



Wireless Telegraphy Act 1949

1949 CHAPTER 54

PART III

Supplemental

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, or for the gaining of information as to the presence, absence, position or motion of any object or of 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:

Provided that where—

- (i) a station or apparatus for wireless telegraphy cannot law fully be used without a wireless telegraphy licence or could not lawfully be used without such a licence but for regulations under section one of this Act; and
- (ii) any such electro-magnetic energy as aforesaid which is received by that station or apparatus serves for the conveying of messages, sound or visual images; and
- (iii) any apparatus is electrically coupled with that station or apparatus for the purpose of enabling any person to receive any of the said messages, sound or visual images,

Status: This is the original version (as it was originally enacted).

the apparatus so coupled shall itself be deemed for the purposes of this Act to be apparatus for wireless telegraphy.

- (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 Electric Lighting Act, 1882.
- (3) Any reference in this Act to the emission of electromagnetic 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.
- (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.
- (5) In considering for any of the purposes of this Act, whether, in any particular case, any interference with any wireless telegraphy caused or likely to be caused by the use of any apparatus, is or is not undue interference, regard shall be had to all the known circumstances of the case and the interference shall not be regarded as undue interference if so to regard it would unreasonably cause hardship to the person using or desiring to use the apparatus.
- (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 meanings respectively assigned to them by section seven hundred and forty-two of the Merchant Shipping Act, 1894.
- (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.
- (9) Any notice required or authorised by any provision of this Act to be served on any person may be served by registered post.
- (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.