



# Wireless Telegraphy Act 1949

## 1949 CHAPTER 54

### PART III

#### *Supplemental*

#### **14 Penalties and legal proceedings**

- (1) Subject to the provisions of Part I of this Act relating to offences committed in relation to apparatus on board foreign seagoing ships or foreign aircraft, any person committing any offence under this Act—
- (a) shall, if the offence is under Part I of this Act and consists either—
    - (i) 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
    - (ii) in a contravention, in relation to any such apparatus, of any regulation made under the said Part I; or
    - (iii) in a failure or refusal to cause any licence or authority to be surrendered to the Postmaster General,be liable on summary conviction, in the case of the first such offence, to a fine not exceeding ten pounds, and, in the case of any subsequent such offence, to a fine not exceeding fifty pounds;
  - (b) shall, if the offence is under Part II of this Act and consists in the use, or in the causing or permitting of the use, or in the selling, offering or advertising for sale, letting on hire or offering or advertising for letting on hire, of apparatus in contravention of a notice of the Postmaster General, not being apparatus the use of which 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, be liable on summary conviction, in the case of the first such offence, to a fine not exceeding ten pounds, and, in the case of any subsequent such offence, to a fine not exceeding fifty pounds.

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*Status: This is the original version (as it was originally enacted).*

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- (c) shall, in the case of any other offence, be liable on summary conviction to imprisonment for a period not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such a fine.
- (2) Where any offence under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance, and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and in all the circumstances.

In this subsection, the expression " director ", in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body.

- (3) Where a person is convicted of 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 or in the use of any apparatus for the purpose of interfering with any wireless telegraphy, the court may, in addition to any other penalty, order all or any of the apparatus of the station, or, as the case may be, of the apparatus in connection with which the offence was committed, to be forfeited to the Postmaster General.
- (4) Except as otherwise expressly provided in this Act, no criminal proceedings for an offence under this Act shall be instituted in England, Wales or Northern Ireland except with the consent of the Postmaster General.
- (5) Section seventy-six of the Post Office Act, 1908 (which gives to the Postmaster General power to compound proceedings) shall extend to proceedings for an offence under this Act in connection with apparatus for wireless telegraphy not designed or adapted for emission (as opposed to reception).
- (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 ".

- (8) In this section, the expression " summary conviction ", in relation to Northern Ireland, means conviction subject to, and in accordance with, the Summary Jurisdiction Acts, and the expression " the Summary Jurisdiction Acts " means, in relation to Northern

Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act (including any Act of the Parliament of Northern Ireland), whether passed before or after the passing of this Act, amending that Act.