a\)](#)
- F25** Words in s. 2(1) substituted (18.6.1998) by 1998 c. 6, ss. 7, 10(2), [Sch. 1 para. 1\(b\)](#)
- F26** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)
- F27** Words in s. 2(1) substituted (18.6.1998) by 1998 c. 6, ss. 7, 10(2), [Sch. 1 para. 1\(c\)](#)
- F28** First paragraph of s. 2(2) substituted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 2\(3\)](#)
- F29** Words substituted by [Wireless Telegraphy \(Blind Persons\) Act 1955 \(4 & 5 Eliz. 2 c. 7, SIF 96\)](#), [s. 1](#)

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**F30** Words substituted by S.R. (N.I.) 1973/256, art. 3, Sch. 2

### 3 Regulations as to wireless telegraphy.

(1) [<sup>F31</sup>OFCOM may make regulations—]

- (a) prescribing the things which are to be done or are not to be done in connection with the use of any station for wireless telegraphy or wireless telegraphy apparatus, and, in particular, requiring the use of any such station or apparatus to cease on the demand in that behalf of any such persons as may be prescribed by or under the regulations;
- (b) imposing on the person to whom a wireless telegraphy licence is issued with respect to any station for wireless telegraphy or wireless telegraphy apparatus, or who is in possession or control of any station for wireless telegraphy or wireless telegraphy apparatus, obligations as to permitting and facilitating the inspection of the station and apparatus, as to the condition in which the station and apparatus are to be kept and, in the case of a station or apparatus for the establishment, installation or use of which a wireless telegraphy licence is necessary, as to the production of the licence, or of such other evidence of the licensing of the station or apparatus as may be prescribed by the regulations;
- (c) where sums are or may become due from the person to whom a wireless telegraphy licence is issued after the issue or renewal thereof, requiring that person to keep and produce such accounts and records as may be specified in the regulations; and
- (d) requiring the person to whom a wireless telegraphy licence authorising the establishment or use of a station has been issued to exhibit at the station such notices as may be specified in the regulations,

<sup>F32</sup>  
...

Provided that nothing in any such regulations shall require any person to concede any form of right of entry into a private dwellinghouse for the purpose of permitting or facilitating the inspection of any apparatus not designed or adapted for emission (as opposed to reception).

(2) Any person who contravenes any regulations made under this section, or causes or permits any station for wireless telegraphy or wireless telegraphy apparatus to be used in contravention of any such regulations, shall be guilty of an offence under this Act.

[<sup>F33</sup>(2A) The approval of the Secretary of State is required for the making by OFCOM of any regulations under this section.

(2B) A statutory instrument containing regulations made by OFCOM under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament. ]

#### Subordinate Legislation Made

- P6** S. 3: for previous exercises of this power, see Index to Government Orders.  
**P7** S. 3: s. 1 (with s. 3) power exercised (3.7.1991) by [S.I.1991/1523](#)

#### Textual Amendments

- F31** Words in s. 3(1) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 9\(2\)](#) (with [Sch. 18](#)); [S.I.](#)

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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)

**F32** Words in s. 3(1) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by **Communications Act 2003 (c. 21)**, s. 411(2), **Sch. 19(1)** (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)

**F33** S. 3(2A)(2B) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by **Communications Act 2003 (c. 21)**, s. 411(2), **Sch. 17 para. 9(3)** (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)

**F34** **3A** .....

**Textual Amendments**

**F34** S. 3A repealed (18.6.1998) by 1998 c. 6, ss. 7, 10(2), **Sch. 2 Pt. I**

**F35** **4** .....

**Textual Amendments**

**F35** S. 4 repealed (18.6.1998) by 1998 c. 6, ss. 7, 10(2), Sch. 1 para. 2, **Sch. 2 Pt. I**

**5 Misleading messages and interception and disclosure of messages.**

[<sup>F36</sup>(1)]Any person who—

- (a) by means of wireless telegraphy, sends or attempts to send, any message which, to his knowledge, is false or misleading and is, to his knowledge, likely to prejudice the efficiency of any safety of life service or endanger the safety of any person or of any vessel, aircraft or vehicle, and, in particular, any message which, to his knowledge, falsely suggests that a vessel or aircraft is in distress or in need of assistance or is not in distress or not in need of assistance; or
- (b) otherwise than [<sup>F37</sup>under the authority of a designated person] either—
  - (i) uses any wireless telegraphy apparatus with intent to obtain information as to the contents, sender or addressee of any message (whether sent by means of wireless telegraphy or not [<sup>F38</sup>of which neither the person using the apparatus nor a person on whose behalf he is acting is an intended recipient,]
  - (ii) except in the course of legal proceedings or for the purpose of any report thereof, discloses any information as to the contents, sender or addressee of any such message, being information which would not have come to his knowledge but for the use of wireless telegraphy apparatus by him or by another person,

shall be guilty of an offence under this Act.

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- <sup>F39</sup>(2) The conduct in relation to which a designated person may give a separate authority for the purposes of this section shall not, except where he believes the conduct to be necessary on grounds falling within subsection (5) of this section, include—
- (a) any conduct which, if engaged in without lawful authority, constitutes an offence under section 1(1) or (2) of the Regulation of Investigatory Powers Act 2000;
  - (b) any conduct which, if engaged in without lawful authority, is actionable under section 1(3) of that Act;
  - (c) any conduct which is capable of being authorised by an authorisation or notice granted by any person under Chapter II of Part I of that Act (communications data);
  - (d) any conduct which is capable of being authorised by an authorisation granted by any person under Part II of that Act (surveillance etc.).
- (3) A designated person shall not exercise his power to give a separate authority for the purposes of this section except where he believes—
- (a) that the giving of his authority is necessary on grounds falling within subsection (4) or (5) of this section; and
  - (b) that the conduct authorised by him is proportionate to what is sought to be achieved by that conduct.
- (4) A separate authority for the purposes of this section is necessary on grounds falling within this subsection if it is necessary—
- (a) in the interests of national security;
  - (b) for the purpose of preventing or detecting crime (within the meaning of the Regulation of Investigatory Powers Act 2000) or of preventing disorder;
  - (c) in the interests of the economic well-being of the United Kingdom;
  - (d) in the interests of public safety;
  - (e) for the purpose of protecting public health;
  - (f) for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department; or
  - (g) for any purpose (not falling within paragraphs (a) to (f)) which is specified for the purposes of this subsection by regulations made by the Secretary of State.
- (5) A separate authority for the purposes of this section is necessary on grounds falling within this subsection if it is not necessary on grounds falling within subsection (4)(a) or (c) to (g) but is necessary for purposes connected with—
- (a) the issue of licences under this Act;
  - (b) the prevention or detection of anything which constitutes interference with wireless telegraphy; or
  - (c) the enforcement of any enactment contained in this Act or of any enactment not so contained that relates to such interference.
- (6) The matters to be taken into account in considering whether the requirements of subsection (3) of this section are satisfied in the case of the giving of any separate authority for the purposes of this section shall include whether what it is thought necessary to achieve by the authorised conduct could reasonably be achieved by other means.
- (7) A separate authority for the purposes of this section must be in writing and under the hand of—

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- (a) the Secretary of State;
  - <sup>F40</sup> (aa) in the case of an authority given by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), a member of the Scottish Executive;]
  - (b) one of the Commissioners of Customs and Excise; or
  - (c) a person not falling within paragraph (a) or (b) who is designated for the purposes of this subsection by regulations made by the Secretary of State.
- (8) A separate authority for the purposes of this section may be general or specific and may be given—
- (a) to such person or persons, or description of persons,
  - (b) for such period, and
  - (c) subject to such restrictions and limitations,
- as the designated person thinks fit.
- (9) No regulations shall be made under subsection (4)(g) unless a draft of them has first been laid before Parliament and approved by a resolution of each House.
- (10) For the purposes of this section the question whether conduct is capable of being authorised under Chapter II of Part I of the Regulation of Investigatory Powers Act 2000 or under Part II of that Act shall be determined without reference—
- (a) to whether the person whose conduct it is is a person on whom any power or duty is or may be conferred or imposed by or under Chapter II of Part I or Part II of that Act; or
  - (b) to whether there are grounds for believing that the requirements for the grant of an authorisation or the giving of a notice under Chapter II of Part I or Part II of that Act are satisfied.
- (11) References in this section to a separate authority for the purposes of this section are references to any authority for the purposes of this section given otherwise than by way of the issue or renewal of a warrant, authorisation or notice under Part I or II of the Regulation of Investigatory Powers Act 2000.
- (12) In this section “ designated person ” means—
- (a) the Secretary of State;
  - (b) the Commissioners of Customs and Excise; or
  - (c) any other person designated for the purposes of this section by regulations made by the Secretary of State.]

#### Textual Amendments

- F36** S. 5 renumbered as s. 5(1) (2.10.2000) by 2000 c. 23, s. 73(1) (with s. 82(3)); S.I. 2000/2543, art. 3
- F37** Words in s. 5(1)(b) substituted (2.10.2000) by 2000 c. 23, s. 73(2)(a) (with s. 82(3)); S.I. 2000/2543, art. 3
- F38** Words in s. 5(1)(b)(i) substituted (2.10.2000) by 2000 c. 23, s. 73(2)(b) (with s. 82(3)); S.I. 2000/2543, art. 3
- F39** S. 5(2)-(12) inserted (2.10.2000) by 2000 c. 23, s. 73(3) (with s. 82(3)); S.I. 2000/2543, art. 3
- F40** S. 5(7)(aa) inserted (15.12.2000) by S.I. 2000/3253, art. 4(1), Sch. 3 Pt. I para. 2

#### Modifications etc. (not altering text)

- C14** S. 5(a) amended (as to mode of trial) by Telecommunications Act 1984 (c. 12, SIF 96) s. 75(1)(a)
- C15** S. 5(b): certain functions made exercisable (30.6.1999) by S.I. 1999/1748, art. 3, Sch. 1 para. 1

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S. 5(b): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(2), 2, Sch. 1; S.I. 1998/3178, art. 2(1)

**6 Territorial extent of preceding provisions.**

(1) Subject to the provisions of this section, the preceding provisions of this Part of this Act shall apply—

- (a) to all stations and apparatus in or over, or for the time being in or over, the United Kingdom to the territorial waters adjacent thereto; and
- (b) subject to any limitations which the <sup>F41</sup>Secretary of State] may by regulations determine, to all stations and apparatus on board any . . . <sup>F42</sup>ship or . . . <sup>F42</sup>aircraft which is registered in the United Kingdom but is not for the time being in or over the United Kingdom or the said territorial waters; and
- (c) subject to any limitations which the <sup>F41</sup>Secretary of State] may by regulations determine, to all apparatus which is not in or over the United Kingdom or the said territorial waters but was released from within the United Kingdom or the said territorial waters, or from any . . . <sup>F42</sup> ship or . . . <sup>F42</sup> aircraft which is registered in the United Kingdom,

and, without prejudice to the liability of any other person, in the event of any contravention of the said preceding provisions or of any regulations made thereunder occurring in relation to any station or apparatus on board or released from any vessel or aircraft, the captain or the person for the time being in charge of the vessel or aircraft shall be guilty of an offence under this Act:

Provided that the captain or person for the time being in charge of a vessel or aircraft shall not be guilty of any offence under this Act by reason of any contravention of the said provisions or regulations occurring in relation to apparatus on board the vessel or aircraft if the contravention consists of the use by a passenger on board the ship or aircraft of apparatus not designed or adapted for emission (as opposed to reception) which is not part of the wireless telegraphy apparatus, if any, of the ship or aircraft.

(2) The <sup>F41</sup>Secretary of State] may make regulations for regulating the use, on board any <sup>F43</sup>ship or aircraft which, not being registered in the United Kingdom, is registered in a country other than the United Kingdom, the Isle of Man or any of the Channel Islands while that ship or aircraft is] within the limits of the United Kingdom and the territorial waters adjacent thereto, of wireless telegraphy apparatus on board the ship or aircraft, and such regulations may provide for the punishment of persons contravening the regulations by <sup>F44</sup>a maximum fine for each offence of an amount not exceeding level 5 on the standard scale, <sup>F45</sup>. . . or of a lesser amount], and for the forfeiture of any wireless telegraphy apparatus in respect of which an offence under such regulations is committed; but, save as aforesaid <sup>F46</sup>or by virtue of an Order in Council under subsection (3) of this section], nothing in this Part of this Act shall operate so as to impose any prohibition or restriction on persons using wireless telegraphy apparatus on board any <sup>F47</sup>such ship or aircraft as aforesaid].

(3) His Majesty may by Order in Council direct that any reference in this section to any . . . <sup>F42</sup> ship or aircraft registered in the United Kingdom shall be construed as including a reference to any <sup>F42</sup> ship or aircraft registered in the Isle of Man, in any of the Channel Islands, or in any colony, British protectorate or British protected state, or registered under the law of any other country or territory outside the United Kingdom which is for the time being administered by His Majesty’s Government in the United Kingdom.

(4) . . . . . <sup>F48</sup>



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#### Textual Amendments

- F41** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)
- F42** Words repealed by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(2\)\(5\)](#)
- F43** Words substituted by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(3\)\(a\)\(i\)](#), (5)
- F44** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s.50](#)
- F45** Words in s. 6(2) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIV](#) Group2.
- F46** Words inserted by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(3\)\(b\)](#), (5)
- F47** Words substituted by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(3\)\(a\)\(ii\)](#) (5)
- F48** S. 6(4) repealed by [S.I. 1984/703 \(N.I. 3\)](#), [Sch. 7](#)

#### Modifications etc. (not altering text)

- C16** S. 6 extended by [S.I. 1954/488](#) (1954 II, p. 2370), art. 1; explained by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(2\)\(5\)](#); amended by *ibid.*, s. 9(4); extended by *ibid.*, ss. 10(3), 12

## 7 †Powers of Postmaster General as to wireless personnel.

- (1) The [<sup>F49</sup>Secretary of State] may hold examinations to determine the competence of the persons examined to fill positions in connection with the operation of stations for wireless telegraphy or wireless telegraphy apparatus and may issue to persons successful at such examinations certificates of competence of such types as he may from time to time determine.
- (2) The [<sup>F49</sup>Secretary of State] may issue so such persons as he thinks fit authorities in writing authorising the persons to whom the authorities are issued to fill such positions in connection with the operation of stations for wireless telegraphy or wireless telegraphy apparatus as may be specified in the respective authorities, being positions for the holding of which the possession of such an authority is, under wireless telegraphy licences granted under this Act or under any licences granted under any corresponding law of any part of His Majesty's dominions, a necessity or a qualification.
- (3) The [<sup>F49</sup>Secretary of State], if it appears to him that there are sufficient grounds so to do, may at any time suspend any authority granted under the last preceding subsection with a view to the revocation thereof, and where he so suspends an authority, the provisions of the First Schedule to this Act shall have effect.
- (4) Where any authority granted under subsection (2) of this section has ceased to be in force or has been suspended, it shall be the duty of the person to whom the authority was issued, and of every other person in whose possession or under whose control the authority may be, to cause the authority to be surrendered to the [<sup>F49</sup>Secretary of State] if required by the [<sup>F49</sup>Secretary of State] so to do, 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.
- (5) The [<sup>F49</sup>Secretary of State] may charge to persons applying to take part in any examination under this section, and to applicants for, or for copies of, any certificate or authority issued under this section, such fees, if any, as he may determine.

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#### Textual Amendments

**F49** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)

#### Modifications etc. (not altering text)

**C17** Unreliable marginal note

**8** ..... **F50**

#### Textual Amendments

**F50** S. 8 repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. I](#)

## PART II

### *Special provisions as to interference*

**F519** **Advisory committee and appeal tribunal.**

.....

#### Textual Amendments

**F51** S. 9 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), [s. 411\(2\)](#), [Sch. 19\(1\)](#) (with [Note 1](#) and [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](#))

**10** **Regulations as to radiation of electromagnetic energy, etc.**

- (1) [<sup>F52</sup>OFCOM may make regulations for either or both of the following purposes— ]
- (a) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be used;
  - (b) for prescribing the requirements to be complied with in the case of any apparatus to which this section applies if the apparatus is to be sold otherwise than for export, or offered or advertised for sale otherwise than for export, or let on hire or offered or advertised for letting on hire, by any person who in the course of business manufactures, assembles or imports such apparatus.
- (2) [<sup>F53</sup>The requirements prescribed under subsection (1) shall be such as OFCOM think fit] for the purpose of ensuring that the use of the apparatus does not cause undue interference with wireless telegraphy, and may in particular include—
- (a) requirements as to the maximum intensity of electro-magnetic energy of any specified frequencies which may be radiated in any direction from the apparatus while it is being used; and

*Status: Point in time view as at 18/09/2003.*

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- (b) in the case of an apparatus the power for which is supplied from electric lines, requirements as to the maximum electro-magnetic energy of any specified frequencies which may be injected into those lines by the apparatus,

<sup>F54</sup>  
...

- (3) The apparatus to which this section applies shall be such apparatus as may be specified in the regulations made thereunder, being apparatus generating, or designed to generate, or liable to generate fortuitously, electro-magnetic energy at frequencies of not more than three million megacycles per second, . . . <sup>F55</sup>

The references in this subsection to apparatus include references to any form of electric line, and other references in this Act to apparatus shall be construed accordingly.

- (4) It shall not be unlawful for any person to use any apparatus to which this section applies or to sell any such apparatus or offer or advertise it for sale or let it on hire or offer or advertise it for letting on hire by reason only that it does not comply with the requirements applicable under any regulations made under this section, but the non-compliance shall be a ground for the giving of a notice under the next succeeding section or under section twelve of this Act, as the case may be.

[<sup>F56</sup>(4A) The approval of the Secretary of State is required for the making by OFCOM of any regulations under this section.

(4B) A statutory instrument containing regulations made by OFCOM under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F52** Words in s. 10(1) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 11\(2\)](#) (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)
- F53** Words in s. 10(2) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 11\(3\)](#) (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)
- F54** Words in s. 10(2) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) (with [Note 1](#) and [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)
- F55** Words repealed by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), s. 10(2)
- F56** S. 10(4A)(4B) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 11\(4\)](#) (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)

#### Modifications etc. (not altering text)

- C18** Power to exclude s. 10 conferred by [S.I. 1965/1536](#), [art. 7\(d\)](#)
- C19** S. 10 excluded (23.6.1999) by [S.I. 1999/1736](#), [art. 7\(2\)](#)

*Status: Point in time view as at 18/09/2003.*

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## 11 Enforcement of regulations as to use of apparatus.

- (1) If the [<sup>F57</sup>Secretary of State] is of opinion—
- (a) that any apparatus does not comply with the requirements applicable to it under regulations made for the purpose specified in paragraph (a) of subsection (1) of the last preceding section; and
  - (b) that either—
    - (i) the use of the apparatus is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or for any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend; or
    - (ii) the use of the apparatus is likely to cause undue interference with any other wireless telegraphy and in fact has caused or is causing such interference in a case where he considers that all reasonable steps to minimize interference have been taken in relation to the station or apparatus receiving the telegraphy,

he may serve on the person in whose possession the apparatus is a notice in writing requiring that, after a date fixed by the notice, not being less than twenty-eight days from the date of the service thereof, the apparatus shall not be used, whether by the person to whom the notice is given or otherwise, or, if the [<sup>F57</sup>Secretary of State] thinks fit so to frame the notice, shall only be used in such manner, at such times and in such circumstances as may be specified in the notice:

Provided that—

- (i) <sup>F58</sup> ...
  - (ii) if the [<sup>F57</sup>Secretary of State] is satisfied that the use of the apparatus in question is likely to cause undue interference with any wireless telegraphy used for the purposes of any safety of life service or for any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend, the date to be fixed by the notice may be the date of the service thereof <sup>F59</sup> ... .
- (2) A notice under subsection (1) of this section may be revoked or varied by a subsequent notice in writing by the [<sup>F57</sup>Secretary of State] served on the person in whose possession the apparatus then is:
- Provided that where a notice under this subsection has the effect of imposing any additional restrictions on the use of the apparatus, the provisions of subsection (1) of this section relating to the coming into force of notices shall apply in relation to the notice as if it had been a notice served under the said subsection (1).

<sup>F60</sup>(2A) Where an appeal with respect to a notice under this section is pending—

- (a) proceedings for an offence of contravening that notice (whether instituted before or after the bringing of the appeal) shall be stayed until the appeal has been finally determined; and
- (b) any such proceedings shall be discharged if the notice is set aside in consequence of the appeal;

but this subsection does not affect proceedings in which a person has been convicted at a time when there was no pending appeal.

(2B) For the purposes of this section an appeal under section 192 of the Communications Act 2003 with respect to a notice under this section or a further appeal relating to the decision on such an appeal is pending unless—

- (a) that appeal has been brought to a conclusion or withdrawn and there is no further appeal pending in relation to the decision on the appeal; or

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- (b) no further appeal against a decision made on the appeal or on any such further appeal may be brought without the permission of the court and—
  - (i) in a case where there is no fixed period within which that permission can be sought, that permission has been refused or has not been sought; or
  - (ii) in a case where there is a fixed period within which that permission can be sought, that permission has been refused or that period has expired without permission having been sought.
- (2C) No proceedings for an offence of contravening a notice under this section may be commenced in Scotland—
  - (a) until the time during which an appeal against such a notice may be brought has expired; or
  - (b) where such an appeal has been brought, until that appeal has been determined.
- (2D) Such proceedings in Scotland must be commenced within six months of—
  - (a) where no appeal has been brought, the time referred to in paragraph (a) of subsection (2C); and
  - (b) where an appeal has been brought and determined, the date of that determination.]
- (7) Any person who, knowing that a notice of the [<sup>F57</sup>Secretary of State] under this section is in force with respect to any apparatus, uses that apparatus, or causes or permits it to be used, in contravention of the notice shall be guilty of an offence under this Act.

#### Textual Amendments

- F57** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)
- F58** Words in s. 11(1) repealed (with effect in accordance with s. 178(1) of the amending Act) by [Communications Act 2003 \(c. 21\)](#), [ss. 178\(1\)\(a\), 411\(2\)](#), [Schs. 19\(1\)](#) (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\(3\)](#))
- F59** Words in s. 11(1)(ii) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), [s. 411\(2\)](#), [Sch. 19\(1\)](#) Note 1 (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](#))
- F60** S. 11(2A)-(2D) substituted for (with effect in accordance with s. 178(1) of the amending Act) by [Communications Act 2003 \(c. 21\)](#), [ss. 178\(1\)\(b\), 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](#))

## 12 Enforcement of regulations as to sales, etc., by manufacturers and others.

- (1) If the [<sup>F61</sup>Secretary of State] is of opinion that any apparatus does not comply with the requirements applicable to it under regulations made for the purpose specified in paragraph (b) of subsection (1) of section ten of this Act, he may serve on any person who has manufactured, assembled or imported the apparatus in the course of business a notice in writing prohibiting him from selling the apparatus, otherwise than for export, or offering or advertising it for sale, otherwise than for export, or letting it on hire or offering or advertising it for letting on hire.

*Status: Point in time view as at 18/09/2003.*

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- [<sup>F62</sup>(1A) Where an appeal with respect to a notice under subsection (1) of this section is pending—
- (a) proceedings for an offence of contravening that notice (whether instituted before or after the bringing of the appeal) shall be stayed until the appeal has been finally determined; and
  - (b) any such proceedings shall be discharged if the notice is set aside in consequence of the appeal;
- but this subsection does not affect proceedings in which a person has been convicted at a time when there was no pending appeal.
- (1B) For the purposes of this section any appeal under section 192 of the Communications Act 2003 with respect to a notice under this section or a further appeal relating to the decision on that appeal is pending unless—
- (a) that appeal has been brought to a conclusion or withdrawn and there is no further appeal pending in relation to the decision; or
  - (b) no further appeal against any decision made on the appeal or on any such further appeal may be brought without the permission of the court and—
    - (i) in a case where there is no fixed period within which that permission can be sought, that permission has been refused or has not been sought; or
    - (ii) in a case where there is a fixed period within which that permission can be sought, that permission has been refused or that period has expired without permission having been sought.
- (1C) No proceedings for an offence of contravening a notice under this section may be commenced in Scotland—
- (a) until the time during which an appeal against such a notice may be brought has expired; or
  - (b) where such an appeal has been brought, until that appeal has been determined.
- (1D) Such proceedings in Scotland must be commenced within six months of—
- (a) where no appeal has been brought, the time referred to in paragraph (a) of subsection (1C); and
  - (b) where an appeal has been brought and determined, the date of that determination.]

(5) Where a notice has been served under subsection (1) of this section, the person on whom the notice has been served shall, if he contravenes the provisions of the notice without the notice having been previously revoked by the [<sup>F61</sup>Secretary of State], be guilty of an offence under this Act.

#### Textual Amendments

- F61** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)
- F62** S. 12(1A)-(1D) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) for s. 12(2)-(4) (with effect in accordance with s. 178(2) of the amending Act) by [Communications Act 2003 \(c. 21\)](#), [ss. 178\(2\), 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](#))

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<sup>F63</sup>12A .....

**Textual Amendments**

**F63** s. 12A repealed (28.10.1992) by S.I. 1992/2372, **reg. 2(1)** (with regs. 100, 101).

**13 Deliberate interference.**

- (1) Any person who uses any apparatus for the purpose of interfering with any wireless telegraphy shall be guilty of an offence under this Act.
- (2) This section shall apply whether or not the apparatus in question is wireless telegraphy apparatus or apparatus to which any of the preceding provisions of this Part of this Act apply, and whether or not any notice under section eleven or section twelve of this Act has been given with respect to the apparatus, or, if given, has been varied or revoked.

**Modifications etc. (not altering text)**

- C20** S. 14 amended by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), **s. 75** (2) (3) and [S.I. 1984/703\(N.I. 3\)](#), arts. 4(7)
- C21** S. 13 amended (as to mode of trial ) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), **s. 75** (1)(b), (3)

**PART III**

*Supplemental*

**14 Penalties and legal proceedings.**

<sup>F64</sup>(1) Any person committing—

- <sup>F65</sup><sup>F66</sup>(aa) [ any offence under section 1(1) of this Act consisting in the establishment or use of a station for wireless telegraphy, or the installation or use of wireless telegraphy apparatus, for the purpose of making a broadcast (within the meaning of section 9 of the Marine, &c., Broadcasting (Offences) Act 1967 (c. 41));
- (ab) any offence under section 1A of this Act where the relevant contravention of section 1 would constitute an offence falling within paragraph (aa);]
- (ac) any offence under section 1B or 1C of this Act;]
- <sup>F67</sup>(a) any offence under section 5(1)(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

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- [ any offence under section 1A of this Act committed in relation to any wireless telegraphy apparatus not designed or adapted for emission (as opposed to reception);]
- <sup>F68</sup>(aa) (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
- <sup>F69</sup>(e) . . . . .
- (f) any offence under this Act which is an offence under section 5 or 8(2) of the <sup>MI</sup> 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.

- [ A person committing—
  - <sup>F70</sup>(1AA) (a) an offence under section 1(1) of this Act other than—
    - (i) one which falls within subsection (1)(aa), or
    - (ii) one which falls within subsection (1A)(a), or
  - (b) an offence under section 1A of this Act other than—
    - (i) one which falls within subsection (1)(ab), or
    - (ii) one which falls within subsection (1A)(aa),
- shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.]

- (1B) Any person committing—
  - (a) . . . . . <sup>F71</sup>
  - (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.]

<sup>F72</sup>(2) . . . . .

- [<sup>F73</sup>(3) Where a person is convicted of—
  - (a) an offence under this Act consisting in any contravention of any of the provisions of Part I of this Act in relation to any station for wireless telegraphy or any wireless telegraphy apparatus (including an offence under section 1B or 1C of this Act) or in the use of any apparatus for the purpose of interfering with any wireless telegraphy;
  - <sup>F74</sup>(b) . . . . .
  - (c) any offence under the Marine, &c., Broadcasting (Offences) Act 1967; or



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- (d) any offence under this Act which is an offence under section 7 of the Wireless Telegraphy Act 1967 (whether as originally enacted or as substituted by section 77 of the Telecommunications Act 1984),

the court may, in addition to any other penalty, order such of the following things to be forfeited to the Secretary of State as the court considers appropriate, that is to say—

- (i) any vehicle, vessel or aircraft, or any structure or other object, which was used in connection with the commission of the offence;
- (ii) any wireless telegraphy apparatus or other apparatus in relation to which the offence was committed or which was used in connection with the commission of it;
- (iii) any wireless telegraphy apparatus or other apparatus not falling within paragraph (ii) above which was, at the time of the commission of the offence, in the possession or under the control of the person convicted of the offence and was intended to be used (whether or not by that person) in connection with the making of any broadcast or other transmission that would contravene section 1 of this Act or any provision of the Marine, &c., Broadcasting (Offences) Act 1967.

(3AA) The power conferred by virtue of subsection (3)(a) above does not apply in a case where the offence is any such offence as is mentioned in subsection (1A)(a) or (aa) above.

(3AB) References in subsection (3)(ii) or (iii) above to apparatus other than wireless telegraphy apparatus include references to—

- (a) recordings;
- (b) equipment designed or adapted for use—
  - (i) in making recordings; or
  - (ii) in reproducing from recordings any sounds or visual images; and
- (c) equipment not falling within paragraphs (a) and (b) above but connected, directly or indirectly, to wireless telegraphy apparatus.]

[<sup>F75</sup>(3A) Without prejudice to the operation of subsection (3) of this section in relation to any other apparatus, where a person is convicted of an offence under this Act involving restricted apparatus, the court shall order the apparatus to be forfeited to the Secretary of State unless the accused or any person claiming to be the owner of or otherwise interested in the apparatus shows cause why the apparatus should not be forfeited.

Apparatus is restricted apparatus for the purposes of this subsection if custody or control of apparatus of any class or description to which it belongs is for the time being restricted by an order under section 7 of the <sup>M2</sup> Wireless Telegraphy Act 1967.

(3B) Apparatus may be ordered to be forfeited under this section notwithstanding that it is not the property of the person by whom the offence giving rise to the forfeiture was committed, and any apparatus ordered to be forfeited under this section may be disposed of by the Secretary of State in such manner as he thinks fit.

(3C) Subsections (3) to (3B) of this section have effect notwithstanding anything in section 140 of the <sup>M3</sup> Magistrates' Courts Act 1980 or Article 58 of the <sup>M4</sup> Magistrates' Courts (Northern Ireland) Order 1981.

(3D) The court by whom any apparatus is ordered to be forfeited under this section may also order the person by whom the offence giving rise to the forfeiture was committed

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not to dispose of that apparatus except by delivering it up to the Secretary of State within forty-eight hours of being so required by him.

- (3E) If a person against whom an order is made under subsection (3D) of this section contravenes that order or fails to deliver up the apparatus to the Secretary of State as required he shall be guilty of a further offence under this Act which, for the purpose of determining the appropriate penalty in accordance with the provisions of this section relating to penalties [<sup>F76</sup>, shall be treated as an offence committed under the same provision, and at the same time,] as the offence for which the forfeiture was ordered.]

(4) ..... <sup>F77</sup>

(5) ..... <sup>F78</sup>

- (6) Without prejudice to the right to bring separate proceedings for contraventions of this Act taking place on separate occasions, a person who is convicted of an offence under this Act consisting in the use of any station or apparatus, or in a failure or refusal to cause any licence or authority to be surrendered, shall, where the use, or failure or refusal continues after the conviction, be deemed to commit a separate offence in respect of every day on which the use, failure or refusal so continues.

- (7) Nothing in the preceding provisions of this section shall limit any right of any person to bring civil proceedings in respect of the doing or apprehended doing of anything rendered unlawful by any provision of this Act, and, without prejudice to the generality of the preceding words, compliance with the provisions of this Act contraventions of which are declared to be offences under this Act shall be enforceable by civil proceedings by the Crown for an injunction or for any other appropriate relief.

In the application of this subsection to Scotland, for the words “civil proceedings by the Crown for an injunction” there shall be substituted the words “civil proceedings by the Lord Advocate for an interdict”.

<sup>F79</sup>(8) .....

<sup>F80</sup>(9) .....

#### Textual Amendments

- F64** S. 14(1)(1A)(1B)(1C) substituted for s. 14(1) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 75(2)(3), [Sch. 3 para. 1](#)
- F65** S. 14(1)(aa)(ab)(ac) inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [s. 172\(2\)](#)
- F66** S. 14(1)(aa)(ab) substituted (18.9.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 179\(1\)](#), 411(2) (with s. 179(4), [Sch. 18](#)); S.I. 2003/1900, art. 2(2), [Sch. 2](#)
- F67** S. 14(1)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 14\(2\)](#) (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)
- F68** Para. (aa) inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [s. 172\(3\)](#)
- F69** S. 14(1A)(e) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 14\(3\)\(b\)](#), [Sch. 19\(1\)](#) (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)
- F70** S. 14(1AA) inserted (18.9.2003) by [Communications Act 2003 \(c. 21\)](#), [ss. 179\(2\)](#), 411(2) (with s. 179(4), [Sch. 18](#)); S.I. 2003/1900, art. 2(2), [Sch. 2](#)

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- F71** S. 14(1B)(a) repealed by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), ss. 4(6), 87(6), 134, 203(3), Sch. 12 Pt. II para. 1, [Sch. 21](#)
- F72** S. 14(2) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), ss. 404(5), 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)
- F73** S. 14(3)(3AA)(3AB) substituted for s. 14(3) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 172(4)
- F74** S. 14(3)(b) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), Sch. 17 para. 14(4)(a), [Sch. 19\(1\)](#) (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)
- F75** S. 14(3A)–(3E) substituted for s. 14(3) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 82
- F76** Words substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 172(5)
- F77** S. 14(4) repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. II](#)
- F78** S. 14(5) repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. I](#)
- F79** S. 14(8) repealed (5.11.1993) by 1993 c. 50, s. 1(1) [Sch. 1 Pt. XIV](#) Group2.
- F80** S. 14(9) repealed by S.I. 1986/1883, art. 13(3), [Sch. 5](#) and expressed to be repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIV](#) Group2.

#### Modifications etc. (not altering text)

- C22** S. 14 amended by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 75 (2) (3) and S.I. 1984/703(N.I. 3), arts. 4(7)
- C23** S. 14(7): transfer of functions (19.5.1999) by S.I. 1999/679, arts. 1(2), 2, [Sch.](#); S.I. 1998/3178, art. 2(2), [Sch. 4](#)

#### Marginal Citations

- M1** 1967 c. 72(96).
- M2** 1967 c. 72(96).
- M3** 1980 c. 43(82).
- M4** 1981/1675 (N.I. 26).

## 15 Entry and search of premises, etc.

- (1) If, in England, Wales or Northern Ireland, a justice of the peace, or, in Scotland, the sheriff, is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act [<sup>F81</sup>or under the Marine, &c., Broadcasting (Offences) Act 1967] has been or is being committed, and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, vessel or aircraft so specified, he may grant a search warrant [<sup>F82</sup>authorising any person or persons authorised in that behalf by the [<sup>F83</sup>Secretary of State]] [<sup>F82</sup>authorising—
- any person or persons authorised in that behalf by the Secretary of State; or
  - where the offence relates to the installation or use of a television receiver, any person or persons authorised in that behalf by the BBC or the Secretary of State,] . . . <sup>F84</sup> with or without any constables, to enter, at any time within one month from the date of the warrant, the premises specified in the information or, as the case may be, the vehicle, vessel or aircraft so specified and any premises upon which it may be, and to search the premises, or, as the case may be, the vehicle, vessel or aircraft, and to examine and test any apparatus found on the premises, vessel, vehicle or aircraft.
- (2) If, in England, Wales or Northern Ireland, a justice of the peace, or, in Scotland, the sheriff, is satisfied upon an application supported by sworn evidence—

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- (a) that there is reasonable ground for believing that, on any specified premises or in any specified vessel, aircraft or vehicle, apparatus to which section ten of this Act applies is to be found which does not comply with the requirements applicable to it under regulations made under that section; and
- (b) that it is necessary to enter those premises, or that vessel, aircraft or vehicle, for the purpose of obtaining such information as will enable the [F83Secretary of State] to decide whether or not to serve a notice under section eleven or section twelve of this Act; and
- (c) that access to the premises, vessel, aircraft or vehicle for the purpose of obtaining such information as aforesaid has, within fourteen days before the date of the application to the justice or sheriff, been demanded by a person authorised in that behalf by the [F83Secretary of State] and producing sufficient documentary evidence of his identity and authority, but has been refused,

the justice or sheriff may issue a written authorisation under his hand empowering any person or persons authorised in that behalf by the [F83Secretary of State]<sup>F85</sup> ... , with or without any constables, to enter the premises, or, as the case may be, the vessel, aircraft or vehicle and any premises on which it may be and to search the premises, vessel, aircraft or vehicle with a view to discovering whether any such apparatus as aforesaid is situate thereon or therein, and, if he finds or they find any such apparatus thereon, or therein, to examine and test it with a view to obtaining such information as aforesaid: Provided that an authorisation shall not be issued under this subsection unless either—

- (i) it is shown to the justice or sheriff that the [F83Secretary of State] is satisfied that there is reasonable ground for believing that the use of the apparatus in question is likely to cause undue interference with any wireless telegraphy used for the purposes 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
- (ii) it is shown to the justice or sheriff that not less than seven days' notice of the demand for access was served on the occupier of the premises, or, as the case may be, the person in possession or the person in charge of the vessel, aircraft or vehicle, and that the demand was made at a reasonable hour and was unreasonably refused.

[F86(2A) Without prejudice to any power exercisable by him apart from this subsection, a person authorised by the Secretary of State or (as the case may be) by the BBC to exercise any power conferred by this section may use reasonable force, if necessary, in the exercise of that power.]

(3) Where under this section a person has a right to examine and test any apparatus on any premises or in any vessel, aircraft or vehicle, it shall be the duty of any person who is on the premises, or is in charge of, or in or in attendance on, the vessel, aircraft or vehicle, to give him any such assistance as he may reasonably require in the examination or testing of the apparatus.

(4) Any person who—

- (a) [F87intentionally] obstructs any person in the exercise of the powers conferred on him under this section; or
- (b) [F88without reasonable excuse] fails or refuses to give any such person any assistance which he is under this section under a duty to give to him; <sup>F89</sup> ...

<sup>F89</sup>(c) .....  
shall be guilty of an offence under this Act, <sup>F90</sup> ...

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### Textual Amendments

- F81** Words inserted as provided by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [s. 173\(1\)](#)
- F82** Words substituted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [s. 180](#), [Sch. 18 Pt. I para. 3](#)
- F83** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)
- F84** Words repealed as provided by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [s. 173\(1\)](#)
- F85** Words repealed by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [ss. 134, 173\(2\), 203\(3\)](#), [Sch. 12 Pt. II para. 1](#), [Sch. 21](#)
- F86** [S. 15\(2A\)](#) inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [s. 173\(3\)](#)
- F87** Word inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [s. 92\(2\)\(a\)](#)
- F88** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [s. 92\(2\)\(b\)](#)
- F89** [S. 15\(4\)\(c\)](#) and preceding word repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), [s. 411\(2\)](#), [Sch. 19\(1\)](#) Note 1 (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](#))
- F90** Words repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. II](#)

## 16 Regulations and orders.

- (1) Any Order in Council under this Act may be revoked or varied by a subsequent Order in Council.
- [<sup>F91</sup>(1A) Section 403 of the Communications Act 2003 (procedure for regulations and orders made by OFCOM) applies to every power of OFCOM to make regulations under a provision of this Act.]
- (2) [<sup>F92</sup>Any power conferred on the Secretary of State] by any of the provisions of this Act to make regulations shall be exercisable by statutory instrument, and any statutory instrument made in the exercise of any of the said powers[<sup>F93</sup>, other than one containing regulations a draft of which has been approved for the purposes of section 5(9),] shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### Textual Amendments

- F91** [S. 16\(1A\)](#) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), [s. 411\(2\)](#), [Sch. 17 para. 16\(2\)](#) (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](#))
- F92** Words in [s. 16\(2\)](#) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), [s. 411\(2\)](#), [Sch. 17 para. 16\(3\)](#) (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](#))
- F93** Words in [s. 16\(2\)](#) inserted (2.10.2000) by [2000 c. 23](#), [s. 73\(4\)](#) (with [s. 82\(3\)](#)); [S.I. 2000/2543](#), [art. 3](#)

### Modifications etc. (not altering text)

- C24** [S. 16\(2\)](#) repealed, so far as relating to the power conferred by [s. 8](#) of this Act, by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. I](#)

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## 17 Financial provisions.

(1) .....<sup>F94</sup> any fines imposed for offences under this Act, shall be paid into the Exchequer.

(2) .....<sup>F95</sup>

### Textual Amendments

**F94** Words substituted by [Post Office Act 1961 \(c. 15\)](#), [Sch.](#)

**F95** S. 17(2) repealed by S.R. (N.I.) 1973/256, art. 3, Sch. 2

### Modifications etc. (not altering text)

**C25** S. 17(1) restricted by [Northern Ireland Act 1962 \(c. 30, SIF 29:3\)](#), [Sch. 2](#)

18 .....<sup>F96</sup>

### Textual Amendments

**F96** S. 18 repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. I](#)

## 19 Interpretation.

(1) In this Act, except where the context otherwise requires, the expression “wireless telegraphy” means the emitting or receiving, over paths which are not provided by any material substance constructed or arranged for that purpose, of electromagnetic energy of a frequency not exceeding three million megacycles a second, being energy which either—

- (a) serves for the conveying of messages, sound or visual images (whether the messages, sound or images are actually received by any person or not), or for the actuation or control of machinery or apparatus; or
- (b) is used in connection with the determination of position, bearing or distance, of for the gaining of information as to the presence, absence, position or motion of any object or any objects of any class,

and references to stations for wireless telegraphy and apparatus for wireless telegraphy or wireless telegraphy apparatus shall be construed as references to stations and apparatus for the emitting or receiving as aforesaid of such electro-magnetic energy as aforesaid:<sup>F97</sup>

(2) In this Act, the expression “station for wireless telegraphy” includes the wireless telegraphy apparatus of a ship or aircraft, and the expression “electric line” has the same meaning as in the<sup>M5</sup> [\[<sup>F98</sup>Electric Lighting Act 1882.\]](#) [\[<sup>F98</sup>The Electricity Act 1989\]](#)

[\[<sup>F99</sup>\(2A\) In this Act—](#)

“ the BBC ” means the British Broadcasting Corporation; and

“ television licence ” and “ television receiver ” have the meaning given by section 1(7) of this Act. ]

(3) Any reference in this Act to the emission of electro-magnetic energy, or to emission (as opposed to reception), shall be construed as including a reference to the deliberate

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reflection of electro-magnetic energy by means of any apparatus designed or specially adapted for that purpose, whether the reflection is continuous or intermittent.

(4) In this Act, the expression “interference,” in relation to wireless telegraphy, means the prejudicing by any emission or reflection of electro-magnetic energy of the fulfilment of the purposes of the telegraphy (either generally or in part, and, without prejudice to the generality of the preceding words, as respects all, or as respects any, of the recipients or intended recipients of any message, sound or visual image intended to be conveyed by the telegraphy), and the expression “interfere” shall be construed accordingly

[<sup>F100</sup>(5) Interference with any wireless telegraphy is not to be regarded as undue for the purposes of this Act unless it is also harmful.

(5A) 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 licence under this Act, regulations under the proviso to section 1(1) of this Act or a grant of recognised spectrum access under Chapter 2 of Part 2 of the Communications Act 2003 or otherwise lawfully.]

(6) Any reference in this Act to the sending or the conveying of messages includes a reference to the making of any signal or the sending or conveying of any warning or information, and any reference to the reception of messages shall be construed accordingly.

(7) In this Act, the expressions “ship” and “vessel” have the [<sup>F101</sup>same meaning as “ship” in the Merchant Shipping Act 1995].

(8) References in this Act to apparatus on board a ship or vessel include references to apparatus on a kite or captive balloon flown from a ship or vessel.

[<sup>F102</sup>(9) . . . . .

(10) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

#### Textual Amendments

**F97** Proviso repealed by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), [Sch. 6](#)

**F98** “The Electricity Act 1989” substituted (E.W.S.) for “the Electric Lighting Act, 1882” by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), [Sch. 16 para. 6](#), [Sch. 17 paras. 33, 35\(1\)](#)

**F99** S. 19(2A) inserted (1. 4. 1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. 1 para. 4](#)

**F100** S. 19(5)(5A) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) for s. 19(5) by [Communications Act 2003 \(c. 21\)](#), [ss. 183, 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)

**F101** Words in s. 19(7) substituted (1.1.1996) by [1995 c. 21](#), [ss. 314\(2\), 316\(2\)](#), [Sch. 13 para. 24](#) (with s. 312(1)).

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**F102** S. 19(9) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) (with Note 1 and [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)

**Modifications etc. (not altering text)**

**C26** In s. 19(1), definition of "wireless telegraphy" applied (N.I.) (27.8.1991) (temporarily until 15.6.1992 unless continued by Order) by [Northern Ireland \(Emergency Provisions\) Act 1991 \(c. 24, SIF 39:1\)](#), s. [19\(14\)](#) (with s. 69)

**Marginal Citations**

**M5** [1882 c. 56\(44:1\)](#).

**20 Short title and extent.**

- (1) This Act may be cited as the Wireless Telegraphy Act 1949.
- (2) It is hereby declared that this Act extends to Northern Ireland.
- (3) His Majesty may by Order in Council direct that all or any of the provisions of this Act shall extend to the Isle of Man or any of the Channel Islands with such adaptations and modifications, if any, as may be specified in the Order.

**Modifications etc. (not altering text)**

**C27** S. 20(3) extended by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. [174](#)  
S. 20(3) extended (18.6.1998) by [1998 c. 6, ss. 9\(2\)](#), 10(2)

**C28** S. 20(3) extended by [Post Office Act 1969 \(c. 48, SIF 96\)](#), s. [3\(6\)](#)



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## SCHEDULES

### FIRST SCHEDULE

#### PROCEDURE IN RELATION TO SUSPENSION AND REVOCATION OF AUTHORITIES TO WIRELESS PERSONNEL

- 1 The [F103Secretary of State] shall, on suspending the authority, serve on the person to whom it was issued a notice informing him of the suspension, of the grounds thereof and of his rights under the subsequent provisions of this Schedule, and further informing him that if he does not avail himself of those rights the [F103Secretary of State] may revoke the authority:
- Provided that where it appears to the [F103Secretary of State] that it is not reasonably practicable to serve the notice on the said person, the [F103Secretary of State], in lieu of serving the notice on him, shall take such steps, by advertisement or otherwise, to bring the notice to his knowledge as appear to be the [F103Secretary of State] to be reasonable in the circumstances.

#### Textual Amendments

**F103** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)

- 2 (1) If, within such time and in such manner as may be specified in the notice, the person to whom the authority was issued requests that the question whether the authority should be revoked or the suspension thereof continued or terminated should be referred to an advisory committee, the [F104Secretary of State] unless he terminates the suspension, shall refer that question to an advisory committee accordingly.
- (2) Every such advisory committee shall consist of three persons appointed by the [F104Secretary of State], of whom one shall be an independent chairman selected by the [F104Secretary of State] and two shall be persons nominated respectively by such body or bodies representing employers of wireless operators and such association or associations representing wireless operators as seem to the [F104Secretary of State] to be appropriate for the purpose.
- (3) Where a question is referred to an advisory committee under this paragraph, the committee shall inquire into the matter, shall consider any representations made by the person to whom the authority was issued, and shall then make a report to the [F104Secretary of State] stating the facts as found by them and the action which, in their opinion, ought to be taken as respects the revocation of the authority or the continuation or termination of the suspension thereof, and the [F104Secretary of State] shall consider the report.
- (4) After considering the report of the advisory committee or, as the case may be, on the expiration of the time referred to in sub-paragraph (1) of this paragraph without the person to whom the authority was issued having required in the manner therein referred to that the question should be referred to an advisory committee, the

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[<sup>F104</sup>Secretary of State] shall, as he thinks fit, either revoke the authority, or terminate the suspension thereof, or continue the suspension thereof for such period as he thinks fit.

- (5) Where the [<sup>F104</sup>Secretary of State] revokes the authority or continues the suspension thereof, he shall, if requested so to do by the person to whom the authority was issued, inform him of the opinion which the advisory committee expressed as to the action which ought to be taken as respects the revocation of the authority or the continuation or termination of the suspension thereof.

**Textual Amendments**

**F104** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691, arts. 2, 3\(3\)](#)

- [<sup>F1053</sup> The Secretary of State is to pay—
- (a) the expenses incurred by an advisory committee under this Schedule, to the extent determined by him; and
  - (b) such sums as he may determine in respect of the expenses of the members of the committee.]

**Textual Amendments**

**F105** First Sch. para. 3 substituted (18.9.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), [s. 411\(2\)](#), [Sch. 17 para. 18](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(2\)](#), [Sch. 2](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))

<sup>F106</sup>SECOND SCHEDULE

**Textual Amendments**

**F106** Second Sch. repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), [s. 411\(2\)](#), [Sch. 19\(1\)](#) (with [Note 1](#) and [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](#))

**Status:**

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**Changes to legislation:**

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