

SCHEDULES

SCHEDULE 3

Section 75.

PENALTIES AND MODE OF TRIAL UNDER THE WIRELESS TELEGRAPHY ACT 1949

1 The following subsections shall be substituted for subsection (1) of section 14 of the 1949 Act—

“(1) Any person committing—

- (a) any offence under section 5(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
- (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
- (e) any offence under section 12A of this Act; or
- (f) any offence under this Act which is an offence under section 5 or 8(2) of the 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.

(1B) Any person committing—

- (a) any offence under section 1(1) of this Act other than one within subsection (1A)(a) of this section ; or
- (b) any offence under section 11(7) of this Act other than one within subsection (1A)(c) of this section ;

Status: This is the original version (as it was originally enacted).

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.”.

2 The following subsections shall be added at the end of section 14 of the 1949 Act—

“(8) In this section " the statutory maximum " and " the standard scale "—

- (a) as respects England and Wales and Scotland, have the meanings respectively given by sections 74 and 75 of the Criminal Justice Act 1982 ; and
- (b) as respects Northern Ireland, have the same meanings respectively as they have by virtue of those sections in relation to England and Wales (reading references to England and Wales as references to Northern Ireland).

(9) For the purposes of the application of those sections by virtue of subsection (8)(b) above—

- (a) section 32(9) of the Magistrates' Courts Act 1980 (definition of " the prescribed sum " for provisions relating to penalties on summary conviction for offences triable either way);
- (b) section 37 of the Criminal Justice Act 1982 (the standard scale of fines for summary offences); and
- (c) any order under section 143 of the Magistrates' Courts Act 1980 that alters the sum specified in section 32(9) of that Act or the sums specified in section 37(2) of the Criminal Justice Act 1982 ; shall extend to Northern Ireland.”.

3 The following provisions shall not apply where a person is convicted of an offence under the 1949 Act—

- (a) section 43 of the Powers of Criminal Courts Act 1973 (which gives the convicting court in England and Wales power to deprive a person convicted of an offence punishable on indictment with imprisonment for two years or more of any property in his possession or control used or intended for use for purposes of crime); and
- (b) sections 223 and 436 of the Criminal Procedure (Scotland) Act 1975 and Article 7 of the Criminal Justice (Northern Ireland) Order 1980 (which give the convicting court in Scotland and Northern Ireland respectively power corresponding to the power under section 43 of the Powers of Criminal Courts Act 1973).