



Wireless Telegraphy Act 1949 (repealed)

1949 CHAPTER 54 12 13 and 14 Geo 6

PART II

Special provisions as to interference

^{F1} 9 Advisory committee and appeal tribunal.

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Textual Amendments

F1 S. 9 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) (with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) [^{F2}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) [^{F3}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—

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- (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
- (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,

^{F4}
...

- (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, . . . ^{F5}

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.

[^{F6}(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

- F2** 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)
- F3** 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)
- F4** 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)
- F5** Words repealed by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), s. 10(2)
- F6** 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)

- C1** Power to exclude s. 10 conferred by [S.I. 1965/1536](#), [art. 7\(d\)](#)
- C2** S. 10 excluded (23.6.1999) by [S.I. 1999/1736](#), [art. 7\(2\)](#)

Status: Point in time view as at 25/07/2003.

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11 Enforcement of regulations as to use of apparatus.

(1) If the [^{F7}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 [^{F7}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) ^{F8} ...
- (ii) if the [^{F7}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 ^{F9}

(2) A notice under subsection (1) of this section may be revoked or varied by a subsequent notice in writing by the [^{F7}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).

^{F10}(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 [^{F7}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

- F7** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)
- F8** 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\(3\)](#))
- F9** 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](#))
- F10** 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 [^{F11}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.

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- [^{F12}(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 [^{F11}Secretary of State], be guilty of an offence under this Act.

Textual Amendments

- F11** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)
- F12** 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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^{F13} 12A

Textual Amendments

F13 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)

C3 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)

C4 S. 13 amended (as to mode of trial) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), **s. 75 (1)(b), (3)**

Status:

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Changes to legislation:

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