



Wireless Telegraphy Act 1949 (repealed)

1949 CHAPTER 54 12 13 and 14 Geo 6

PART I

Modifications etc. (not altering text)

C1 Pt. I (ss. 1-8) excluded (23.6.1999) by [S.I. 1999/1736, art. 7\(1\)](#)

Regulation of Wireless Telegraphy

Modifications etc. (not altering text)

C2 Power to exclude Part I conferred by [S.I. 1965/1536, art. 7\(c\)](#)

1 Licensing of wireless telegraphy.

(1) No person shall establish or use any station for wireless telegraphy or instal or use any apparatus for wireless telegraphy except under the authority of a licence in that behalf [^{F1}granted under this section [^{F2}by OFCOM;] and any person] who establishes or uses any station for wireless telegraphy or instals or uses any apparatus for wireless telegraphy except under and in accordance with such a licence shall be guilty of an offence under this Act:

[^{F3}Provided that OFCOM may by regulations] exempt from the provisions of this subsection the establishment, installation or use of stations for wireless telegraphy or wireless telegraphy apparatus of such classes or descriptions as may be specified in the regulations, either absolutely or subject to such terms, provisions and limitations as may be so specified.

[^{F4}(1AA) Subsection (1) shall not apply to the use of a television receiver (within the meaning of Part 4 of the Communications Act 2003) for receiving a television programme or to the installation of a television receiver for use solely for that purpose.]

^{F5}(1A)

Status: Point in time view as at 18/04/2005.

Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 1949 (repealed), Part I. (See end of Document for details)

(2) A licence granted under this section (hereafter in this Act referred to as a wireless telegraphy licence) may be issued subject to such terms, provisions and ^{F6}limitations ^{F7}[as OFCOM think fit,] including] in particular in the case of a licence to establish a station, limitations as to the position and nature of the station, the purposes for which, the circumstances in which, and the persons by whom the station may be used, and the apparatus which may be installed or used therein, and, in the case of any other licence, limitations as to the apparatus which may be installed or used, and the places where, the purposes for which, the circumstances in which and the persons by whom the apparatus may be used.

^{F8}(2A) Those terms, provisions and limitations may also include, in particular—

- (a) terms, provisions and limitations as to strength or type of signal, as to times of use and as to the sharing of frequencies;
- (b) terms, provisions or limitations imposing prohibitions on the transmission or broadcasting of particular matters by the holder of the licence; and
- (c) terms or provisions requiring the transmission or broadcasting of particular matters by that person.

(2B) A licence under this section may be granted either—

- (a) in relation to a particular station or particular apparatus; or
- (b) in relation to any station or apparatus falling within a description specified in the licence;

and such a description may be expressed by reference to such factors (including factors confined to the manner in which it is established, installed or used) as OFCOM think fit.

(2C) The terms, provisions and limitations of a licence granted under this section to a person must not duplicate obligations already imposed on him by general conditions set under section 45 of the Communications Act 2003.]

(3) A wireless telegraphy licence shall, unless previously ^{F9}revoked by OFCOM] continue in force for such period as may be specified in the licence.

(4) A wireless telegraphy licence ^{F10}... may be revoked, or the terms, provisions or limitations thereof varied, by a ^{F11}[notice in writing from OFCOM served by them] on the holder of the licence or by a general notice applicable to licences of the class to which the licence in question belongs published in such manner as may be specified in the licence ^{F10}...

(5) Where a wireless telegraphy licence has expired or has been revoked, it shall be the duty of the person to whom the licence was issued, and of every other person in whose possession or under whose control the licence may be, to cause the licence to be ^{F12}[surrendered to OFCOM if required by them to do so], and any person who without reasonable excuse fails or refuses to comply with the provisions of this subsection shall be guilty of an offence under this Act:

Provided that this subsection shall not apply to a licence relating solely to apparatus not designed or adapted for emission (as opposed to reception).

^{F13}(6)

^{F13}(7)

Status: Point in time view as at 18/04/2005.

Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 1949 (repealed), Part 1. (See end of Document for details)

Subordinate Legislation Made

- P1** S. 1 (with s. 2): power exercised by S.I. 1991/436.
- P2** S. 1 power previously exercised by S.I. 1980/1848, S.I. 1982/1697, S.I. 1984/1053, S.I. 1987/775, S.I. 1987/776, S.I. 1988/1648, S.I. 1988/2090, S.I. 1989/123, S.I. 1989/604, S.I. 1989/943, S.I. 1989/1842.
- P3** S. 1 (with s. 3): power exercised (3.7.1991) by S.I. 1991/1523

Textual Amendments

- F1** Words in s. 1(1) substituted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 1\(2\)](#)
- F2** Words in s. 1(1) substituted (29.12.2003 for specified purposes, 1.4.2004 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 6\(2\)\(a\)](#) (with [Sch. 18](#)); S.I. 2003/3142, arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with [art. 11](#))
- F3** Words in s. 1(1) substituted (29.12.2003 for specified purposes, 1.4.2004 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 6\(2\)\(b\)](#) (with [Sch. 18](#)); S.I. 2003/3142, arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with [art. 11](#))
- F4** S. 1(1AA) inserted (1.4.2004) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 6\(3\)](#) (with [Sch. 18](#)); S.I. 2003/3142, [art. 4\(2\)](#), [Sch. 2](#) (with [art. 11](#))
- F5** S. 1(1A) repealed (1.4.2004) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); S.I. 2003/3142, [art. 4\(2\)](#), [Sch. 2](#) (with [art. 11](#))
- F6** Words in s. 1(2) substituted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, [Sch. 18 Pt. I para. 1\(3\)](#)
- F7** Words in s. 1(2) substituted (29.12.2003 for specified purposes, 1.4.2004 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 6\(4\)](#) (with [Sch. 18](#)); S.I. 2003/3142, arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with [art. 11](#))
- F8** S. 1(2A)-(2C) inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), [ss. 165](#), 411(2) (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](#))
- F9** Words in s. 1(3) substituted (29.12.2003 for specified purposes, 1.4.2004 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 6\(5\)](#) (with [Sch. 18](#)); S.I. 2003/3142, arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with [art. 11](#))
- F10** Words in s. 1(4) repealed (1.4.2004) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); S.I. 2003/3142, [art. 4\(2\)](#), [Sch. 2](#) (with [art. 11](#))
- F11** Words in s. 1(4) substituted (29.12.2003 for specified purposes, 1.4.2004 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 6\(6\)](#) (with [Sch. 18](#)); S.I. 2003/3142, arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with [art. 11](#))
- F12** Words in s. 1(5) substituted (29.12.2003 for specified purposes, 1.4.2004 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 6\(7\)](#) (with [Sch. 18](#)); S.I. 2003/3142, arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with [art. 11](#))
- F13** S. 1(6)(7) repealed (1.4.2004) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); S.I. 2003/3142, [art. 4\(2\)](#), [Sch. 2](#) (with [art. 11](#)); S.I. 2003/3142, [art. 4\(2\)](#), [Sch. 2](#) (with [art. 11](#))

Modifications etc. (not altering text)

- C3** S. 1(1) restricted (19.4.1999) by S.I. 1999/930, [regs. 4](#), 5 (with [art. 1\(2\)](#))
- C4** S. 1(4): power to restrict conferred (18.6.1998) by 1998 c. 6, [ss. 4\(1\)](#), 10(2)

[^{F14}1AA Exemption from need for wireless telegraphy licence

- (1) If OFCOM are satisfied that the condition in subsection (2) is satisfied as respects the use of stations or apparatus of any particular description, they shall make regulations

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under section 1 of this Act exempting the establishment, installation and use of any station or apparatus of that description from the prohibition in that section.

- (2) That condition is that the use of stations or apparatus of that description is not likely to involve any undue interference with wireless telegraphy.]

Textual Amendments

F14 S. 1AA inserted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), ss. **166**, 411(2) (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)

[^{F15}1A Offence of keeping wireless telegraphy station or apparatus available for unauthorised use.

Any person who has any station for wireless telegraphy or apparatus for wireless telegraphy in his possession or under his control and either—

- (a) intends to use it in contravention of section 1 of this Act; or
- (b) knows, or has reasonable cause to believe, that another person intends to use it in contravention of that section,

shall be guilty of an offence.]

Textual Amendments

F15 S. 1A inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. **168**

[^{F16}1B Offence of allowing premises to be used for purpose of unlawful broadcasting.

- (1) A person who is in charge of any premises which are used for making an unlawful broadcast, or for sending signals for the operation or control of any apparatus used for the purpose of making an unlawful broadcast from any other place, shall be guilty of an offence if—

- (a) he knowingly causes or permits the premises to be so used; or
- (b) having reasonable cause to believe that the premises are being so used, he fails to take such steps as are reasonable in the circumstances of the case to prevent the premises from being so used.

- (2) For the purposes of this section a person is in charge of any premises if he—

- (a) is the owner or occupier of the premises; or
- (b) has, or acts or assists in, the management or control of the premises.

- (3) For the purposes of this section a broadcast is unlawful if—

- (a) it is made by means of the use of any station for wireless telegraphy or apparatus for wireless telegraphy in contravention of section 1 of this Act; or
- (b) the making of the broadcast contravenes any provision of the [Marine, &c., Broadcasting \(Offences\) Act 1967](#).

- (4) In this section—

“ broadcast ” has the same meaning as in the [Marine, &c., Broadcasting \(Offences\) Act 1967](#);

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- “premises” includes any place and, in particular, includes—
- (a) any vehicle, vessel or aircraft; and
 - (b) any structure or other object (whether movable or otherwise and whether on land or otherwise).]

Textual Amendments

F16 S. 1B inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 169

[^{F17}1C Prohibition of acts facilitating unauthorised broadcasting.

- (1) If a person—
 - (a) does any of the acts mentioned in subsection (2) in relation to a broadcasting station by which unauthorised broadcasts are made, and
 - (b) if any knowledge or belief or any circumstances is or are specified in relation to the act, does it with that knowledge or belief or in those circumstances,

he shall be guilty of an offence.
- (2) The acts referred to in subsection (1) are—
 - (a) participating in the management, financing, operation or day-to-day running of the station knowing, or having reasonable cause to believe, that unauthorised broadcasts are made by the station;
 - (b) supplying, installing, repairing or maintaining any wireless telegraphy apparatus or any other item knowing, or having reasonable cause to believe, that the apparatus or other item is to be, or is, used for the purpose of facilitating the operation or day-to-day running of the station and that unauthorised broadcasts are made by the station;
 - (c) rendering any other service to any person knowing, or having reasonable cause to believe, that the rendering of that service to that person will facilitate the operation or day-to-day running of the station and that unauthorised broadcasts are so made;
 - (d) supplying a film or sound recording knowing, or having reasonable cause to believe, that an unauthorised broadcast of the film or recording is to be so made;
 - (e) making a literary, dramatic or musical work knowing, or having reasonable cause to believe, that an unauthorised broadcast of the work is to be so made;
 - (f) making an artistic work knowing, or having reasonable cause to believe, that an unauthorised broadcast including that work is to be so made;
 - (g) doing any of the following acts, namely—
 - (i) participating in an unauthorised broadcast made by the station, being actually present as an announcer, as a performer or one of the performers concerned in an entertainment given, or as the deliverer of a speech;
 - (ii) advertising, or inviting another to advertise, by means of an unauthorised broadcast made by the station; or
 - (iii) publishing the times or other details of any unauthorised broadcasts made by the station or (otherwise than by publishing such details) publishing an advertisement of matter calculated to promote the station (whether directly or indirectly),

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knowing, or having reasonable cause to believe, that unauthorised broadcasts are made by the station.

(3) In any proceedings against a person for an offence under this section consisting in the supplying of any thing or the rendering of any service, it shall be a defence for him to prove that he was obliged, under or by virtue of any enactment, to supply that thing or render that service.

[^{F18}(4) The cases in which a person is to be taken for the purposes of this section as advertising by means of a broadcast include any case in which he causes or allows it to be stated, suggested or implied that entertainment included in the broadcast—

- (a) has been supplied by him; or
- (b) is provided wholly or partly at his expense.]

(5) Section 46 of the Consumer Protection Act 1987 shall have effect for the purpose of construing references in this section to the supply of any thing as it has effect for the purpose of construing references in that Act to the supply of any goods.

(6) In this section—

“ broadcast ” has the same meaning as in the Marine, &c., Broadcasting (Offences) Act 1967;

“ broadcasting station ” means any business or other operation (whether or not in the nature of a commercial venture) which is engaged in the making of broadcasts;

“ film ”, “ sound recording ”, “ literary, dramatic or musical work ” and “ artistic work ” have the same meaning as in Part I of the Copyright, Designs and Patents Act 1988;

“ speech ” includes lecture, address and sermon; and

“ unauthorised broadcast ” means a broadcast made by means of the use of a station for wireless telegraphy or wireless telegraphy apparatus in contravention of section 1 of this Act.]

Textual Amendments

F17 S. 1C inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 170

F18 S. 1C(4) substituted (18.9.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 7](#) (with [Sch. 18](#)); S.I. 2003/1900, art. 2(2), Sch. 2

[^{F19} **1D Procedures for the grant of licences providing a telecommunications service**

^{F20}(1)

^{F20}(2)

[^{F21}(3) An application for a grant of a wireless telegraphy licence shall be determined in accordance with procedures prescribed in regulations made by OFCOM.]

(4) The procedures [^{F22}must include provision for] time-limits for dealing with the grant of licences, requirements which must be met for the grant of a licence, and particulars of the terms, provisions and limitations to which licences which may be issued are to be subject.

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- [The time limits fixed for the purposes of subsection (4) in relation to any application ^{F23}(4A) made after the coming into force of this subsection must require a decision on the application to be made, notified to the applicant and published—
- (a) in the case of an application for a licence relating to a frequency allocated in accordance with the United Kingdom Plan for Frequency Authorisation, not more than six weeks after the day of the receipt of the application; and
 - (b) in any other case, as soon as possible after the receipt of the application.
- (4B) The period of six weeks specified in subsection (4A)(a) may be extended by OFCOM where it appears to them necessary to do so—
- (a) for the purpose of enabling the requirements of any international agreement relating to frequencies or to orbital positions or to satellite Co-ordination to be complied with; or
 - (b) in a case where a determination falls to be made as to which of a number of applicants is the more or most suitable to be licensed, for the purpose of securing that the procedure for the making of that determination is fair, reasonable, open and transparent.
- (4C) That period shall not be extended by virtue of subsection (4B)(b) by more than eight months.]
- (5) Where the person applying for a licence fails to provide any information which [^{F24}OFCOM] reasonably [^{F25}require] in order to satisfy [^{F24}themselves] that the applicant is able to comply with the terms, provisions and limitations in the licence [^{F24}OFCOM] may refuse to grant the licence.
- (6) Where [^{F24}OFCOM][^{F26}propose] to refuse a licence [^{F24}they] shall give to the person applying for the licence the reasons for the proposed refusal and shall specify a period of not less than [^{F27}one month] within which representations with respect to the proposed refusal may be made.
- ^{F28}(7)
- ^{F29}(8)
- [^{F30}(9) In imposing terms, provisions or limitations of a wireless telegraphy licence, OFCOM shall impose only those that they are satisfied are—
- (a) objectively justifiable in relation to the networks and services to which they relate;
 - (b) not such as to discriminate unduly against particular persons or against a particular description of persons;
 - (c) proportionate to what they are intended to achieve; and
 - (d) in relation to what they are intended to achieve, transparent.]]

Textual Amendments

- F19** S. 1D inserted (31.12.1997) by [S.I.1997/2930, regs. 1, 4\(1\)\(2\)](#).
- F20** S. 1D(1)(2) 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. 17 para. 8\(3\), Sch. 19\(1\)](#) (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](#))
- F21** S. 1D(3) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 8\(4\)](#) (with [Sch. 18](#)); [S.I. 2003/3142, art. 3\(1\), Sch. 1](#) (with [art. 11](#))

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Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 1949 (repealed), Part I. (See end of Document for details)

- F22** Words in s. 1D(4) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 8\(5\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F23** Ss. 1D(4A)-(4C) inserted (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. 8\(6\)](#) (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)
- F24** Words in s. 1D substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 8\(2\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F25** Word in s. 1D(5) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 8\(7\)](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), [Sch. 1](#) (with art. 11)
- F26** Word in s. 1D(6) 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. 8\(8\)\(a\)](#) (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)
- F27** Words in s. 1D(6) 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. 8\(8\)\(b\)](#) (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)
- F28** S. 1D(7)(8) 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. 17 para. 8\(9\)](#), [Sch. 19\(1\)](#) (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)
- F29** S. 1D(8) 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. 17 para. 8\(9\)](#), [Sch. 19\(1\)](#) (with [Sch. 18](#)); S.I. 2003/1900, arts. 1(2), 2(1), [Schs. 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)
- F30** S. 1D(9) 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. 8\(10\)](#) (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)

[^{F31}1E Variation or revocation of a licence

- (1) Where OFCOM propose to vary or revoke a wireless telegraphy licence, they shall give the person holding the licence a notification under this subsection—
 - (a) stating the reasons for the proposed variation or revocation; and
 - (b) specifying the period during which the person notified has an opportunity to do the things specified in subsection (2).
- (2) Those things are—
 - (a) making representations about the proposal; and
 - (b) if the proposal is the result of a contravention of a term, provision or limitation of the licence, complying with that term, provision or limitation.
- (3) Subject to subsections (4) to (6), the period for doing those things must be the period of one month beginning with the day after the one on which the notification was given.
- (4) OFCOM may, if they think fit, allow a longer period for doing those things either—
 - (a) by specifying a longer period in the notification; or
 - (b) by subsequently, on one or more occasions, extending the specified period.

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- (5) The person notified shall have a shorter period for doing those things if a shorter period is agreed between OFCOM and the person notified.
- (6) The person notified shall also have a shorter period if—
 - (a) OFCOM have reasonable grounds for believing that the case is a case of serious and repeated contravention or an urgent case;
 - (b) they have determined that, in the circumstances, a shorter period would be appropriate; and
 - (c) the shorter period has been specified in the notification.
- (7) A case is an urgent case if the failure to vary or revoke the licence will result in, or create an immediate risk of—
 - (a) a serious threat to the safety of the public, to public health or to national security; or
 - (b) serious economic or operational problems for persons, other than the person in contravention, who—
 - (i) use stations or apparatus for wireless telegraphy; or
 - (ii) are communications providers or make associated facilities available.
- (8) Subsection (1) does not apply to a proposal to vary or revoke a licence if the proposal is made at the request or with the consent of the licence holder.
- (9) For the purposes of this section a contravention of a term, provision or limitation of a licence is a repeated contravention, in relation to a proposal to vary or revoke a licence, if it falls within subsection (10).
- (10) A contravention falls within this subsection if—
 - (a) a previous notification under subsection (1) has been given in respect of the same contravention or in respect of another contravention of a term, provision or limitation of the same licence; and
 - (b) the subsequent notification under that subsection is given no more than twelve months after the day of the making by OFCOM of a determination for the purposes of subsection (11) that the contravention to which the previous notification related did occur.
- (11) Where OFCOM have given a notification under subsection (1), they shall, within the period of one month beginning with the end of the period for the making of representations about the proposal contained in that notification—
 - (a) decide whether or not to vary or revoke the licence in accordance with their proposal, or in accordance with that proposal but with modifications; and
 - (b) give the person holding the licence a notification of their decision.
- (12) The notification under subsection (11)—
 - (a) must be given no more than one week after the making of the decision to which it relates; and
 - (b) must, in accordance with that decision, either vary or revoke the licence or withdraw the proposal for a variation or revocation.
- (13) The reference in subsection (10) to a contravention of a term, provision or limitation of the same licence includes a reference to a contravention of a term, provision or limitation contained in a previous licence of which the licence in question is a direct or indirect renewal.

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(14) In this section, “communications provider” and “associated facility” have the same meaning as in the Communications Act 2003.]

Textual Amendments

F31 S. 1E substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), **ss. 169(1)**, 411(2) (with s. 169(2), [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](#))

^{F32}1F Appeals

Textual Amendments

F32 S. 1F 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)** (with Note 1 and [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](#))

^{F33}2 Fees and charges for wireless telegraphy licences

Textual Amendments

F33 S. 2 repealed (1.4.2004) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 19(1)** Note 1 (with [Sch. 18](#)); S.I. 2003/3142, art. 4(2), [Sch. 2](#) (with [art. 11](#))

3 Regulations as to wireless telegraphy.

(1) [^{F34}OFCOM may make regulations—]

- (a) prescribing the things which are to be done or are not to be done in connection with the use of any station for wireless telegraphy or wireless telegraphy apparatus, and, in particular, requiring the use of any such station or apparatus to cease on the demand in that behalf of any such persons as may be prescribed by or under the regulations;
- (b) imposing on the person to whom a wireless telegraphy licence is issued with respect to any station for wireless telegraphy or wireless telegraphy apparatus, or who is in possession or control of any station for wireless telegraphy or wireless telegraphy apparatus, obligations as to permitting and facilitating the inspection of the station and apparatus, as to the condition in which the station and apparatus are to be kept and, in the case of a station or apparatus for the establishment, installation or use of which a wireless telegraphy licence is necessary, as to the production of the licence, or of such other evidence of the licensing of the station or apparatus as may be prescribed by the regulations;
- (c) where sums are or may become due from the person to whom a wireless telegraphy licence is issued after the issue or renewal thereof, requiring that

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person to keep and produce such accounts and records as may be specified in the regulations; and

- (d) requiring the person to whom a wireless telegraphy licence authorising the establishment or use of a station has been issued to exhibit at the station such notices as may be specified in the regulations,

F35
...

Provided that nothing in any such regulations shall require any person to concede any form of right of entry into a private dwellinghouse for the purpose of permitting or facilitating the inspection of any apparatus not designed or adapted for emission (as opposed to reception).

- (2) Any person who contravenes any regulations made under this section, or causes or permits any station for wireless telegraphy or wireless telegraphy apparatus to be used in contravention of any such regulations, shall be guilty of an offence under this Act.

[^{F36}(2A) The approval of the Secretary of State is required for the making by OFCOM of any regulations under this section.

(2B) A statutory instrument containing regulations made by OFCOM under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Subordinate Legislation Made

- P4 S. 3: for previous exercises of this power, see Index to Government Orders.
- P5 S. 3: s. 1 (with s. 3) power exercised (3.7.1991) by [S.I.1991/1523](#)

Textual Amendments

- F34 Words in s. 3(1) 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. 9\(2\)](#) (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](#))
- F35 Words in s. 3(1) 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\(1\)](#) (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](#))
- F36 S. 3(2A)(2B) inserted (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. 9\(3\)](#) (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](#))

^{F37}3A

Textual Amendments

- F37 S. 3A repealed (18.6.1998) by [1998 c. 6](#), ss. 7, 10(2), [Sch. 2 Pt. I](#)

^{F38}4

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Textual Amendments

F38 S. 4 repealed (18.6.1998) by 1998 c. 6, ss. 7, 10(2), Sch. 1 para. 2, Sch. 2 Pt. I

5 Misleading messages and interception and disclosure of messages.

[^{F39}(1)] Any person who—

- (a) by means of wireless telegraphy, sends or attempts to send, any message which, to his knowledge, is false or misleading and is, to his knowledge, likely to prejudice the efficiency of any safety of life service or endanger the safety of any person or of any vessel, aircraft or vehicle, and, in particular, any message which, to his knowledge, falsely suggests that a vessel or aircraft is in distress or in need of assistance or is not in distress or not in need of assistance; or
- (b) otherwise than [^{F40}under the authority of a designated person] either—
 - (i) uses any wireless telegraphy apparatus with intent to obtain information as to the contents, sender or addressee of any message (whether sent by means of wireless telegraphy or not [^{F41}of which neither the person using the apparatus nor a person on whose behalf he is acting is an intended recipient,])
 - (ii) except in the course of legal proceedings or for the purpose of any report thereof, discloses any information as to the contents, sender or addressee of any such message, being information which would not have come to his knowledge but for the use of wireless telegraphy apparatus by him or by another person,

shall be guilty of an offence under this Act.

^{F42}(2) The conduct in relation to which a designated person may give a separate authority for the purposes of this section shall not, except where he believes the conduct to be necessary on grounds falling within subsection (5) of this section, include—

- (a) any conduct which, if engaged in without lawful authority, constitutes an offence under section 1(1) or (2) of the Regulation of Investigatory Powers Act 2000;
 - (b) any conduct which, if engaged in without lawful authority, is actionable under section 1(3) of that Act;
 - (c) any conduct which is capable of being authorised by an authorisation or notice granted by any person under Chapter II of Part I of that Act (communications data);
 - (d) any conduct which is capable of being authorised by an authorisation granted by any person under Part II of that Act (surveillance etc.).
- (3) A designated person shall not exercise his power to give a separate authority for the purposes of this section except where he believes—
- (a) that the giving of his authority is necessary on grounds falling within subsection (4) or (5) of this section; and
 - (b) that the conduct authorised by him is proportionate to what is sought to be achieved by that conduct.
- (4) A separate authority for the purposes of this section is necessary on grounds falling within this subsection if it is necessary—
- (a) in the interests of national security;

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- (b) for the purpose of preventing or detecting crime (within the meaning of the Regulation of Investigatory Powers Act 2000) or of preventing disorder;
 - (c) in the interests of the economic well-being of the United Kingdom;
 - (d) in the interests of public safety;
 - (e) for the purpose of protecting public health;
 - (f) for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department; or
 - (g) for any purpose (not falling within paragraphs (a) to (f)) which is specified for the purposes of this subsection by regulations made by the Secretary of State.
- (5) A separate authority for the purposes of this section is necessary on grounds falling within this subsection if it is not necessary on grounds falling within subsection (4)(a) or (c) to (g) but is necessary for purposes connected with—
- (a) the issue of licences under this Act;
 - (b) the prevention or detection of anything which constitutes interference with wireless telegraphy; or
 - (c) the enforcement of any enactment contained in this Act or of any enactment not so contained that relates to such interference.
- (6) The matters to be taken into account in considering whether the requirements of subsection (3) of this section are satisfied in the case of the giving of any separate authority for the purposes of this section shall include whether what it is thought necessary to achieve by the authorised conduct could reasonably be achieved by other means.
- (7) A separate authority for the purposes of this section must be in writing and under the hand of—
- (a) the Secretary of State;
 - ^{F43} [in the case of an authority given by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), a member of the Scottish Executive;]
 - (b) one of the Commissioners of Customs and Excise; or
 - (c) a person not falling within paragraph (a) or (b) who is designated for the purposes of this subsection by regulations made by the Secretary of State.
- (8) A separate authority for the purposes of this section may be general or specific and may be given—
- (a) to such person or persons, or description of persons,
 - (b) for such period, and
 - (c) subject to such restrictions and limitations,
- as the designated person thinks fit.
- (9) No regulations shall be made under subsection (4)(g) unless a draft of them has first been laid before Parliament and approved by a resolution of each House.
- (10) For the purposes of this section the question whether conduct is capable of being authorised under Chapter II of Part I of the Regulation of Investigatory Powers Act 2000 or under Part II of that Act shall be determined without reference—
- (a) to whether the person whose conduct it is is a person on whom any power or duty is or may be conferred or imposed by or under Chapter II of Part I or Part II of that Act; or

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- (b) to whether there are grounds for believing that the requirements for the grant of an authorisation or the giving of a notice under Chapter II of Part I or Part II of that Act are satisfied.
- (11) References in this section to a separate authority for the purposes of this section are references to any authority for the purposes of this section given otherwise than by way of the issue or renewal of a warrant, authorisation or notice under Part I or II of the Regulation of Investigatory Powers Act 2000.
- (12) In this section “ designated person ” means—
- (a) the Secretary of State;
 - (b) the Commissioners of Customs and Excise; or
 - (c) any other person designated for the purposes of this section by regulations made by the Secretary of State.]

Textual Amendments

- F39** S. 5 renumbered as s. 5(1) (2.10.2000) by 2000 c. 23, s. 73(1) (with s. 82(3)); S.I. 2000/2543, art. 3
- F40** Words in s. 5(1)(b) substituted (2.10.2000) by 2000 c. 23, s. 73(2)(a) (with s. 82(3)); S.I. 2000/2543, art. 3
- F41** Words in s. 5(1)(b)(i) substituted (2.10.2000) by 2000 c. 23, s. 73(2)(b) (with s. 82(3)); S.I. 2000/2543, art. 3
- F42** S. 5(2)-(12) inserted (2.10.2000) by 2000 c. 23, s. 73(3) (with s. 82(3)); S.I. 2000/2543, art. 3
- F43** S. 5(7)(aa) inserted (15.12.2000) by S.I. 2000/3253, art. 4(1), Sch. 3 Pt. I para. 2

Modifications etc. (not altering text)

- C5** S. 5 restricted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), Sch. 2 para. 1; S.I. 2005/1126, art. 2(2)(d)
- C6** S. 5(a) amended (as to mode of trial) by Telecommunications Act 1984 (c. 12, SIF 96) s. 75(1)(a)
- C7** S. 5(b): certain functions made exercisable (30.6.1999) by S.I. 1999/1748, art. 3, Sch. 1 para. 1
S. 5(b): transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(2), 2, Sch. 1; S.I. 1998/3178, art. 2(1)

6 Territorial extent of preceding provisions.

- (1) Subject to the provisions of this section, the preceding provisions of this Part of this Act shall apply—
- (a) to all stations and apparatus in or over, or for the time being in or over, the United Kingdom to the territorial waters adjacent thereto; and
 - (b) subject to any limitations which the ^{F44}Secretary of State] may by regulations determine, to all stations and apparatus on board any . . . ^{F45}ship or . . . ^{F45}aircraft which is registered in the United Kingdom but is not for the time being in or over the United Kingdom or the said territorial waters; and
 - (c) subject to any limitations which the ^{F44}Secretary of State] may by regulations determine, to all apparatus which is not in or over the United Kingdom or the said territorial waters but was released from within the United Kingdom or the said territorial waters, or from any . . . ^{F45}ship or . . . ^{F45}aircraft which is registered in the United Kingdom,
- and, without prejudice to the liability of any other person, in the event of any contravention of the said preceding provisions or of any regulations made thereunder occurring in relation to any station or apparatus on board or released from any vessel

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or aircraft, the captain or the person for the time being in charge of the vessel or aircraft shall be guilty of an offence under this Act:

Provided that the captain or person for the time being in charge of a vessel or aircraft shall not be guilty of any offence under this Act by reason of any contravention of the said provisions or regulations occurring in relation to apparatus on board the vessel or aircraft if the contravention consists of the use by a passenger on board the ship or aircraft of apparatus not designed or adapted for emission (as opposed to reception) which is not part of the wireless telegraphy apparatus, if any, of the ship or aircraft.

- (2) The [^{F44}Secretary of State] may make regulations for regulating the use, on board any [^{F46}ship or aircraft which, not being registered in the United Kingdom, is registered in a country other than the United Kingdom, the Isle of Man or any of the Channel Islands while that ship or aircraft is] within the limits of the United Kingdom and the territorial waters adjacent thereto, of wireless telegraphy apparatus on board the ship or aircraft, and such regulations may provide for the punishment of persons contravening the regulations by [^{F47}a maximum fine for each offence of an amount not exceeding level 5 on the standard scale, ^{F48} . . . or of a lesser amount], and for the forfeiture of any wireless telegraphy apparatus in respect of which an offence under such regulations is committed; but, save as aforesaid [^{F49}or by virtue of an Order in Council under subsection (3) of this section], nothing in this Part of this Act shall operate so as to impose any prohibition or restriction on persons using wireless telegraphy apparatus on board any [^{F50}such ship or aircraft as aforesaid].
- (3) His Majesty may by Order in Council direct that any reference in this section to any . . . ^{F45} ship or aircraft registered in the United Kingdom shall be construed as including a reference to any ^{F45} ship or aircraft registered in the Isle of Man, in any of the Channel Islands, or in any colony, British protectorate or British protected state, or registered under the law of any other country or territory outside the United Kingdom which is for the time being administered by His Majesty's Government in the United Kingdom.
- (4) ^{F51}

Textual Amendments

- F44** Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)
- F45** Words repealed by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(2\)\(5\)](#)
- F46** Words substituted by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(3\)\(a\)\(i\)](#), (5)
- F47** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s.50](#)
- F48** Words in s. 6(2) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIV](#) Group2.
- F49** Words inserted by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(3\)\(b\)](#), (5)
- F50** Words substituted by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(3\)\(a\)\(ii\)](#) (5)
- F51** S. 6(4) repealed by [S.I. 1984/703 \(N.I. 3\)](#), [Sch. 7](#)

Modifications etc. (not altering text)

- C8** S. 6 extended by [S.I. 1954/488 \(1954 II, p. 2370\)](#), art. 1; explained by [Wireless Telegraphy Act 1967 \(c. 72, SIF 96\)](#), [s. 9\(2\)\(5\)](#); amended by *ibid.*, s. 9(4); extended by *ibid.*, ss. 10(3), 12

7 †Powers of Postmaster General as to wireless personnel.

- (1) The [^{F52}Secretary of State] may hold examinations to determine the competence of the persons examined to fill positions in connection with the operation of stations for wireless telegraphy or wireless telegraphy apparatus and may issue to persons

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successful at such examinations certificates of competence of such types as he may from time to time determine.

- (2) The [^{F52}Secretary of State] may issue so such persons as he thinks fit authorities in writing authorising the persons to whom the authorities are issued to fill such positions in connection with the operation of stations for wireless telegraphy or wireless telegraphy apparatus as may be specified in the respective authorities, being positions for the holding of which the possession of such an authority is, under wireless telegraphy licences granted under this Act or under any licences granted under any corresponding law of any part of His Majesty’s dominions, a necessity or a qualification.
- (3) The [^{F52}Secretary of State], if it appears to him that there are sufficient grounds so to do, may at any time suspend any authority granted under the last preceding subsection with a view to the revocation thereof, and where he so suspends an authority, the provisions of the First Schedule to this Act shall have effect.
- (4) Where any authority granted under subsection (2) of this section has ceased to be in force or has been suspended, it shall be the duty of the person to whom the authority was issued, and of every other person in whose possession or under whose control the authority may be, to cause the authority to be surrendered to the [^{F52}Secretary of State] if required by the [^{F52}Secretary of State] so to do, and any person who without reasonable excuse fails or refuses to comply with the provisions of this subsection shall be guilty of an offence under this Act.
- (5) The [^{F52}Secretary of State] may charge to persons applying to take part in any examination under this section, and to applicants for, or for copies of, any certificate or authority issued under this section, such fees, if any, as he may determine.

Textual Amendments

F52 Words substituted by virtue of [Post Office Act 1969 \(c. 48, SIF 96\)](#), [s. 3\(1\)](#) and [S.I. 1974/691](#), [arts. 2, 3\(3\)](#)

Modifications etc. (not altering text)

C9 Unreliable marginal note

8

.....^{F53}

Textual Amendments

F53 S. 8 repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. I](#)

Status:

Point in time view as at 18/04/2005.

Changes to legislation:

There are currently no known outstanding effects for the Wireless Telegraphy Act 1949 (repealed), Part I.