



# Wireless Telegraphy Act 1998

## 1998 CHAPTER 6

An Act to make provision about the grant of, and sums payable in respect of, licences under the Wireless Telegraphy Act 1949 other than television licences, and about the promotion of the efficient use and management of the electro-magnetic spectrum for wireless telegraphy; and for connected purposes. [18th March 1998]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### 1 Charges for wireless telegraphy licences.

- (1) In this Act “wireless telegraphy licence” means any licence under the <sup>M1</sup>Wireless Telegraphy Act 1949 other than a television licence as defined in section 1(7) of that Act.
- (2) On the issue or renewal of a wireless telegraphy licence and, where regulations under this section so provide, subsequently at such times during the term of the licence as may be prescribed by the regulations, there shall be paid to the Secretary of State by the person to whom the licence is issued—
  - (a) such sums as may be prescribed by the regulations, or
  - (b) if the regulations so provide, such sums (whether on the issue or renewal of the licence or subsequently) as the Secretary of State may in the particular case determine.
- (3) Regulations under this section—
  - <sup>F1</sup>(a) .....
  - (b) may confer exemptions from provisions of the regulations <sup>F2</sup>... in particular cases,
  - (c) may provide for sums paid to be refunded, in whole or in part, in such cases as may be specified in the regulations or in such cases as the Secretary of State thinks fit, <sup>F3</sup>...
  - <sup>F3</sup>(d) .....

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- (4) Where sums will or may become payable under regulations under this section subsequently to the issue or renewal of a licence, the Secretary of State may, on the issue or renewal of the licence, require such security to be given, by way of deposit or otherwise, for the payment of the sums which will or may become payable as he thinks fit.
- (5) Regulations under this section shall not apply in relation to any licence granted in accordance with regulations under section 3.
- (6) Any regulations under section 2(1) of the <sup>M2</sup>Wireless Telegraphy Act 1949 which—
- (a) relate to wireless telegraphy licences within the meaning of this Act, and
  - (b) are in force immediately before the commencement of this section,
- shall be taken to have been made under this section; and accordingly may be amended or revoked by regulations under this section.
- (7) Any reference in a wireless telegraphy licence granted before the commencement of this section to section 2(1) of the Wireless Telegraphy Act 1949 shall be construed, in relation to any time after that commencement, as a reference to this section.

#### Textual Amendments

- F1** S. 1(3)(a) 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](#))
- F2** Words in s. 1(3)(b) 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](#))
- F3** S. 1(3)(d) 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](#))

#### Modifications etc. (not altering text)

- C1** Ss. 1-8 extended (with modifications) (Isle of Man) (24.7.1998) by [S.I. 1998/1510](#), [arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Guernsey) (24.7.1998) by [S.I. 1998/1511](#), [arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Jersey) (24.7.1998) by [S.I. 1998/1512](#), [arts. 1, 2](#).

#### Marginal Citations

- M1** 1949 c. 54.  
**M2** 1949 c. 54.

#### [<sup>F42</sup> Matters to be taken into account.

- (1) This section applies where OFCOM exercise any of their powers under section 1 to prescribe sums payable in respect of any description of wireless telegraphy licence or of grant of recognised spectrum access, other than a power to prescribe sums payable where—
- (a) a wireless telegraphy licence is varied or revoked at the request or with the consent of the licence holder; or

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- (b) a grant of recognised spectrum access is varied or revoked at the request or with the consent of the holder of the grant.
- (2) OFCOM may, if they think fit in the light (in particular) of the matters to which they are required to have regard under section 154 of the Communications Act 2003, prescribe sums which would be greater than those that would be necessary for the purposes of recovering costs incurred by them in connection with functions under the enactments relating to the management of the radio spectrum.
- (3) In this section—
- “ the enactments relating to the management of the radio spectrum ” has the same meaning as in the Communications Act 2003;
  - “ prescribe ” means prescribe by regulations or determine in accordance with regulations. ]

#### Textual Amendments

- F4** S. 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. 147](#) (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\(1\), Sch. 1](#) (with [art. 11](#))

#### Modifications etc. (not altering text)

- C2** Ss. 1-8 extended (with modifications) (Isle of Man) (24.7.1998) by [S.I. 1998/1510, arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Guernsey) (24.7.1998) by [S.I. 1998/1511, arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Jersey) (24.7.1998) by [S.I. 1998/1512, arts. 1, 2](#).

### 3 Bidding for licences.

- (1) Having regard to the desirability of promoting the optimal use of the electro-magnetic spectrum, the Secretary of State may by regulations provide that, in such cases as may be specified in or determined by him under the regulations, applications for the grant of wireless telegraphy licences must be made in accordance with a procedure which—
- (a) is set out in a notice issued by him under the regulations, and
  - (b) involves the making by the applicant of a bid specifying an amount which he is willing to pay to the Secretary of State in respect of the licence.
- (2) Regulations under this section shall—
- (a) make provision with respect to the issue of notices by the Secretary of State for the purposes of subsection (1)(a),
  - (b) provide for the matters to be dealt with in any such notice, and
  - (c) require any such notice to be published in such manner as may be prescribed.
- (3) Regulations under this section may make provision with respect to the grant of the licences to which they apply and the terms, provisions and limitations subject to which such licences are issued and may, in particular—
- (a) require the applicant’s bid to specify the amount which he is willing to pay—
    - (i) as a cash sum or by reference to a variable to be determined in accordance with the regulations (such as, for example, his income attributable wholly or in part to the holding of the licence), and

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- (ii) as the amount of a single payment or as the amount of a periodic payment,
- (b) specify requirements (such as, for example, technical or financial requirements, requirements relating to fitness to hold the licence and requirements intended to restrict the holding of two or more wireless telegraphy licences by any one person) which must be met by applicants for a licence,
- (c) require any such applicant to pay a deposit to the Secretary of State,
- (d) specify circumstances in which such a deposit is, or is not, to be refundable,
- (e) specify matters to be taken into account by the Secretary of State (in addition to the bids made in accordance with the prescribed procedure) in deciding whether, or to whom, to grant a licence,
- (f) specify the other terms, provisions and limitations subject to which any licence is to be issued,
- (g) make any provision referred to in section 1(3), and
- (h) enable provision (including provision falling within any of paragraphs (a) to (g)) to be made by the Secretary of State in a notice for the purposes of subsection (1)(a).
- (4) Except to the extent that regulations under this section or a notice issued for the purposes of subsection (1)(a) otherwise provides, the issue of such a notice in respect of a particular licence does not bind the Secretary of State, on the completion of the procedure specified in the notice, to grant the licence.
- (5) A wireless telegraphy licence granted in accordance with regulations under this section shall specify, or specify the method for determining, the sum or sums payable in accordance with the applicant's bid for the licence; and those sums shall be paid to the Secretary of State by the person to whom the licence is issued in accordance with the terms of the licence.
- (6) Subsection (4) of section 1 shall apply in relation to sums that will or may become payable under regulations under this section subsequently to the issue of a licence.
- (7) Section 1(2) of the <sup>M3</sup>Wireless Telegraphy Act 1949 (powers of Secretary of State in relation to grant of licences) and regulations under section 3 of that Act (regulations as to wireless telegraphy) shall have effect subject to regulations under this section.
- (8) In this section "grant", in relation to a licence, includes renewal.

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**Modifications etc. (not altering text)**

- C3** Ss. 1-8 extended (with modifications) (Isle of Man) (24.7.1998) by [S.I. 1998/1510](#), [arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Guernsey) (24.7.1998) by [S.I. 1998/1511](#), [arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Jersey) (24.7.1998) by [S.I. 1998/1512](#), [arts. 1, 2](#).
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**Marginal Citations**

- M3** 1949 c. 54.

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#### **4 Restriction on revocation or variation of licences.**

- (1) The Secretary of State may include in any wireless telegraphy licence terms restricting the exercise by him of his power under section 1(4) of the Wireless Telegraphy Act 1949 to revoke or vary the licence.
- (2) The terms that may be included in a wireless telegraphy licence by virtue of subsection (1) include, in particular, terms providing that the licence may not be revoked or varied except with the consent of the licence holder or in such other circumstances and on such grounds as may be specified in the licence.
- (3) Any such circumstances or grounds may relate to matters relevant for the purposes of any other enactment (and may, in particular, be dependent on the exercise of a statutory discretion under any other enactment).
- (4) A wireless telegraphy licence containing any terms included in the licence by virtue of subsection (1) may also provide that regulations made under section 3 of the Wireless Telegraphy Act 1949—
  - (a) shall not apply in relation to any station or apparatus to which the licence relates, or
  - (b) shall apply in relation to any such station or apparatus to such an extent only, or subject to such modifications, as may be specified in the licence.
- (5) Notwithstanding any terms or provisions included in a wireless telegraphy licence in accordance with this section, the Secretary of State may at any time by a notice in writing served on the holder of the licence, revoke the licence or vary its terms, provisions or limitations, if it appears to him to be requisite or expedient to do so—
  - (a) in the interests of national security, or
  - (b) for the purposes of complying with a Community obligation of the United Kingdom or with any international agreement or arrangements to which the United Kingdom is a party.

#### **Modifications etc. (not altering text)**

- C4** Ss. 1-8 extended (with modifications) (Isle of Man) (24.7.1998) by [S.I. 1998/1510](#), [arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Guernsey) (24.7.1998) by [S.I. 1998/1511](#), [arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Jersey) (24.7.1998) by [S.I. 1998/1512](#), [arts. 1, 2](#).

#### **5 Promotion of efficient use and management of spectrum.**

- (1) The Secretary of State may undertake, or arrange for the carrying out by any other person of, any research and development work which is intended to promote the efficient use or management of the electro-magnetic spectrum for wireless telegraphy.
- (2) The Secretary of State may, with the consent of the Treasury, make grants to any persons (whether or not holding wireless telegraphy licences) where, in his opinion, the making of the grant is likely to promote the efficient use or management of the electro-magnetic spectrum for wireless telegraphy.
- (3) Grants under this section may be given subject to such conditions as the Secretary of State with the consent of the Treasury may determine.

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#### Modifications etc. (not altering text)

- C5** Ss. 1-8 extended (with modifications) (Isle of Man) (24.7.1998) by [S.I. 1998/1510](#), [arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Guernsey) (24.7.1998) by [S.I. 1998/1511](#), [arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Jersey) (24.7.1998) by [S.I. 1998/1512](#), [arts. 1, 2](#).

### [<sup>F5</sup> 6 Regulations.

- (1) Section 403 of the Communications Act 2003 (procedure for regulations and orders made by OFCOM ) applies to every power of OFCOM to make regulations under a provision of this Act.
- (2) Subsections (4) to (6) of that section shall not apply in any case in which it appears to OFCOM that by reason of the urgency of the matter it is inexpedient to publish a notice in accordance with subsection (4)(b) of that section.
- (3) Subsections (4) to (6) of that section shall not apply in the case of any regulations under section 3 or 3A modifying previous regulations under that section in a case not falling within subsection (2) if it appears to OFCOM —
  - (a) that the modifications would not adversely affect the interests of any person or otherwise put him in a worse position or, as regards someone else, put him at a disadvantage; and
  - (b) in so far as the modifications affect a procedure that has already begun, that no person would have acted differently had the modifications come into force before the procedure began.]

#### Textual Amendments

- F5** S. 6 substituted (25.7.2003 for specified purposes, 18.9.2003 specified purposes) by [Communications Act 2003 \(c. 21\)](#), [s. 411\(2\)](#), [Sch. 17 para. 150](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), [arts. 1\(2\)](#), [2\(1\)](#), [2\(2\)](#), [Schs. 1, 2](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))

#### Modifications etc. (not altering text)

- C6** Ss. 1-8 extended (with modifications) (Isle of Man) (24.7.1998) by [S.I. 1998/1510](#), [arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Guernsey) (24.7.1998) by [S.I. 1998/1511](#), [arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Jersey) (24.7.1998) by [S.I. 1998/1512](#), [arts. 1, 2](#).

### 7 Minor and consequential amendments and repeals.

Schedule 1 (minor and consequential amendments) and Schedule 2 (repeals and revocations) shall have effect.

#### Modifications etc. (not altering text)

- C7** Ss. 1-8 extended (with modifications) (Isle of Man) (24.7.1998) by [S.I. 1998/1510](#), [arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Guernsey) (24.7.1998) by [S.I. 1998/1511](#), [arts. 1, 2](#).  
Ss. 1-8 extended (with modifications) (Jersey) (24.7.1998) by [S.I. 1998/1512](#), [arts. 1, 2](#).

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## 8 Interpretation.

In this Act—

“wireless telegraphy” has the same meaning as in the <sup>M4</sup>Wireless Telegraphy Act 1949;

“wireless telegraphy licence” has the meaning given by section 1.

### Modifications etc. (not altering text)

- C8** Ss. 1-8 extended (with modifications) (Isle of Man) (24.7.1998) by S.I. 1998/1510, arts. 1, 2.  
Ss. 1-8 extended (with modifications) (Guernsey) (24.7.1998) by S.I. 1998/1511, arts. 1, 2.  
Ss. 1-8 extended (with modifications) (Jersey) (24.7.1998) by S.I. 1998/1512, arts. 1, 2.

### Marginal Citations

- M4** 1949 c. 54.

## 9 Extent and application.

- (1) This Act extends to Northern Ireland.
- (2) The provisions capable of being extended to the Isle of Man or any of the Channel Islands under section 20(3) of the Wireless Telegraphy Act 1949 include the provisions of this Act amending that Act.
- (3) Her Majesty may by Order in Council direct that all or any of the other provisions of this Act shall extend to the Isle of Man or any of the Channel Islands with such adaptations and modifications, if any, as may be specified in the Order.

## 10 Short title and commencement.

- (1) This Act may be cited as the Wireless Telegraphy Act 1998.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.

### Modifications etc. (not altering text)

- C9** S. 10(1) extended (with modifications) (Isle of Man) (24.7.1998) by S.I. 1998/1510, arts. 1, 2.  
S. 10(1) extended (with modifications) (Guernsey) (24.7.1998) by S.I. 1998/1511, arts. 1, 2.  
S. 10(1) extended (with modifications) (Jersey) (24.7.1998) by S.I. 1998/1512, arts. 1, 2.

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## SCHEDULES

### F<sup>6</sup> SCHEDULE 1

Section 7.

#### Textual Amendments

- F6** Sch. 1 repealed (25.7.2003 for the purpose of the repeal of Sch. 1 paras. 2, 3 for specified purposes, 29.12.2003 for the repeal of Sch. 1 paras. 2, 3 so far as not already in force, 1.4.2004 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](#), arts. 3(2), 4(2), [Sch. 2](#) (with art. 11)

### SCHEDULE 2

Section 7.

#### Modifications etc. (not altering text)

- C10** [Sch. 2](#) extended (with modifications) (Isle of Man) (24.7.1998) by [S.I. 1998/1510](#), [arts. 1, 2](#).  
[Sch. 2](#) extended (with modifications) (Guernsey) (24.7.1998) by [S.I. 1998/1511](#), [arts. 1, 2](#).  
[Schs. 2](#) extended (with modifications) (Jersey) (24.7.1998) by [S.I. 1998/1512](#), [arts. 1, 2](#).

## REPEALS AND REVOCATIONS

### PART I

#### REPEALS

Chapter	Short title	Extent of repeal
1949 c. 54.	The Wireless Telegraphy Act 1949.	Sections 3A and 4.
1969 c. 48.	The Post Office Act 1969.	Section 3(2) to (5).
1984 c. 12.	The Telecommunications Act 1984.	Section 74.
1990 c. 42.	The Broadcasting Act 1990.	In Schedule 18, in Part I, paragraph 2(2).



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## PART II

### REVOCATIONS

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<b>Number</b>	<b>Title</b>	<b>Extent of revocation</b>
S.I. 1988/93.	The Department of Trade and Industry (Fees) Order 1988.	Article 8.  In Schedule 1, Part V.

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**Status:**

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**Changes to legislation:**

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