



# Wireless Telegraphy Act 2006

## 2006 CHAPTER 36

### PART 2

#### REGULATION OF RADIO SPECTRUM

### CHAPTER 3

#### MANAGEMENT OF RADIO SPECTRUM

##### *Statistical information*

### **32 Statistical information**

- (1) OFCOM may require a person who is using or has established, installed or used a wireless telegraphy station or wireless telegraphy apparatus to provide OFCOM with all such information relating to—
  - (a) the establishment, installation or use of the station or apparatus, and
  - (b) any related matters,as OFCOM may require for statistical purposes.
- (2) Subsection (1) has effect subject to the following provisions of this section.
- (3) OFCOM may not require the provision of information under this section except—
  - (a) by a demand for information that sets out OFCOM's reasons for requiring the information and the statistical purposes for which it is required; and
  - (b) where the making of a demand for that information is proportionate to the use to which the information is to be put in the carrying out of OFCOM's functions.
- (4) A demand for information required under this section must be contained in a notice given to the person from whom the information is required.

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*Status: This is the original version (as it was originally enacted).*

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- (5) A person required to give information under this section must provide it in such manner and within such reasonable period as may be specified by OFCOM.

### **33 Failure to provide information etc**

- (1) A person commits an offence if he fails to provide information in accordance with a requirement of OFCOM under section 32.
- (2) In proceedings against a person for an offence under subsection (1) it is a defence for the person to show—
- (a) that it was not reasonably practicable for him to comply with the requirement within the period specified by OFCOM; but
  - (b) that he has taken all reasonable steps to provide the required information after the end of that period.
- (3) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) A person commits an offence if—
- (a) in pursuance of a requirement under section 32, he provides information that is false in any material particular; and
  - (b) at the time he provides it, he knows it to be false or is reckless as to whether or not it is false.
- (5) A person who commits an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **34 Statement of policy**

- (1) OFCOM must prepare and publish a statement of their general policy with respect to—
- (a) the exercise of their powers under section 32; and
  - (b) the uses to which they are proposing to put information obtained under that section.
- (2) OFCOM may from time to time revise that statement as they think fit.
- (3) Where OFCOM make a statement under this section (or revise it), they must publish the statement (or the revised statement) in such manner as they consider appropriate for bringing it to the attention of persons who, in their opinion, are likely to be affected by it.
- (4) OFCOM must, in exercising their powers under section 32, have regard to the statement for the time being in force under this section.