



# Wireless Telegraphy Act 1949 (repealed)

1949 CHAPTER 54 12 13 and 14 Geo 6

## PART III

### *Supplemental*

#### 14 Penalties and legal proceedings.

[<sup>F1</sup>(1) Any person committing—

- [<sup>F2</sup>[<sup>F3</sup>(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;]
- [<sup>F4</sup>(a) any offence under section 5(1)(a) of this Act; or]
- (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
- [<sup>F5</sup>(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

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- (c) any offence under section 11(7) or 12(5) of this Act involving or consisting in a contravention of a notice of the Secretary of State 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
- <sup>F6</sup>(e) .....
- (f) any offence under this Act which is an offence under section 5 or 8(2) of the <sup>M1</sup> 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—

- <sup>F7</sup>(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) ..... <sup>F8</sup>
- (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.

(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.]

<sup>F9</sup>(2) .....

[<sup>F10</sup>(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;
- <sup>F11</sup>(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 the Secretary of State as the court considers appropriate, that is to say—

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- (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.]
- [<sup>F12</sup>(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 the Secretary of State 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.
- 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 <sup>M2</sup> 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 the Secretary of State in such manner as he thinks fit.
- (3C) Subsections (3) to (3B) of this section have effect notwithstanding anything in section 140 of the <sup>M3</sup> Magistrates' Courts Act 1980 or Article 58 of the <sup>M4</sup> 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 the Secretary of State within forty-eight hours of being so required by him.
- (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 the Secretary of State 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

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relating to penalties [<sup>F13</sup>, 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) ..... <sup>F14</sup>

(5) ..... <sup>F15</sup>

(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 for an injunction or for any other appropriate relief.

In the application of this subsection to Scotland, for the words “civil proceedings by the Crown for an injunction” there shall be substituted the words “civil proceedings by the Lord Advocate for an interdict”.

<sup>F16</sup>(8) .....

<sup>F17</sup>(9) .....

#### Textual Amendments

- F1** 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](#)
- F2** S. 14(1)(aa)(ab)(ac) inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 172(2)
- F3** 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](#)
- F4** 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)
- F5** Para. (aa) inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 172(3)
- F6** 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)
- F7** 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](#)
- F8** 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](#)
- F9** 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)
- F10** S. 14(3)(3AA)(3AB) substituted for s. 14(3) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 172(4)
- F11** 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](#));

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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)

- F12** S. 14(3A)–(3E) substituted for s. 14(3) by Telecommunications Act 1984 (c. 12, SIF 96), s. 82
- F13** Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), s. 172(5)
- F14** S. 14(4) repealed by Post Office Act 1969 (c. 48, SIF 96), Sch. 8 Pt. II
- F15** S. 14(5) repealed by Post Office Act 1969 (c. 48, SIF 96), Sch. 8 Pt. I
- F16** S. 14(8) repealed (5.11.1993) by 1993 c. 50, s. 1(1) Sch. 1 Pt. XIV Group2.
- F17** 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.

#### 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).

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