

SCHEDULE

Article 2

MODIFICATIONS

Wireless Telegraphy Act 1949 (c. 54)

1. The Wireless Telegraphy Act 1949(1) is amended as follows.
2. In section 14(7)(2)—
 - (a) after “any provision of this Act” insert “or section 7 of the Wireless Telegraphy Act 1967”(3);
 - (b) after “the provisions of this Act” insert “or section 7 of the Wireless Telegraphy Act 1967”.
3. The provisions capable of being extended to the Isle of Man or any of the Channel Islands under section 20(3) include section 1D of the Wireless Telegraphy Act 1949(4).

Telecommunications Act 1984 (c. 12)

4. In paragraph 3 of Schedule 3 to the Telecommunications Act 1984(5), after “the 1949 Act” insert “or the Marine, &c., Broadcasting (Offences) Act 1967”(6).

Wireless Telegraphy Act 1998 (c. 6)

5. For section 4(5)(b) of the Wireless Telegraphy Act 1998(7) substitute—
 - “(b) for the purpose of securing compliance with an international obligation of the United Kingdom (within the meaning of the Communications Act 2003).”.

Terminology

- 6.—(1) In the enactments falling within sub-paragraph (2) (except where otherwise provided) the following have the same meaning as in the Communications Act 2003—
 - (a) “broadcast”;
 - (b) “frequency”;
 - (c) “information”;
 - (d) “international obligation of the United Kingdom”.
- (2) The enactments are—
 - (a) the Wireless Telegraphy Act 1949;
 - (b) Part 2 of the Wireless Telegraphy Act 1967;
 - (c) Part 6 of the Telecommunications Act 1984.

(1) 1949 c. 54 (12, 13 & 14 Geo 6)

(2) Section 14(7) of the Wireless Telegraphy Act 1949 (c. 56) was amended by the Communications Act 2003, Schedule 17, paragraph 14(8).

(3) 1967 c. 72; section 7 was amended by the Communications Act 2003, section 182(7), Schedule 17, paragraph 37 and Schedule 19(1).

(4) Section 1D of the Wireless Telegraphy Act 1949 was inserted by regulations 4 of the Telecommunications (Licensing) Regulations 1997, S.I.1997/2930 and was amended by the Communications Act 2003, Schedule 17, paragraph 8.

(5) Paragraph 3 of Schedule 3 to the Telecommunications Act 1984 (c. 12) was amended by the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), Schedule 9, paragraph 92, the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 48(4) and the Criminal Justice (Northern Ireland) Order 1994, S.I. 1994/2795 (N.I. 15), Schedule 2, paragraph 10.

(6) 1967 c. 41

(7) 1998 c. 6; section 4(5) was amended by the Communications Act 2003, Schedule 17, paragraphs 145 and 148(3).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Disclosure of information

7.—(1) A reference in a provision falling within sub-paragraph (3) to the Telecommunications Act 1984 has effect as if it were a reference to the provisions of that Act, other than such provisions of that Act as fall to be repealed and re-enacted by the Act resulting from the Wireless Telegraphy Bill introduced in the House of Lords on 20th April 2006.

(2) A reference in a provision falling within sub-paragraph (3) to the Communications Act 2003 has effect as if it were a reference to the provisions of that Act, other than such provisions of that Act as fall to be repealed and re-enacted by the Act resulting from that Bill.

(3) The provisions⁽⁸⁾ are—

- (a) section 174 of the Water Act 1989⁽⁹⁾;
- (b) Part 2 of Schedule 15 to the Water Industry Act 1991⁽¹⁰⁾;
- (c) Part 2 of Schedule 24 to the Water Resources Act 1991⁽¹¹⁾;
- (d) section 145(3) of the Railways Act 1993⁽¹²⁾;
- (e) section 235(3) of the Greater London Authority Act 1999⁽¹³⁾;
- (f) paragraph 3 of Schedule 7 to the Postal Services Act 2000⁽¹⁴⁾;
- (g) section 105(6) of the Utilities Act 2000⁽¹⁵⁾;
- (h) paragraph 3 of Schedule 9 to the Transport Act 2000⁽¹⁶⁾;
- (i) Schedule 15 to the Enterprise Act 2002⁽¹⁷⁾;
- (j) Article 63(6) of the Energy (Northern Ireland) Order 2003⁽¹⁸⁾.

(4) The reference in section 101(3)(q) of the Telecommunications Act 1984 to the provisions of the Communications Act 2003 which are enactments relating to the management of the radio spectrum within the meaning of that Act has effect as if it were a reference to the provisions of that Act that fall to be repealed and re-enacted by the Act resulting from that Bill.

Orders and regulations made by the Secretary of State

8. Every power of the Secretary of State to make an order or regulations under the Wireless Telegraphy Act 1949, the Marine, &c., Broadcasting (Offences) Act 1967 or Part 6 of the Telecommunications Act 1984 includes power—

- (a) to make different provision for different cases (including different provision in respect of different areas);
- (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
- (c) to make such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit.

⁽⁸⁾ The provisions set out in paragraphs (a) to (k) have been amended, for relevant purposes, by the Communications Act 2003, Schedule 17, paragraphs 96(3), 112(3), 115(3), 121(b), 127(3), 141(b), 157(3), 162(3), 163(3) 166(3)(b) and 174(7).

⁽⁹⁾ 1989 c. 15

⁽¹⁰⁾ 1991 c. 56

⁽¹¹⁾ 1991 c. 57

⁽¹²⁾ 1993 c. 43

⁽¹³⁾ 1999 c. 29

⁽¹⁴⁾ 2000 c. 26

⁽¹⁵⁾ 2000 c. 27

⁽¹⁶⁾ 2000 c. 38

⁽¹⁷⁾ 2002 c. 40

⁽¹⁸⁾ S.I. 2003/419 (N.I.6)

Orders in Council

9. Paragraph 8 of this Schedule applies to the power to make an Order in Council under each of—

- (a) section 20(3) of the Wireless Telegraphy Act 1949,
- (b) section 10(1) of the Marine, &c., Broadcasting (Offences) Act 1967,
- (c) section 15(6) of the Wireless Telegraphy Act 1967 (as it relates to Part 2 of that Act),
- (d) section 108 of the Telecommunications Act 1984 (as it relates to Part 6 of that Act), and
- (e) section 9(3) of the Wireless Telegraphy Act 1998,

as it applies to any power of the Secretary of State to make an order under the enactments mentioned in paragraph 8, but as if references in that paragraph to the Secretary of State were references to Her Majesty in Council.