



Wireless Telegraphy Act 1949 (repealed)

1949 CHAPTER 54 12 13 and 14 Geo 6

PART III

Supplemental

[^{F1}13A Information requirements

- (1) Subject to the following provisions of this section, OFCOM may require a person who is using or has established, installed or used a station or apparatus for wireless telegraphy 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) OFCOM are not to require the provision of information under this section except—
 - (a) by a demand for the 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.
- (3) A demand for information required under this section must be contained in the notice served on the person from whom the information is required.
- (4) A person required to provide information under this section must provide it in such manner and within such reasonable period as may be specified by OFCOM.
- (5) A person who fails to provide information in accordance with a requirement of OFCOM under this section is guilty of an offence.
- (6) In proceedings against a person for an offence under subsection (1) it shall be a defence for that person to show—
 - (a) that it was not reasonably practicable for him to comply with the requirement within the period specified by OFCOM; but

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- (b) that he has taken all reasonable steps to provide the required information after the end of that period.
- (7) A person is guilty of an offence if—
 - (a) in pursuance of any requirement under this section, he provides information that is false in any material particular; and
 - (b) at the time he provides it, he either knows it to be false or is reckless as to whether or not it is false.

Textual Amendments

F1 Ss. 13A-13B inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 171(1)**, 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

13B Statement of policy on information gathering

- (1) It shall be the duty of OFCOM to prepare and publish a statement of their general policy with respect to—
 - (a) the exercise of their powers under section 13A; 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 or revise their statement of policy under this section, they must publish that statement or (as the case may be) the revised statement in such manner as they consider appropriate for bringing it to the attention of the persons who, in their opinion, are likely to be affected by it.
- (4) It shall be the duty of OFCOM, in exercising the powers conferred on them by section 13A, to have regard to the statement for the time being in force under this section.]

Textual Amendments

F1 Ss. 13A-13B inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), **ss. 171(1)**, 411(2) (with [Sch. 18](#)); [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

14 Penalties and legal proceedings.

[^{F2}(1) Any person committing—

- [^{F3}[^{F4}(aa) any offence under section 1(1) of this Act consisting in the establishment or use of a station for wireless telegraphy, or the installation or use of wireless telegraphy apparatus, for the purpose of making a broadcast (within the meaning of section 9 of the Marine, &c., Broadcasting (Offences) Act 1967 (c. 41));
- (ab) any offence under section 1A of this Act where the relevant contravention of section 1 would constitute an offence falling within paragraph (aa);]
- (ac) any offence under section 1B or 1C of this Act;]
- [^{F5}(a) any offence under section 5(1)(a) of this Act; or]

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(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
- ^{F6}(aa) [any offence under section 1A of this Act committed in relation to any wireless telegraphy apparatus not designed or adapted for emission (as opposed to reception);]
- (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 [^{F7} from OFCOM] 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
- ^{F8}(e)
- ^{F9}(ea) [any offence under section 13A(1) of this Act; or]
- (f) any offence under this Act which is an offence under section 5 or 8(2) of the ^{M1} 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.

[A person committing—

- ^{F10}(1AA) (a) an offence under section 1(1) of this Act other than—
 - (i) one which falls within subsection (1)(aa), or
 - (ii) one which falls within subsection (1A)(a), or
- (b) an offence under section 1A of this Act other than—
 - (i) one which falls within subsection (1)(ab), or
 - (ii) one which falls within subsection (1A)(aa),

shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.]

(1B) Any person committing—

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

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.

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(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.]

^{F12}(2)

[^{F13}(3) Where a person is convicted of—

(a) an offence under this Act consisting in any contravention of any of the provisions of Part I of this Act in relation to any station for wireless telegraphy or any wireless telegraphy apparatus (including an offence under section 1B or 1C of this Act) or in the use of any apparatus for the purpose of interfering with any wireless telegraphy;

^{F14}(b)

(c) any offence under the Marine, &c., Broadcasting (Offences) Act 1967; or
(d) any offence under this Act which is an offence under section 7 of the Wireless Telegraphy Act 1967 (whether as originally enacted or as substituted by section 77 of the Telecommunications Act 1984),

the court may, in addition to any other penalty, order such of the following things to be forfeited to [^{F15}OFCOM] as the court considers appropriate, that is to say—

- (i) any vehicle, vessel or aircraft, or any structure or other object, which was used in connection with the commission of the offence;
- (ii) any wireless telegraphy apparatus or other apparatus in relation to which the offence was committed or which was used in connection with the commission of it;
- (iii) any wireless telegraphy apparatus or other apparatus not falling within paragraph (ii) above which was, at the time of the commission of the offence, in the possession or under the control of the person convicted of the offence and was intended to be used (whether or not by that person) in connection with the making of any broadcast or other transmission that would contravene section 1 of this Act or any provision of the Marine, &c., Broadcasting (Offences) Act 1967.

(3AA) The power conferred by virtue of subsection (3)(a) above does not apply in a case where the offence is any such offence as is mentioned in subsection (1A)(a) or (aa) above.

(3AB) References in subsection (3)(ii) or (iii) above to apparatus other than wireless telegraphy apparatus include references to—

- (a) recordings;
- (b) equipment designed or adapted for use—
 - (i) in making recordings; or
 - (ii) in reproducing from recordings any sounds or visual images; and
- (c) equipment not falling within paragraphs (a) and (b) above but connected, directly or indirectly, to wireless telegraphy apparatus.]

[^{F16}(3A) Without prejudice to the operation of subsection (3) of this section in relation to any other apparatus, where a person is convicted of an offence under this Act involving restricted apparatus, the court shall order the apparatus to be forfeited to [^{F17}OFCOM] unless the accused or any person claiming to be the owner of or otherwise interested in the apparatus shows cause why the apparatus should not be forfeited.

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Apparatus is restricted apparatus for the purposes of this subsection if custody or control of apparatus of any class or description to which it belongs is for the time being restricted by an order under section 7 of the ^{M2} Wireless Telegraphy Act 1967.

- (3B) Apparatus may be ordered to be forfeited under this section notwithstanding that it is not the property of the person by whom the offence giving rise to the forfeiture was committed, and any apparatus ordered to be forfeited under this section may be disposed of by [^{F18}OFCOM] in such manner as [^{F19}they think] fit.
- (3C) Subsections (3) to (3B) of this section have effect notwithstanding anything in section 140 of the ^{M3} Magistrates' Courts Act 1980 or Article 58 of the ^{M4} Magistrates' Courts (Northern Ireland) Order 1981.
- (3D) The court by whom any apparatus is ordered to be forfeited under this section may also order the person by whom the offence giving rise to the forfeiture was committed not to dispose of that apparatus except by delivering it up to [^{F20}OFCOM] within forty-eight hours of being so required by [^{F21}them].
- (3E) If a person against whom an order is made under subsection (3D) of this section contravenes that order or fails to deliver up the apparatus to [^{F22}OFCOM] as required he shall be guilty of a further offence under this Act which, for the purpose of determining the appropriate penalty in accordance with the provisions of this section relating to penalties [^{F23}, shall be treated as an offence committed under the same provision, and at the same time,] as the offence for which the forfeiture was ordered.]

- (4) ^{F24}
- (5) ^{F25}

- (6) Without prejudice to the right to bring separate proceedings for contraventions of this Act taking place on separate occasions, a person who is convicted of an offence under this Act consisting in the use of any station or apparatus, or in a failure or refusal to cause any licence or authority to be surrendered, shall, where the use, or failure or refusal continues after the conviction, be deemed to commit a separate offence in respect of every day on which the use, failure or refusal so continues.
- (7) Nothing in the preceding provisions of this section shall limit any right of any person to bring civil proceedings in respect of the doing or apprehended doing of anything rendered unlawful by any provision of this Act, and, without prejudice to the generality of the preceding words, compliance with the provisions of this Act contraventions of which are declared to be offences under this Act shall be enforceable by civil proceedings by the Crown [^{F26}or by OFCOM] for an injunction or for any other appropriate relief.

[^{F27}In the application of this section to Scotland for the words from “civil proceedings” to “appropriate relief” there shall be substituted

- ^{F28}(8)
- ^{F29}(9)

Textual Amendments

- F2** S. 14(1)(1A)(1B)(1C) substituted for s. 14(1) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 75(2)(3), [Sch. 3 para. 1](#)
- F3** S. 14(1)(aa)(ab)(ac) inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 172(2)

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- F4** S. 14(1)(aa)(ab) substituted (18.9.2003) by Communications Act 2003 (c. 21), **ss. 179(1)**, 411(2) (with s. 179(4), Sch. 18); S.I. 2003/1900, art. 2(2), Sch. 2
- F5** S. 14(1)(a) 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. 14(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)
- F6** Para. (aa) inserted by Broadcasting Act 1990 (c. 42, SIF 96), **s. 172(3)**
- F7** Words in s. 14(1A)(c) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 14(3)(a)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F8** S. 14(1A)(e) 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. 14(3)(b), **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)
- F9** S. 14(1A)(ea) inserted (29.12.2003) by Communications Act 2003 (c. 21), **ss. 171(2)**, 411(2) (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F10** S. 14(1AA) inserted (18.9.2003) by Communications Act 2003 (c. 21), **ss. 179(2)**, 411(2) (with s. 179(4), Sch. 18); S.I. 2003/1900, art. 2(2), Sch. 2
- F11** S. 14(1B)(a) repealed by Broadcasting Act 1990 (c. 42, SIF 96), **ss. 4(6)**, 87(6), 134, 203(3), Sch. 12 Pt. II para. 1, **Sch. 21**
- F12** S. 14(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), **ss. 404(5)**, 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)
- F13** S. 14(3)(3AA)(3AB) substituted for s. 14(3) by Broadcasting Act 1990 (c. 42, SIF 96), **s. 172(4)**
- F14** S. 14(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. 17 para. 14(4)(a), **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)
- F15** Words in s. 14(3) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 14(4)(b)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F16** S. 14(3A)–(3E) substituted for s. 14(3) by Telecommunications Act 1984 (c. 12, SIF 96), **s. 82**
- F17** Words in s. 14(3A) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 14(5)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F18** Words in s. 14(3B) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 14(5)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F19** Words in s. 14(3B) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 14(6)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F20** Words in s. 14(3D) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 14(5)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F21** Word in s. 14(3D) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 14(7)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F22** Words in s. 14(3E) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 14(5)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F23** Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), **s. 172(5)**
- F24** S. 14(4) repealed by Post Office Act 1969 (c. 48, SIF 96), **Sch. 8 Pt. II**
- F25** S. 14(5) repealed by Post Office Act 1969 (c. 48, SIF 96), **Sch. 8 Pt. I**
- F26** Words in s. 14(7) inserted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 14(8)(a)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F27** Words in s. 14(7) substituted (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 14(8)(b)** (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F28** S. 14(8) repealed (5.11.1993) by 1993 c. 50, **s. 1(1) Sch. 1 Pt. XIV** Group2.
- F29** S. 14(9) repealed by S.I. 1986/1883, art. 13(3), **Sch. 5** and expressed to be repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group2.

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Modifications etc. (not altering text)

- C1** S. 14 amended by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), **s. 75** (2) (3) and [S.I. 1984/703\(N.I. 3\)](#), arts. 4(7)
- C2** S. 14(7): transfer of functions (19.5.1999) by [S.I. 1999/679](#), arts. 1(2), 2, **Sch.**; [S.I. 1998/3178](#), art. 2(2), **Sch. 4**

Marginal Citations

- M1** [1967 c. 72\(96\)](#).
- M2** [1967 c. 72\(96\)](#).
- M3** [1980 c. 43\(82\)](#).
- M4** [1981/1675 \(N.I. 26\)](#).

15 Entry and search of premises, etc.

- (1) If, in England, Wales or Northern Ireland, a justice of the peace, or, in Scotland, the sheriff, is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act [^{F30}or under the Marine, &c., Broadcasting (Offences) Act 1967] has been or is being committed, and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, vessel or aircraft so specified, he may grant a search warrant [^{F31}authorising][^{F32}any constable or any person or persons authorised for the purpose by OFCOM or the Secretary of State] to enter, at any time within one month from the date of the warrant, the premises specified in the information or, as the case may be, the vehicle, vessel or aircraft so specified and any premises upon which it may be, and to search the premises, or, as the case may be, the vehicle, vessel or aircraft, and to examine and test any apparatus found on the premises, vessel, vehicle or aircraft.

[^{F33}(1A) Where a person authorised by OFCOM or the Secretary of State is authorised by a warrant under subsection (1) to enter any premises, he is to be entitled to exercise that warrant alone or to exercise it accompanied by one or more constables.]

- (2) If, in England, Wales or Northern Ireland, a justice of the peace, or, in Scotland, the sheriff, is satisfied upon an application supported by sworn evidence—
- (a) that there is reasonable ground for believing that, on any specified premises or in any specified vessel, aircraft or vehicle, apparatus to which section ten of this Act applies is to be found which does not comply with the requirements applicable to it under regulations made under that section; and
 - (b) that it is necessary to enter those premises, or that vessel, aircraft or vehicle, for the purpose of obtaining such information as will [^{F34}enable OFCOM to decide] whether or not to serve a notice under section eleven or section twelve of this Act; and
 - (c) that access to the premises, vessel, aircraft or vehicle for the purpose of obtaining such information as aforesaid has, within fourteen days before the date of the application to the justice or sheriff, been demanded by a person authorised in that [^{F35}behalf by OFCOM and producing] sufficient documentary evidence of his identity and authority, but has been refused,

the justice or sheriff may issue a written authorisation under his hand empowering any person or persons authorised in that [^{F36}behalf by OFCOM, with] or without any constables, to enter the premises, or, as the case may be, the vessel, aircraft or vehicle and any premises on which it may be and to search the premises, vessel, aircraft or vehicle with a view to discovering whether any such apparatus as aforesaid is situate

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thereon or therein, and, if he finds or they find any such apparatus thereon, or therein, to examine and test it with a view to obtaining such information as aforesaid:

Provided that an authorisation shall not be issued under this subsection unless either—

- (i) it is shown to the justice or sheriff ^{F37}[that OFCOM are satisfied] that there is reasonable ground for believing that the use of the apparatus in question is likely to cause undue interference with any wireless telegraphy used for the purposes 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
- (ii) it is shown to the justice or sheriff that not less than seven days’ notice of the demand for access was served on the occupier of the premises, or, as the case may be, the person in possession or the person in charge of the vessel, aircraft or vehicle, and that the demand was made at a reasonable hour and was unreasonably refused.

^{F38}(2A) Without prejudice to any power exercisable by him apart from this subsection, a person authorised by the Secretary of State or (as the case may be) by ^{F39}[OFCOM] to exercise any power conferred by this section may use reasonable force, if necessary, in the exercise of that power.]

(3) Where under this section a person has a right to examine and test any apparatus on any premises or in any vessel, aircraft or vehicle, it shall be the duty of any person who is on the premises, or is in charge of, or in or in attendance on, the vessel, aircraft or vehicle, to give him any such assistance as he may reasonably require in the examination or testing of the apparatus.

(4) Any person who—

- (a) ^{F40}[intentionally] obstructs any person in the exercise of the powers conferred on him under this section; or
- (b) ^{F41}[without reasonable excuse] fails or refuses to give any such person any assistance which he is under this section under a duty to give to him; ^{F42} ...

^{F42}(c)
shall be guilty of an offence under this Act, ^{F43} ...

Textual Amendments

- F30** Words inserted as provided by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 173(1)
- F31** Words substituted (1.4.1991) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 180, **Sch. 18 Pt. I para. 3**
- F32** Words in s. 15(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. 15(2)** (with Sch. 18); S.I. 2003/3142, arts. 3(1)(3), 4(2), Sch. 1, Sch. 2 (with art. 11)
- F33** S. 15(1A) inserted (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. 15(3)** (with Sch. 18); S.I. 2003/3142, arts. 3(1)(3), 4(2), Sch. 1, Sch. 2 (with art. 11)
- F34** Words in s. 15(2)(b) 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. 15(4)(a)** (with Sch. 18); S.I. 2003/3142, arts. 3(1)(3), 4(2), Sch. 1, Sch. 2 (with art. 11)
- F35** Words in s. 15(2)(c) 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. 15(4)(b)** (with Sch. 18); S.I. 2003/3142, arts. 3(1)(3), 4(2), Sch. 1, Sch. 2 (with art. 11)
- F36** Words in s. 15(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. 15(4)(c)** (with Sch. 18); S.I. 2003/3142, arts. 3(1)(3), 4(2), Sch. 1, Sch. 2 (with art. 11)

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- F37** Words in s. 15(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. 15\(4\)\(d\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with art. 11)
- F38** S. 15(2A) inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [s. 173\(3\)](#)
- F39** Words in s. 15(2A) 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. 15\(5\)](#) (with [Sch. 18](#)); [S.I. 2003/3142](#), arts. 3(1)(3), 4(2), [Sch. 1](#), [Sch. 2](#) (with art. 11)
- F40** Word inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [s. 92\(2\)\(a\)](#)
- F41** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [s. 92\(2\)\(b\)](#)
- F42** S. 15(4)(c) and preceding word 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)
- F43** Words repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. II](#)

Modifications etc. (not altering text)

- C3** S. 15 modified (temp.) (8.12.2003) by [The Office of Communications Act 2002 \(Commencement No. 3\) and Communications Act 2003 \(Commencement No. 2\) Order 2003 \(S.I. 2003/3142\)](#), [art. 3\(3\)\(d\)](#) (with art. 11)

16 Regulations and orders.

- (1) Any Order in Council under this Act may be revoked or varied by a subsequent Order in Council.

[^{F44}(1A) 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) [^{F45}Any power conferred on the Secretary of State] by any of the provisions of this Act to make regulations shall be exercisable by statutory instrument, and any statutory instrument made in the exercise of any of the said powers [^{F46}, other than one containing regulations a draft of which has been approved for the purposes of section 5(9),] shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F44** S. 16(1A) 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. 16\(2\)](#) (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)
- F45** Words in s. 16(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. 16\(3\)](#) (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)
- F46** Words in s. 16(2) inserted (2.10.2000) by [2000 c. 23](#), [s. 73\(4\)](#) (with s. 82(3)); [S.I. 2000/2543](#), [art. 3](#)

Modifications etc. (not altering text)

- C4** S. 16(2) repealed, so far as relating to the power conferred by s. 8 of this Act, by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. I](#)

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17 Financial provisions.

- (1)^{F47} any fines imposed for offences under this Act, shall be paid into the Exchequer.
- (2)^{F48}

Textual Amendments

F47 Words substituted by [Post Office Act 1961 \(c. 15\)](#), [Sch.](#)

F48 S. 17(2) repealed by S.R. (N.I.) 1973/256, art. 3, Sch. 2

Modifications etc. (not altering text)

C5 S. 17(1) restricted by [Northern Ireland Act 1962 \(c. 30, SIF 29:3\)](#), [Sch. 2](#)

18^{F49}

Textual Amendments

F49 S. 18 repealed by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 8 Pt. I](#)

19 Interpretation.

- (1) In this Act, except where the context otherwise requires, the expression “wireless telegraphy” means the emitting or receiving, over paths which are not provided by any material substance constructed or arranged for that purpose, of electromagnetic energy of a frequency not exceeding three million megacycles a second, being energy which either—
 - (a) serves for the conveying of messages, sound or visual images (whether the messages, sound or images are actually received by any person or not), or for the actuation or control of machinery or apparatus; or
 - (b) is used in connection with the determination of position, bearing or distance, of for the gaining of information as to the presence, absence, position or motion of any object or any objects of any class,

and references to stations for wireless telegraphy and apparatus for wireless telegraphy or wireless telegraphy apparatus shall be construed as references to stations and apparatus for the emitting or receiving as aforesaid of such electro-magnetic energy as aforesaid:^{F50}

- (2) In this Act, the expression “station for wireless telegraphy” includes the wireless telegraphy apparatus of a ship or aircraft, and the expression “electric line” has the same meaning as in the ^{M5}[^{F51}Electric Lighting Act 1882.][^{F51}The Electricity Act 1989]

[^{F52}(2AA) In this Act “ OFCOM ” means the Office of Communications.]

^{F53}(2A)

- (3) Any reference in this Act to the emission of electro-magnetic energy, or to emission (as opposed to reception), shall be construed as including a reference to the deliberate reflection of electro-magnetic energy by means of any apparatus designed or specially adapted for that purpose, whether the reflection is continuous or intermittent.

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- (4) In this Act, the expression “interference,” in relation to wireless telegraphy, means the prejudicing by any emission or reflection of electro-magnetic energy of the fulfilment of the purposes of the telegraphy (either generally or in part, and, without prejudice to the generality of the preceding words, as respects all, or as respects any, of the recipients or intended recipients of any message, sound or visual image intended to be conveyed by the telegraphy), and the expression “interfere” shall be construed accordingly
- [^{F54}(5) Interference with any wireless telegraphy is not to be regarded as undue for the purposes of this Act unless it is also harmful.
- (5A) For the purposes of this Act interference is harmful if—
- (a) it creates dangers, or risks of danger, in relation to the functioning of any service provided by means of wireless telegraphy for the purposes of navigation or otherwise for safety purposes; or
 - (b) it degrades, obstructs or repeatedly interrupts anything which is being broadcast or otherwise transmitted—
 - (i) by means of wireless telegraphy; and
 - (ii) in accordance with a licence under this Act, regulations under the proviso to section 1(1) of this Act or a grant of recognised spectrum access under Chapter 2 of Part 2 of the Communications Act 2003 or otherwise lawfully.]
- (6) Any reference in this Act to the sending or the conveying of messages includes a reference to the making of any signal or the sending or conveying of any warning or information, and any reference to the reception of messages shall be construed accordingly.
- (7) In this Act, the expressions “ship” and “vessel” have the [^{F55}same meaning as “ship” in the Merchant Shipping Act 1995].
- (8) References in this Act to apparatus on board a ship or vessel include references to apparatus on a kite or captive balloon flown from a ship or vessel.
- ^{F56}(9)
- (10) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

Textual Amendments

- F50** Proviso repealed by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), [Sch. 6](#)
- F51** “The Electricity Act 1989” substituted (E.W.S.) for “the Electric Lighting Act, 1882” by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 6, Sch. 17 paras. 33, [35\(1\)](#)
- F52** S. 19(2AA) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 17](#) (with [Sch. 18](#)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)
- F53** S. 19(2A) 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)
- F54** S. 19(5)(5A) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) for s. 19(5) by [Communications Act 2003 \(c. 21\)](#), [ss. 183, 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)

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- F55** Words in s. 19(7) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 24** (with s. 312(1)).
- F56** S. 19(9) 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)

Modifications etc. (not altering text)

- C6** In s. 19(1), definition of "wireless telegraphy" applied (N.I.) (27.8.1991) (temporarily until 15.6.1992 unless continued by Order) by **Northern Ireland (Emergency Provisions) Act 1991 (c. 24, SIF 39:1)**, s. **19(14)** (with s. 69)

Marginal Citations

- M5** 1882 c. 56(44:1).

20 Short title and extent.

- (1) This Act may be cited as the Wireless Telegraphy Act 1949.
- (2) It is hereby declared that this Act extends to Northern Ireland.
- (3) His Majesty may by Order in Council direct that all or any of the 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.

Modifications etc. (not altering text)

- C7** S. 20(3) extended by **Broadcasting Act 1990 (c. 42, SIF 96)**, s. **174**
S. 20(3) extended (18.6.1998) by 1998 c. 6, ss. **9(2)**, 10(2)
- C8** S. 20(3) extended by **Post Office Act 1969 (c. 48, SIF 96)**, s. **3(6)**

Status:

Point in time view as at 01/04/2004.

Changes to legislation:

There are currently no known outstanding effects for the Wireless Telegraphy Act 1949 (repealed), Cross Heading: Supplemental.