



Wireless Telegraphy Act 1949

1949 CHAPTER 54

PART II

Special provisions as to interference

9 Advisory committee and appeal tribunal

- (1) For the purposes specified in this Part of this Act there shall be established—
 - (a) a committee appointed by the Postmaster General (in this Part of this Act referred to as " the advisory committee "); and
 - (b) a tribunal (in this Part of this Act referred to as " the appeal tribunal").
- (2) The advisory committee shall be appointed from a panel consisting of such number of persons as the Postmaster General may direct, to be nominated by the President of the Institution of Electrical Engineers with the approval of the Council thereof, being persons who, in the opinion of the President of the said Institution, either possess expert knowledge of the matters falling to be dealt with by the regulations falling to be made under this Part of this Act or represent persons whose interests are likely to be affected by the making thereof, and the Postmaster General and the President of the Institution of Electrical Engineers shall each exercise his powers under this subsection in such manner as to secure that the committee or the panel, as the case may be, is in his opinion sufficiently representative of persons whose interests are likely to be affected as aforesaid.
- (3) Subject to the provisions of this section, the appeal tribunal shall consist of—
 - (a) one person to be appointed by the Lord Chancellor who shall be a barrister of not less than seven years' standing or a solicitor of not less than seven years' standing or a person who has held judicial office, and who shall act only as respects proceedings in England and Wales and shall as respects such proceedings be the president of the tribunal;
 - (b) one person to be appointed by the Lord President of the Court of Session who shall be an advocate of not less than seven years' standing or a solicitor of not less than seven years' standing or a person who has held judicial office, and

Status: This is the original version (as it was originally enacted).

- who shall act only as respects proceedings in Scotland and shall as respects such proceedings be the president of the tribunal;
- (c) one person to be appointed by the Lord Chief Justice of Northern Ireland who shall be a barrister of not less than seven years' standing or a solicitor of not less than seven years' standing or a person who has held judicial office, and who shall act only as respects proceedings in Northern Ireland and shall as respects such proceedings be the president of the tribunal; and
 - (d) two assessors, to assist the president of the tribunal, to be appointed by the President of the Institution of Electrical Engineers with the approval of the Council thereof, being persons who, in the opinion of the President of the said Institution, possess expert knowledge of the matters likely to come before the tribunal and are not members of the advisory committee.
- (4) If, within such time, if any, as may be limited in that behalf by the rules regulating the procedure of the appeal tribunal, the parties to any particular case before the tribunal other than the Postmaster General request the President of the Institution of Electrical Engineers to appoint either one or two specially qualified assessors under this subsection, the President of the Institution of Electrical Engineers shall, with the approval of the Council thereof, select and appoint one or, as the case may be, two such assessors to act for that case, and the assessor or assessors so appointed shall act therefore accordingly in lieu of the assessors appointed under paragraph (d) of subsection (3) of this section, or, if the request is for the appointment of one specially qualified assessor and expresses a specific desire that he shall act in lieu of one only of the assessors appointed under the said paragraph (d), in lieu of such one of the assessors appointed under the said paragraph (d) as the President of the said Institution may select.
- (5) If, in the case of any reference or application to the appeal tribunal under section eleven of this Act, any of the parties or the president of the tribunal, within such time, if any, as may be limited in that behalf by the rules regulating the procedure of the tribunal, request the Lord Chancellor, if the proceedings are in England and Wales, or the Secretary of State, if the proceedings are in Scotland or Northern Ireland, to appoint two additional members of the tribunal to act for that case, the Lord Chancellor or Secretary of State, as the case may be, shall select and appoint two persons, who need not possess any legal qualifications or expert knowledge, to act as additional members of the tribunal for that case, and the additional members so appointed shall act therefore accordingly in addition to the president and the assessors or assessor.
- (6) The provisions of the Second Schedule to this Act shall have effect with respect to the period for which members of the appeal tribunal are to hold office, the appointment of deputies in case of illness or inability to act, the incidental powers of the tribunal, their procedure and the enforcement and proof of their orders.
- (7) The expenses incurred by the advisory committee and the appeal tribunal, to such extent as may be determined by the Postmaster General with the consent of the Treasury, (including, in the case of the committee, such sums in respect of the expenses of the members thereof, and, in the case of the tribunal, such sums by way of fees to, and in respect of the expenses of, the members or persons acting as members thereof, as may be so determined) shall be paid out of moneys provided by Parliament.