



Wireless Telegraphy Act 1967 (repealed)

1967 CHAPTER 72

PART I

INFORMATION AS TO SALE AND HIRE OF TELEVISION SETS

^{F1}

Textual Amendments

^{F1} S. 1 repealed (16.8.1996) by S.I. 1996/1864, reg. 4(1).

2 Notification and recording of transactions.

- (1) [^{F2}Subject to subsections (1A) and (2) of this section, every television dealer who, after the end of twenty-eight days from the date on which he became such a dealer]—
- (a) sells a television set by retail;
 - (b) lets a television set on hire or hire-purchase; or
 - (c) arranges for a television set to be sold or let as aforesaid to any person by another television dealer,

shall, in relation to that sale or letting, give to [^{F3}the [^{F4}Secretary of State]] [^{F3}the BBC] a notification containing the particulars specified in Part I of the Schedule to this Act and make a record of the particulars specified in Part II of that Schedule.

[^{F5}(1A) Subsection (1) of this section shall not apply to a television dealer in whose case the following conditions are satisfied, that is to say —

- (a) that he is such a dealer by reason only that he sells or lets, or holds himself out as willing to sell or let, television sets in pursuance of arrangements made by another television dealer; and
- (b) that all payments of or towards the price or by way of rent in respect of any television set sold or let by him are received or collected on his behalf by the dealer who arranged for the sale or letting to be made.

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- ^{F5}(1B) A television dealer in whose case the conditions specified in subsection (1A) of this section cease to be satisfied shall be treated for the purposes of subsection (1) of this section as having become a television dealer when those conditions ceased to be satisfied in his case]
- (2) In relation to any sale or letting as respects which [^{F6}subsection (1) of this section] is required to be complied with by the dealer who arranges for the sale or letting to be made, the other dealer concerned—
- (a) shall not be required to comply with that subsection; but
 - (b) shall, unless all payments of or towards the price or by way of rent in respect of the sale or letting are to be received or collected on his behalf by the first-mentioned dealer, make a record of the particulars specified in Part III of the Schedule to this Act.
- (3) Any notification to be given to [^{F3}the [^{F4}Secretary of State]] [^{F3}the BBC] under this section shall be in the prescribed form and shall be given to [^{F7}him][^{F7}them] within twenty-eight days from the date of the sale or letting to which it relates; and any such notification to be given by any dealer shall be given to [^{F3}the [^{F4}Secretary of State]] [^{F3}the BBC] at such address as [^{F7}he][^{F7}they] may have directed by a notice in writing given to that dealer or, if no such notice has been given, at the prescribed address.
- (4) Any record under this section may be made either in the prescribed form or in any other form which enables the matters recorded to be readily ascertained by any person to whom the record is produced for inspection; and any matter required to be recorded by virtue of Part II or III of the Schedule to this Act shall be recorded within the time specified in relation thereto in that Part of the Schedule.
- (5) Any record made under this section by any person shall be kept at a place at which he carries on business and, unless he previously ceases to be a television dealer, shall be preserved by him—
- (a) if it relates to a sale and the price is not payable by instalments, for twelve months from the date of the sale;
 - (b) if it relates to a sale and the price is payable by instalments or to a letting, for twelve months from the date when the last instalment or payment of rent is due.
- (6) The person having charge of any place where records are kept under this section shall at any time during normal business hours, if so required by a person duly authorised in that behalf by [^{F3}the [^{F4}Secretary of State]] [^{F3}the BBC], produce the records for inspection.
- (7) The [^{F4}Secretary of State] may by regulations amend or delete any provision of the Schedule to this Act or add any further provision thereto.

Textual Amendments

- F2** Words in s. 2(1) substituted (16.8.1996) by S.I. 1996/1864, reg. 4(2).
- F3** Words “the BBC” substituted (1.4.1991) for the words “the Secretary of State” by virtue of Broadcasting Act 1990 (c. 42, SIF 96), s. 180, Sch. 18 Pt. II para. 1(b)
- F4** Words substituted by virtue of Post Office Act 1969 (c. 48, SIF 96), s. 3(1)(i) and S.I. 1974/691, arts. 2, 3(3).
- F5** S. 2(1A)(1B) inserted (16.8.1996) by S.I. 1996/1864, reg. 4(3).

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Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 1967 (repealed), Part 1. (See end of Document for details)

- F6** Words in s. 2(2) substituted (16.8.1996) by S.I. 1996/1864, reg. 4(4).
F7 Word “them” substituted (1.4.1991) for the word “him” and word “they” substituted (1.4.1991) for the word “he” by Broadcasting Act 1990 (c. 42, SIF 96), s. 180, Sch. 18 Pt. II para. 3.

3 Power to call for additional information.

- (1) [^{F8}The [^{F9}Secretary of State]] [^{F8}The BBC] may by notice in writing require a television dealer to furnish to [^{F10}him] [^{F10}them], at the specified address and within twenty-eight days from the date of the notice, a statement containing the following information—
- (a) whether, in the case of any specified credit-sale contract, hire contract or hire-purchase contract made after the expiration of twenty-eight days from the appointed day, any instalment of the price or payment of rent will fall to be received or collected by him from the buyer or hirer after the date of the notice;
 - (b) if so, the present or last-known address of the buyer or hirer.
- [^{F11}(2) The [^{F9}Secretary of State] may by notice in writing require a television dealer to furnish to him, at the specified address and within the specified period (which shall not be less than twelve months from the date of the notice), a statement containing the following information—
- (a) whether, in the case of any, or any specified class or description of, credit-sale contract, hire contract or hire-purchase contract made before the expiration of twenty-eight days from the appointed day (including such a contract made before the passing of this Act), any instalment of the price or payment of rent will fall to be received or collected by him from the buyer or hirer after the date on which the statement is furnished;
 - (b) as respects each such contract in the case of which such an instalment or payment will fall to be received or collected as aforesaid, the name and present or last-known address of the buyer or hirer.]
- (3) In this section “credit-sale contract” means a contract for the sale of a television set by retail on terms providing for the price to be paid by instalments, “hire contract” means a contract for the letting of a television set on hire, “hire-purchase contract” means a contract for the letting of a television set on hire-purchase and “specified” means specified in the notice in question.

Textual Amendments

- F8** Words “the BBC” substituted (1.4.1991) for the words “the Secretary of State” by virtue of Broadcasting Act 1990 (c. 42, SIF 96), s. 180, Sch. 18 Pt. II para. 1(c)
F9 Words substituted by virtue of Post Office Act 1969 (c. 48, SIF 96), s. 3(1)(i) and S.I. 1974/691, arts. 2, 3(3)
F10 Word “them” substituted (1.4.1991) for the word “him” by Broadcasting Act 1990 (c. 42, SIF 96), s. 180, Sch. 18 Pt. II para. 4
F11 S. 3(2) repealed (1.4.1991) by Broadcasting Act 1990 (c. 42, SIF 96), ss. 134, 203(3), 204(2), Sch. 12 Pt. II para. 1, Sch. 21

4 Service of notices etc.

- (1) Any notice authorised to be given under section 2 or 3 of this Act by [^{F12}the BBC] to any person may be given by sending it to him by registered post or the recorded delivery service; ^{F13} . . .

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- (2) Any ^{F14} . . . notification required to be given under section ^{F15} . . . 2 of this Act to [^{F12}the BBC] may be given by sending it to [^{F16}them] by post, and any statement required to be furnished to [^{F16}them] under section 3 of this Act may be sent to [^{F16}them] by registered post or the recorded delivery service.

Textual Amendments

- F12** Words in s. 4(1)(2) substituted (1.4.1991) by virtue of [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. II para. 1\(d\)](#); S.I. 1990/2347, [art. 6](#).
- F13** Words in s. 4(1) repealed (16.8.1996) by S.I. 1996/1864, [reg. 4\(5\)\(a\)](#).
- F14** Words in s. 4(2) repealed (16.8.1996) by S.I. 1996/1864, [reg. 4\(5\)\(b\)](#).
- F15** Words in s. 4(2) repealed (16.8.1996) by S.I. 1996/1864, [reg. 4\(5\)\(b\)](#).
- F16** Word in s. 4(2) substituted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. II para. 5](#); S.I. 1990/2347, [art. 6](#).

5 Offences and enforcement.

- (1) Any person who—
- (a) without reasonable excuse, fails to comply with, or with any notice given under, any of the foregoing provisions of this Part of this Act; or
 - (b) in purported compliance therewith—
 - (i) knowingly or recklessly furnishes any information which is false in a material particular; or
 - (ii) makes or causes to be made or knowingly allows to be made any record which he knows to be false in a material particular,
- shall be guilty of an offence under the principal Act.

[^{F17}(2) If a person is convicted of failing to comply with a notice under section 3(2) of this Act requiring any information to be furnished to the Postmaster General and the failure to furnish that information as aforesaid continues after the conviction, that person shall be guilty of a further offence of failing to comply with that notice and shall be liable to be proceeded against and punished accordingly.]

- (3) Summary proceedings in England, Wales or Northern Ireland for an offence under this section may be taken on behalf of the Postmaster General at any time within six months from the date on which evidence sufficient in [^{F18}his][^{F18}their] opinion to justify the proceedings comes to [^{F18}his][^{F18}their] knowledge:

Provided that proceedings shall not be so taken more than three years after the commission of the offence.

- (4) Summary proceedings in Scotland for an offence under this section shall not be commenced after the expiration of three years from the commission of the offence, but subject to the foregoing limitation, and notwithstanding anything in section [^{F19}331 of the ^{M1}Criminal Procedure (Scotland) Act 1975], such proceedings may be commenced at any time within six months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or, where such evidence was reported to him by the Postmaster General, within six months after the date on which it came to the knowledge of the Postmaster General; and subsection [^{F19}(3) of the said section 331] shall apply for the purposes of this subsection as it applies for the purposes of that section.

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- (5) For the purpose of subsections (3) and (4) of this section, a certificate of the Postmaster General or the Lord Advocate, as the case may be, as to the date on which such evidence as aforesaid came to [^{F20}their or] his knowledge shall be conclusive evidence of that fact.

Textual Amendments

- F17** S. 5(2) repealed (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), ss. 134, 203(3), 204(2), Sch. 12 Pt. II para. 1, [Sch. 21](#)
- F18** Word “their” substituted (1.4.1991) for the word “his” by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. II para. 6\(a\)](#)
- F19** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 460(1)(b)
- F20** Words inserted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. II para. 6\(b\)](#)

Modifications etc. (not altering text)

- C1** References to Postmaster General in s. 5 to be construed as including references to the Secretary of State and words “the BBC” substituted (1.4.1991) for the words “the Secretary of State”: [Post Office Act 1969 \(c. 48, SIF 96\)](#), s. 3(1)(i), S.I. 1974/691, arts. 2, 3(3) and [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. II para. 1\(e\)](#).

Marginal Citations

- M1** [1975 c. 21\(39:1\)](#).

6 Interpretation of Part I.

- (1) In this Part of this Act—

“appointed day” means such day as the [^{F21}Secretary of State] may by order appoint;

[^{F22} “the BBC” means the British Broadcasting Corporation;]

“prescribed” means prescribed by regulations made by the [^{F21}Secretary of State][^{F23}after consultation with the BBC];

[^{F24}“television dealer” means a person of any description specified in regulations made by the Secretary of State setting out the descriptions of persons who are to be television dealers for the purposes of this Part;

“television set” means any apparatus of a description specified in regulations made by the Secretary of State setting out the descriptions of apparatus that are to be television sets for the purposes of this Part.]

[^{F25}(1A) Regulations under subsection (1) defining a television set may provide for references to such a set to include references to software used in association with apparatus.]

- (2) In this Part of this Act references to sale by retail do not include references to such sales by auction unless the auctioneer is selling as principal; and references to letting on hire or hire-purchase do not include references to letting as aforesaid for the purpose of resale or re-letting.
- (3) For the purposes of this Part of this Act a television set is sold or let on hire or hire-purchase when the contract of sale or, as the case may be, the contract of hire or hire-purchase is made.

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Textual Amendments

- F21** Words substituted by virtue of [Post Office Act 1969](#) (c. 48, SIF 96), [s. 3\(1\)\(i\)](#) and S.I. 1974/691, [arts. 2, 3\(3\)](#)
- F22** Definition inserted (1.4.1991) by [Broadcasting Act 1990](#) (c. 42, SIF 96), s. 180, [Sch. 18 Pt. II para. 7\(a\)](#)
- F23** Words added (1.4.1991) by [Broadcasting Act 1990](#) (c. 42, SIF 96), s. 180, [Sch. 18 Pt. II para. 7\(b\)](#)
- F24** Words in s. 6(1) substituted (9.3.2004 for specified purposes and 1.4.2004 in so far as not already in force) by [Communications Act 2003](#) (c. 21), [ss. 367\(2\), 411\(2\)](#) (with [Sch. 18](#)); S.I. 2003/3142, [art. 4\(1A\)](#) (with [art. 11](#)) (as inserted (8.3.2004) by S.I. 2004/697, [art. 2\(2\)](#)); S.I. 2003/3142, [art. 4\(2\)](#), [Sch. 2](#) (with [art. 11](#)) (as amended (8.3.2004) by S.I. 2004/697, [art. 2\(3\)](#))
- F25** S. 6(1A) inserted (9.3.2004 for specified purposes and 1.4.2004 in so far as not already in force) by [Communications Act 2003](#) (c. 21), [ss. 367\(3\), 411\(2\)](#) (with [Sch. 18](#)); S.I. 2003/3142, [art. 4\(1A\)](#) (with [art. 11](#)) (as inserted (8.3.2004) by S.I. 2004/697, [art. 2\(2\)](#)); S.I. 2003/3142, [art. 4\(2\)](#), [Sch. 2](#) (with [art. 11](#)) (as amended (8.3.2004) by S.I. 2004/697, [art. 2\(3\)](#))

Modifications etc. (not altering text)

- C2** 1.1.1968 appointed for the purposes of ss. 1–3 by S.I. 1967/1691

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Wireless Telegraphy Act 1967 (repealed), Part I.