

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes amendments to various enactments relating to the management of the radio spectrum, and enactments referring to enactments relating to the management of the radio spectrum. The enactments relating to the management of the radio spectrum are the Wireless Telegraphy Act 1949 (the “1949 Act”), the Marine, &c., Broadcasting (Offences) Act 1967, the Wireless Telegraphy Act 1967 (except Part 1), Part 6 of the Telecommunications Act 1984, the Wireless Telegraphy Act 1998 (the “1998 Act”), Chapter 2 of Part 2 of the Communications Act 2003 (the “2003 Act”) and other provisions of the 2003 Act so far as relating to any of the enactments mentioned above.

Article 2 gives effect to the amendments set out in the Schedule to the Order. The amendments will take effect immediately before the commencement of the Act resulting from the Wireless Telegraphy Bill introduced in the House of Lords on 20th April 2006.

Paragraph 2 of the Schedule modifies section 14(7) of the 1949 Act so that it has effect in relation to conduct rendered unlawful by section 7 Wireless Telegraphy Act 1967.

Paragraph 3 of the Schedule modifies section 20(3) of the 1949 Act so that it applies to the provisions of section 1D of the 1949 Act (procedure for granting wireless telegraphy licences). This secures that section 1D of the 1949 Act is treated in the same way as similar provisions for grants of recognised spectrum access.

Paragraph 4 of the Schedule amends paragraph 3 of Schedule 3 to the Telecommunications Act 1984 so that the powers of the court under section 143 Powers of Criminal Courts (Sentencing) Act 2000 (and corresponding provisions for Scotland and Northern Ireland) are disapplied as regards offences under the Marine, &c., Broadcasting (Offences) Act 1967. This corresponds to the disapplication of such powers in relation to offences under the 1949 Act.

Paragraph 5 of the Schedule amends section 4(5) of the 1998 Act so as to provide for revocation or variation of wireless telegraphy licences where it is necessary or expedient to do so for the purpose of complying with international obligations of the United Kingdom as defined by section 405 of the 2003 Act. To the extent that the definition in section 405 of the 2003 Act is wider than the description in section 4(5) of the 1998 Act, the amendment widens the circumstances in which a licence may be revoked or varied (in addition to the provision about revocation and variation that may be contained in the licence itself).

Paragraph 6 of the Schedule modifies references to “broadcast”, “frequency”, “information” and “international obligation of the United Kingdom” as they appear in various enactments.

The effect of the modifications made by paragraph 7(1) and (2) of the Schedule is to make it unnecessary to have consequential amendments of the provisions listed in paragraph 7(3) to reflect the repeals and re-enactments by the Wireless Telegraphy Bill. Paragraph 7(4) modifies the exclusion in section 101(3)(q) of the Telecommunications Act 1984 so that it refers to the same elements of the 2003 Act as the provisions in paragraph 7(3) (as modified by paragraph 7(2)).

The effect of paragraph 8 of the Schedule is that a power like that in section 402(3) of the 2003 Act is included in each order- and regulation-making power of the Secretary of State to which section 402(3) does not apply.

Paragraph 9 of the Schedule makes provision like that in section 411(8) of the 2003 Act in relation to the powers to make an Order in Council listed in paragraph 9.

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

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.