

Status: Point in time view as at 31/03/1995.

Changes to legislation: Wireless Telegraphy Act 1949 (repealed) is up to date with all changes known to be in force on or before 11 April 2024. 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)

SCHEDULES

FIRST SCHEDULE

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

- 1 The [F¹Secretary 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 [F¹Secretary of State] may revoke the authority:
- Provided that where it appears to the [F¹Secretary of State] that it is not reasonably practicable to serve the notice on the said person, the [F¹Secretary 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 [F¹Secretary of State] to be reasonable in the circumstances.

Textual Amendments

F1 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 [F²Secretary 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 [F²Secretary of State], of whom one shall be an independent chairman selected by the [F²Secretary 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 [F²Secretary 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 [F²Secretary 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 [F²Secretary 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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[^{F2}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 [^{F2}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

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} (1) There shall be paid by the [^{F4}Secretary of State]—
- (a) the expenses, to such extent as he may determine, incurred by an advisory committee under this Schedule; and
 - (b) such sums as he may determine in respect of the expenses of the members of the committee.
- (2) The approval of the Treasury shall be requisite to a determination under head (a) of the foregoing sub-paragraph and that of [^{F5}the Treasury] to a determination under head (b) of that sub-paragraph.]

Textual Amendments

F3 [Para. 3](#) substituted by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(2\)\(b\)](#)

F4 Words substituted by virtue of [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)

F5 Words substituted by virtue of [S.I. 1981/1670](#) arts. 2(2), 3(5)

SECOND SCHEDULE

PROVISIONS AS TO THE APPEAL TRIBUNAL

- 1 (1) Subject to the provisions of this paragraph, the members of the appeal tribunal, other than any members appointed to act for a particular case, shall hold office for such period as may be determined at the time of their respective appointments.
- [^{F6}(1A) No appointment of a person to be the president of the appeal tribunal shall be such as to extend beyond the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).
- (1B) No person shall be appointed after the day on which he attains the age of seventy years to act as one of the additional members of the appeal tribunal under subsection (5) of section 9 of this Act.]
- (2) Any member of the tribunal may at any time by notice in writing to the Lord Chancellor resign his appointment.

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- (3) If a member of the tribunal becomes a member of the advisory committee, his office shall thereupon become vacant.
- (4) The Lord Chancellor may declare the office of any member of the tribunal vacant on the ground of incapacity to perform the duties thereof, or on the ground of misconduct.
- (5) If any member of the tribunal becomes bankrupt or makes an arrangement with his creditors, his office shall thereupon become vacant.
- (6) In the application of the preceding provisions of this paragraph to members appointed by the Lord President of the Court of Session, the Lord Chief Justice of Northern Ireland or the Secretary of State, references to the Lord President, Lord Chief Justice or Secretary of State, as the case may be, shall be substituted for the references to the Lord Chancellor.

Textual Amendments

F6 Sch. 2 para. 1(1A)(1B) inserted (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para.58 (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, art. 2.

- 2 If any member of the tribunal is, by reason of illness, absence or other reasonable cause, for the time being unable to perform the duties of his office, either generally or in relation to any particular proceedings, the Lord Chancellor, the Lord President of the Court of Session, the Lord Chief Justice of Northern Ireland, or the President of the Institution of Electrical Engineers acting with the approval of the Council thereof, as the case may be, shall appoint some other duly qualified person to discharge the duties of that member for any period not exceeding six months at one time, or, as the case may be, in relation to those proceedings, and the person so appointed shall, during that period or in relation to those proceedings, have the same powers as the person in whose place he is appointed.
- 3 (1) The provisions of the [^{F7M1}Arbitration Act 1950], with respect to—
 - (a) the administration of oaths and the taking of affirmations; and
 - (b) the correction in awards of mistakes and errors; and
 - (c) the summoning, attendance and examination of witnesses and the production of documents; and
 - (d) the costs of the reference and award,shall, with any necessary modifications, apply in respect of any proceedings in England and Wales before the appeal tribunal, but save as aforesaid the [^{F7}saidAct] shall not apply to any proceedings before the appeal tribunal.
- (2) The appeal tribunal shall, as respects proceedings in Scotland, have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the examination of witnesses on oath and the awarding of expenses, as if the tribunal were an arbiter under a submission.
- (3) Sub-paragraph (1) of this paragraph shall apply in relation to proceedings in Northern Ireland as it applies in relation to proceedings in England and Wales, with the substitution of references to the ^{M2}Arbitration Act (Northern Ireland) 1937 for the references to the [^{F7M3}Arbitration Act 1950].

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Textual Amendments

F7 Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), **s. 17(2)(a)**

Marginal Citations

M1 [1950 c. 27\(5\)](#).
M2 [1937 c. 8.\(N.I.\)](#).
M3 [1950 c. 27\(5\)](#).

- 4 The power of the tribunal to award costs or expenses shall include power to order a sum to be paid to the [^{F8}Secretary of State] in respect of the expenses of the tribunal. Provided that an order under this paragraph shall only be made where, in the opinion of the tribunal, the person against whom the order is made was acting frivolously or vexatiously in requiring the matter in question to be referred to the tribunal or, as the case may be, in making or resisting the application before the tribunal.

Textual Amendments

F8 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)**

- 5 The assessors shall give their opinions to the president on all matters of a technical nature and shall take such further part in the proceedings of the tribunal as he may direct, but the decision of the president or, in a case where additional members have been appointed, the decision of all, or, in the event of a difference of opinion, of the majority of, the members of the tribunal other than the assessors, shall, on all questions, be the decision of the tribunal.
- 6 Subject to the provisions of this Schedule and of part II of this Act, the procedure in or in connection with any proceedings before the tribunal shall be such as may be determined by rules to be made [^{F9}by the Secretary of State by statutory instrument.]

Textual Amendments

F9 Words substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#). s. 92(4)

- 7 Without prejudice to any method available by law for the proof of orders of the tribunal, a document purporting to be a copy of any such order and to be certified by the president of the tribunal to be a true copy thereof shall, in any legal proceedings, be sufficient evidence of the order until the contrary is proved.

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