
STATUTORY INSTRUMENTS

1996 No. 1864

DEREGULATION

The Deregulation (Wireless Telegraphy) Order 1996

Made - - - - - *16th July 1996*

Coming into force - - - - - *16th August 1996*

Whereas:

- (a) the Secretary of State is of the opinion that certain provisions of —
 - (i) the Wireless Telegraphy Act 1949(1) and
 - (ii) the Wireless Telegraphy Act 1967(2)which are the subject of this Order impose burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending or repealing the provisions concerned and by making certain other provision it is possible to remove or reduce the burdens without removing any necessary protection;
- (b) she has consulted such organisations as appear to her to be representative of interests substantially affected by her proposals and such other persons as she considers appropriate;
- (c) it appears to the Secretary of State that it is appropriate, following that consultation, to proceed with the making of this Order;
- (d) a document setting out the Secretary of State's proposals has been laid before Parliament as required by section 3 of the Deregulation and Contracting Out Act 1994(3) ("the 1994 Act") and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) a draft of this Order has been laid before Parliament and has been approved by resolution of each House of Parliament.

Now, therefore, the Secretary of State in exercise of the power conferred on her by section 1 of the 1994 Act, hereby makes the following Order: —

Title and commencement

1. This Order may be cited as the Deregulation (Wireless Telegraphy) Order 1996 and shall come into force one month after the day on which it is made.

(1) 1949 c. 54; relevant amendments were made by the Broadcasting Act 1990, section 180(1), Schedule 18 Part I.
(2) 1967 c. 72; relevant amendments were made by the Broadcasting Act 1990, section 180(1), Schedule 18 Part II.
(3) 1994 c. 40.

Interpretation

2. In this Order —

- (a) “the 1949 Act” means the Wireless Telegraphy Act 1949, and
- (b) “the 1967 Act” means the Wireless Telegraphy Act 1967.

Licensing of Television Dealers

3. After section 1(1) of the 1949 Act (licensing of wireless telegraphy) there shall be inserted the following subsection —

“(1A) Subsection (1) of this section shall not apply to the installation or use of any television receiver by a person who is a dealer in such receivers where the installation or use is solely for the purpose of doing any one or more of the following in the course of his business as such a dealer, namely, demonstrating, testing or repairing such receivers.”

Registration of Television Dealers

4.—(1) Section 1 of the 1967 Act (registration of television dealers) is hereby repealed.

(2) In section 2 of that Act (notification and recording of transactions), in subsection (1), for the words from the beginning to “that notice” there shall be substituted “Subject to subsections (1A) and (2) of this section, every television dealer who, after the end of twenty-eight days from the date on which he became such a dealer”.

(3) In that section, after subsection (1) there shall be inserted —

“(1A) Subsection (1) of this section shall not apply to a television dealer in whose case the following conditions are satisfied, that is to say —

- (a) that he is such a dealer by reason only that he sells or lets, or holds himself out as willing to sell or let, television sets in pursuance of arrangements made by another television dealer; and
- (b) that all payments of or towards the price or by way of rent in respect of any television set sold or let by him are received or collected on his behalf by the dealer who arranged for the sale or letting to be made.

(1B) A television dealer in whose case the conditions specified in subsection (1A) of this section cease to be satisfied shall be treated for the purposes of subsection (1) of this section as having become a television dealer when those conditions ceased to be satisfied in his case”.

(4) In that section, in subsection (2), for “the foregoing subsection” there shall be substituted “subsection (1) of this section”.

(5) In section 4 of that Act (service of notices etc), the following words are hereby repealed, namely —

- (a) in subsection (1), the words from “and” to the end, and
- (b) in subsection (2), the words “notice or” and “1 or”.

(6) In the Broadcasting Act 1990(4), in Part II of Schedule 18, paragraphs 1(a) and 2 (which are spent in consequence of paragraph (1) above) are hereby repealed.

(4) 1990 c. 42.

16th July 1996

Virginia Bottomley
Secretary of State for National Heritage

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends: —

- (a) the Wireless Telegraphy Act 1949, and
- (b) the Wireless Telegraphy Act 1967

First, it amends section 1 of the 1949 Act with the effect that television dealers will no longer be required to have a licence for the purpose of demonstrating, testing or repairing receivers.

Secondly, it repeals section 1 of the 1967 Act, with a consequential amendment of section 2, with the effect that television dealers will no longer be required to register with the BBC.