



# Wireless Telegraphy Act 1949

## 1949 CHAPTER 54

### PART II

#### *Special provisions as to interference*

#### **12 Enforcement of regulations as to sales, etc., by manufacturers and others**

- (1) If the Postmaster General is of opinion that any apparatus does not comply with the requirements applicable to it under regulations made for the purpose specified in paragraph (b) of subsection (1) of section ten of this Act, he may serve on any person who has manufactured, assembled or imported the apparatus in the course of business a notice in writing prohibiting him from selling the apparatus, otherwise than for export, or offering or advertising it for sale, otherwise than for export, or letting it on hire or offering or advertising it for letting on hire.
- (2) Where a notice has been served under subsection (1) of this section, the person on whom the notice has been served may, by notice in writing served on the Postmaster General, require the Postmaster General to refer the matter to the appeal tribunal and the Postmaster General, unless he revokes the notice, shall refer the matter to the tribunal accordingly.
- (3) On any such reference, the tribunal shall hear the Postmaster General and the person at whose instance the reference was made and any other person appearing to them to be interested who desires to be heard and has, in accordance with the rules regulating the procedure of the tribunal, procured himself to be made a party to the reference, and, if they are satisfied that the apparatus in question complies with the requirements applicable to it under the regulations, shall direct the Postmaster General to revoke the notice and he shall revoke it accordingly:

Provided that the making by the tribunal of a direction under this subsection shall not, where the apparatus is subsequently altered, prevent the Postmaster General from serving a fresh notice under subsection (1) of this section with respect to the apparatus and the refusal by the tribunal to make a direction under this subsection shall not, where the apparatus is subsequently altered, prevent the Postmaster General from revoking

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*Status: This is the original version (as it was originally enacted).*

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the notice or the person on whom the notice was served from giving a further notice under subsection (2) of this section.

- (4) The provisions of subsection (6) of section eleven of this Act shall apply in relation to any reference under this section as they apply in relation to any reference under subsection (3) of that section.
- (5) Where a notice has been served under subsection (1) of this section, the person on whom the notice has been served shall, if he contravenes the provisions of the notice without the notice having been previously revoked by the Postmaster General, be guilty of an offence under this Act.