Wireless Telegraphy Act 1967

1967 CHAPTER 72

An Act to enable the Postmaster General to obtain information as to the sale and hire of television receiving sets; to enable him to prohibit the manufacture or importation of certain wireless telegraphy apparatus; to make provision for requiring applicants for vehicle excise licences to give information about such apparatus installed in vehicles; to make miscellaneous amendments in the Wireless Telegraphy Act 1949; and for connected purposes. [27th July 1967]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

INFORMATION AS TO SALE AND HIRE OF TELEVISION SETS

Registration of dealers.

1.—(1) The provisions of this section shall have effect for the purpose of enabling the Postmaster General to compile and maintain a register of television dealers.

(2) Subject to subsection (3) of this section, every person who is a television dealer on the appointed day or who subsequently becomes such a dealer shall, within twenty-eight days from the appointed day or, as the case may be, the date on which he becomes such a dealer, give to the Postmaster General a notice in the prescribed form containing the following information—

(*a*) that person's name;

(*b*) the place or places where the records which he is required by this Part of this Act to keep will be kept and be available for inspection; and

PART I

(*c*) the address to which notices under this Part of this Act are to be sent to him.

(3) No notice need be given under the last foregoing subsection by 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 which are due after the appointed day are received or collected on his behalf by the dealer who arranged for the sale or letting to be made;

but if those conditions cease to be satisfied in his case that subsection shall apply to him as if he had become a television dealer when the conditions ceased to be so satisfied.

(4) If a person who has given a notice under subsection (2) of this section ceases to be a television dealer, or any change occurs in the matters as respects which he has given information under this section, he shall give notice thereof to the Postmaster General within twenty-eight days from the date on which he so ceases or, as the case may be, the change in question.

(5) Any notice to be given to the Postmaster General under this section shall be given to him at the prescribed address.

Notification and recording of transactions.

2.—(1) Subject to subsection (2) of this section, every television dealer required to give a notice under section 1(2) of this Act who after the expiration of the period within which he is required to give that notice—

(*a*) sells a television set by retail;

(*b*) lets a television set on hire or hire-purchase; or

(*c*) arranges for a television set to be sold or let as aforesaid to any person by another television dealer,

shall, in relation to that sale or letting, give to the Postmaster General a notification containing the particulars specified in Part I of the Schedule to this Act and make a record of the particulars specified in Part II of that Schedule.

(2) In relation to any sale or letting as respects which the foregoing subsection is required to be complied with by the dealer who arranges for the sale or letting to be made, the other dealer concerned—

(*a*) shall not be required to comply with that subsection; but

(*b*) shall, unless all payments of or towards the price or by way of rent in respect of the sale or letting are to

be received or collected on his behalf by the first-mentioned dealer, make a record of the particulars specified in Part III of the Schedule to this Act.

(3) Any notification to be given to the Postmaster General under this section shall be in the prescribed form and shall be given to him within twenty-eight days from the date of the sale or letting to which it relates; and any such notification to be given by any dealer shall be given to the Postmaster General at such address as he may have directed by a notice in writing given to that dealer or, if no such notice has been given, at the prescribed address.

(4) Any record under this section may be made either in the prescribed form or in any other form which enables the matters recorded to be readily ascertained by any person to whom the record is produced for inspection; and any matter required to be recorded by virtue of Part II or III of the Schedule to this Act shall be recorded within the time specified in relation thereto in that Part of the Schedule.

(5) Any record made under this section by any person shall be kept at a place at which he carries on business and, unless he previously ceases to be a television dealer, shall be preserved by him—

(*a*) if it relates to a sale and the price is not payable by instalments, for twelve months from the date of the sale;

(*b*) if it relates to a sale and the price is payable by instalments or to a letting, for twelve months from the date when the last instalment or payment of rent is due.

(6) The person having charge of any place where records are kept under this section shall at any time during normal business hours, if so required by a person duly authorised in that behalf by the Postmaster General, produce the records for inspection.

(7) The Postmaster General may by regulations amend or delete any provision of the Schedule to this Act or add any further provision thereto.

Power to call for additional information.

3.—(1) The Postmaster General may by notice in writing require a television dealer to furnish to him, at the specified address and within twenty-eight days from the date of the notice, a statement containing the following information—

(*a*) whether, in the case of any specified credit-sale contract, hire contract or hire-purchase contract made after the expiration of twenty-eight days from the appointed day, any instalment of the price or payment of rent will fall to be received or collected by him from the buyer or hirer after the date of the notice;

PART I

(*b*) if so, the present or last-known address of the buyer or hirer.

(2) The Postmaster General may by notice in writing require a television dealer to furnish to him, at the specified address and within the specified period (which shall not be less than twelve months from the date of the notice), a statement containing the following information—

(*a*) whether, in the case of any, or any specified class or description of, credit-sale contract, hire contract or hire-purchase contract made before the expiration of twenty-eight days from the appointed day (including such a contract made before the passing of this Act), any instalment of the price or payment of rent will fall to be received or collected by him from the buyer or hirer after the date on which the statement is furnished;

(*b*) as respects each such contract in the case of which such an instalment or payment will fall to be received or collected as aforesaid, the name and present or last-known address of the buyer or hirer.

(3) In this section "credit-sale contract" means a contract for the sale of a television set by retail on terms providing for the price to be paid by instalments, "hire contract" means a contract for the letting of a television set on hire, "hire-purchase contract" means a contract for the letting of a television set on hire-purchase and "specified" means specified in the notice in question.

Service of notices etc.

4.—(1) Any notice authorised to be given under section 2 or 3 of this Act by the Postmaster General to any person may be given by sending it to him by registered post or the recorded delivery service; and for the purposes of section 26 of the Interpretation Act 1889 in its application to this subsection, the proper address of a person to whom any such notice is to be given shall be such address as may for the time being have been notified by him for that purpose under section 1 of this Act.

1889 c. 63.

(2) Any notice or notification required to be given under section 1 or 2 of this Act to the Postmaster General may be given by sending it to him by post, and any statement required to be furnished to him under section 3 of this Act may be sent to him by registered post or the recorded delivery service.

Offences and enforcement.

5.—(1) Any person who—

(*a*) without reasonable excuse, fails to comply with, or with any notice given under, any of the foregoing provisions of this Part of this Act; or

(*b*) in purported compliance therewith—

(i) knowingly or recklessly furnishes any information which is false in a material particular; or

(ii) makes or causes to be made or knowingly allows to be made any record which he knows to be false in a material particular,

shall be guilty of an offence under the principal Act.

(2) If a person is convicted of failing to comply with a notice under section 3(2) of this Act requiring any information to be furnished to the Postmaster General and the failure to furnish that information as aforesaid continues after the conviction, that person shall be guilty of a further offence of failing to comply with that notice and shall be liable to be proceeded against and punished accordingly.

(3) Summary proceedings in England, Wales or Northern Ireland for an offence under this section may be taken on behalf of the Postmaster General at any time within six months from the date on which evidence sufficient in his opinion to justify the proceedings comes to his knowledge:

Provided that proceedings shall not be so taken more than three years after the commission of the offence.

(4) Summary proceedings in Scotland for an offence under this section shall not be commenced after the expiration of three years from the commission of the offence, but subject to the foregoing limitation, and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, such proceedings may be commenced at any time within six months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or, where such evidence was reported to him by the Postmaster General, within six months after the date on which it came to the knowledge of the Postmaster General; and subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section. 1954 c. 48.

(5) For the purpose of subsections (3) and (4) of this section, a certificate of the Postmaster General or the Lord Advocate, as the case may be, as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact.

Interpretation of Part I.

6.—(1) In this Part of this Act—

"appointed day" means such day as the Postmaster General may by order appoint;

"prescribed" means prescribed by regulations made by the Postmaster General;

PART I

" television dealer " means a person who by way of trade or business—

(*a*) sells television sets by retail;

(*b*) lets such sets on hire or hire-purchase;

(*c*) arranges for such sets to be sold or let as aforesaid by another television dealer; or

(*d*) holds himself out as willing to engage in any of the foregoing activities;

" television set " means any wireless telegraphy apparatus designed primarily for the purpose of receiving and exhibiting television programmes broadcast for general reception (whether or not its use for that purpose is dependent on the use of anything else in conjunction therewith) and any assembly comprising such apparatus and other apparatus.

(2) In this Part of this Act references to sale by retail do not include references to such sales by auction unless the auctioneer is selling as principal; and references to letting on hire or hire-purchase do not include references to letting as aforesaid for the purpose of re-sale or re-letting.

(3) For the purposes of this Part of this Act a television set is sold or let on hire or hire-purchase when the contract of sale or, as the case may be, the contract of hire or hire-purchase is made.

PART II

MISCELLANEOUS

Restriction of manufacture or importation of certain apparatus.

7.—(1) Where it appears to the Postmaster General to be expedient that the provisions of this section should apply to wireless telegraphy apparatus of any class or description for the purpose of preventing or reducing the risk of interference with wireless telegraphy, he may by order specify apparatus of that class or description for the purposes of this section.

(2) Where apparatus of any class or description is for the time being specified by an order under subsection (1) of this section—

(*a*) no person shall manufacture, whether or not for sale, any apparatus of that class or description; and

(*b*) the importation of apparatus of that class or description is hereby prohibited,

save with the authority of the Postmaster General and subject to compliance with any terms and conditions attached by the Postmaster General to that authority; and any such terms and conditions may relate to a period after, as well as to the time of, or a period before, the manufacture or importation.

PART II

(3) The Postmaster General's authority aforesaid may be given, and any terms or conditions may be attached by him thereto, either generally by means of a notice in the London Gazette or by an instrument in writing issued to each person authorised to manufacture or import any apparatus to which the authority relates; and any such notice published in the London Gazette shall also be published in the Edinburgh Gazette and the Belfast Gazette.

(4) The Postmaster General shall not make any order under subsection (1) or give any authority under subsection (2) of this section, or attach any term or condition to such an authority, unless the Board of Trade are satisfied that the order, authority, term or condition in question is compatible with the international obligations of the United Kingdom; and where any statutory instrument containing such an order or any notice or instrument in writing giving such an authority or attaching any term or condition to such an authority contains a statement that the Board of Trade are so satisfied, that statement shall be evidence, and in Scotland sufficient evidence, of that fact.

(5) A person commissioned by the Commissioners of Customs and Excise may require any person possessing or having control of any apparatus of a class or description for the time being specified by an order under subsection (1) of this section which is being or has been imported to furnish proof that the importation of the apparatus is or was not unlawful by virtue of this section; and if such proof is not furnished to the satisfaction of the said Commissioners, then, unless the contrary is proved, the apparatus shall be deemed to be prohibited goods and be liable to forfeiture under the Customs and Excise Act 1952. 1952 c. 44.

(6) Any person who—

(*a*) manufactures any apparatus in contravention of this section; or

(*b*) contravenes or fails to comply with any terms or conditions attached to any authority given by the Postmaster General under this section to manufacture or import any apparatus,

shall, without prejudice to any liability to a penalty which he may have incurred under the said Act of 1952, be guilty of an offence under the principal Act.

(7) For the avoidance of doubt, it is hereby declared that in this section the expression "manufacture" includes construction by any method and the assembly of component parts.

PART II
Provisions for securing enforcement of s. 1(1) of principal Act in relation to vehicles.
1962 c. 13.

8.—(1) The power to make regulations under the Vehicles (Excise) Act 1962 as to the declaration to be made and particulars to be furnished by a person applying for a licence under that Act in respect of a vehicle shall include power to require the declaration and particulars to extend to any matters relevant for the enforcement of section 1(1) of the principal Act in respect of any apparatus for wireless telegraphy installed in the vehicle; and the appropriate authority shall accordingly not be required to issue a licence under the said Act of 1962 where the applicant fails to comply with provisions included in the regulations by virtue of this subsection.

(2) If any person, in furnishing any information for the purpose of regulations made by virtue of subsection (1) of this section, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence under the principal Act.

(3) Subsection (2) of this section shall have effect to the exclusion of any provision for corresponding purposes contained in the said Act of 1962.

(4) In this section, references to the said Act of 1962 include references to any corresponding enactment for the time being in force in Northern Ireland.

Amendments as to territorial extent of Part I of principal Act.

9.—(1) For the avoidance of doubt, it is hereby declared that, as respects any period beginning on or after 30th September 1964, references in section 6 of the principal Act (which relates to the territorial extent of sections 1 to 5 of that Act) to the territorial waters adjacent to the United Kingdom are references to the whole of the sea adjacent to the United Kingdom which is within the seaward limits of the said territorial waters determined by reference to the baseline for the time being established by the Territorial Waters Order in Council 1964 or any subsequent Order of Her Majesty made in Council under Her royal prerogative for establishing the baseline from which the breadth of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man is measured.

(2) The references in paragraphs (*b*) and (*c*) of subsection (1) of the said section 6 to any British seagoing ship or British aircraft which is registered in the United Kingdom shall be construed as references to any ship or aircraft which is so registered; and accordingly the words "British" and "seagoing", wherever they appear in the said paragraphs (*b*) and (*c*), and the word "British" in the first and second places where it occurs in subsection (3) of the said section 6, are hereby repealed.

PART II

(3) In subsection (2) of the said section 6 (which enables the Postmaster General to make regulations for regulating the use, on board any foreign seagoing ship or foreign aircraft within the limits of the United Kingdom and the territorial waters adjacent thereto, of wireless telegraphy apparatus on board the ship or aircraft, and provides that save as aforesaid nothing in Part I of the principal Act shall operate so as to impose any prohibition or restriction on persons using wireless telegraphy apparatus on board any foreign seagoing ship or foreign aircraft)—

(*a*) for the words " foreign seagoing ship or foreign aircraft " there shall be substituted—

(i) in the first place where those words occur, the words " ship or aircraft which, not being registered in the United Kingdom, is registered in a country other than the United Kingdom, the Isle of Man or any of the Channel Islands while that ship or aircraft is " ;

(ii) in the second place where those words occur, the words " such ship or aircraft as aforesaid " ;

(*b*) after the words " save as aforesaid " there shall be inserted the words " or by virtue of an Order in Council under subsection (3) of this section " ;

and accordingly, in section 14(1) of the principal Act, for the words from " Part " in the first place where it occurs to " foreign aircraft " there shall be substituted the words " section 6(2) of this Act ".

(4) Regulations under subsection (2) of the said section 6 may make different provision for different cases or for ships or aircraft registered in different countries.

(5) The provisions of subsections (2) and (3) of this section shall have effect as from the expiration of the period of one month beginning with the day on which this Act is passed.

Amendments as to scope and territorial extent of Part II of principal Act.

10.—(1) The provisions of this section shall have effect for the purposes of Part II of the principal Act (which makes provision as to interference with wireless telegraphy).

(2) The apparatus which may be specified in regulations under section 10 of the principal Act shall include wireless telegraphy apparatus; and accordingly in subsection (3) of that section the words " and not being wireless telegraphy apparatus " are hereby repealed.

(3) Section 6 of the principal Act shall have effect as if any reference therein to the preceding provisions of Part I of that Act included a reference to the provisions of any regulations made under section 10 and the provisions of sections 11, 12 and 13 of that Act.

PART II
Amendments as to penalties for offences under principal Act.

11.—(1) In section 14 of the principal Act, in subsection (1) (which relates to penalties for offences under that Act), immediately before paragraph (*a*) there shall be inserted the following paragraph:—

"(*aa*) shall—

(i) if the offence is under Part I of this Act and consists 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) if the offence is under section 5 or 8(2) of the Wireless Telegraphy Act 1967,

be liable on summary conviction, in the case of the first such offence under the Part or section in question to a fine not exceeding fifty pounds, and, in the case of any subsequent such offence under the Part or section in question, to a fine not exceeding one hundred pounds;"

and sub-paragraph (i) of the said paragraph (*a*) is hereby repealed.

(2) In paragraph (*c*) of the said subsection (1) (which relates to the penalty for offences under the principal Act other than those mentioned in the preceding paragraphs of that subsection) for the words "one hundred pounds" there shall be substituted the words "four hundred pounds".

(3) Subsection (3) of the said section 14 (which relates to the forfeiture of wireless telegraphy apparatus for certain offences)—

(*a*) shall cease to apply to wireless telegraphy apparatus not designed or adapted for emission (as opposed to reception); and

(*b*) shall apply to an offence under section 7(6) of this Act as it applies to the offences specified in the said subsection (3).

(4) Apparatus may be ordered to be forfeited under subsection (3) of the said section 14 notwithstanding that it is not the property of the person by whom the offence giving rise to the forfeiture was committed, and any apparatus ordered to be forfeited under that subsection may be disposed of by the Postmaster General in such manner as he thinks fit; and the provisions of the said subsection (3) and this subsection shall have effect notwithstanding anything in section 115 of the Magistrates' Courts Act 1952 or section 66 of the Magistrates' Courts Act (Northern Ireland) 1964.

1952 c. 55.
1964 c. 21 (N.I.).

(5) The court by whom any apparatus is ordered to be forfeited under subsection (3) of the said section 14 may also order the person by whom the offence giving rise to the forfeiture was committed not to dispose of that apparatus except by delivering

PART II

it up to the Postmaster General within forty-eight hours of being so required by him; and if that person contravenes that order or fails so to deliver up the apparatus to the Postmaster General he shall be guilty of a further offence under the principal Act which, for the purpose of determining the appropriate penalty in accordance with section 14(1) of that Act, shall be deemed to be an offence under the same provision as the offence for which the forfeiture was ordered.

Enforcement of principal Act.

12.—(1) For the purposes of any offence under the principal Act committed within the seaward limits referred to in section 9(1) of this Act but not within the United Kingdom, proceedings for that offence may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

(2) For the purpose of the enforcement of the principal Act, a member of a police force shall have in any area of the sea within the seaward limits aforesaid all the powers, protection and privileges which he has in the area for which he acts as constable.

(3) In the application of this section to Northern Ireland, the following subsection shall be substituted for subsection (2):—

"(2) For the purpose of the enforcement of the principal Act, a member of the Royal Ulster Constabulary shall have in any area of the sea within the seaward limits aforesaid all the powers, protection and privileges which he has in Northern Ireland."

PART III

GENERAL

Regulations and orders.

13.—(1) Any power to make regulations or orders under this Act shall be exercisable by statutory instrument.

(2) A statutory instrument made in the exercise of any such power shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Regulations under this Act may make different provision for different classes of case.

(4) Any Order in Council under this Act may be revoked or varied by a subsequent Order in Council, and any order under section 7 of this Act may be revoked or varied by a subsequent order under that section.

Financial provisions. 1961 c. 15.

14.—(1) In section 3(2) of the Post Office Act 1961 (which provides for the payment into the Post Office Fund of sums provided by Parliament for paying the Postmaster General for discharging his functions under the principal Act) the reference to the principal Act shall include a reference to this Act.

PART III

(2) There shall be paid out of moneys provided by Parliament any increase attributable to section 8 of this Act in the expenses to which section 22(1)(*b*) of the Vehicles (Excise) Act 1962 applies (expenses of government departments other than the Postmaster General in administering that Act).

1962 c. 13.

Short title, citation, interpretation and extent.

15.—(1) This Act may be cited as the Wireless Telegraphy Act 1967.

(2) The Wireless Telegraphy Acts 1949 and 1955 and this Act may be cited together as the Wireless Telegraphy Acts 1949 to 1967.

1949 c. 54.

(3) In this Act "the principal Act" means the Wireless Telegraphy Act 1949, and "wireless telegraphy", "wireless telegraphy apparatus", "apparatus for wireless telegraphy" and "interference" have the same meanings respectively as in that Act.

(4) Any reference in this Act to any 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 any enactment contained in this Act.

(5) It is hereby declared that this Act extends to Northern Ireland.

(6) Her Majesty may by Order in Council direct that all or any of the provisions of this Act shall extend to the Isle of Man or, except for section 7 of this Act, to any of the Channel Islands with such exceptions, adaptations and modifications as may be specified in the Order.

SCHEDULE

Section 2.

NOTIFICATIONS AND RECORDS

PART I

PARTICULARS TO BE NOTIFIED

1. The date of the sale or letting.

2. The name and address of the buyer or hirer.

3. In the case of a sale, whether the price is payable by instalments and, in the case of a letting, whether it is a letting on hire or hire-purchase.

4. If the dealer is not himself the seller or owner and all payments of or towards the price or by way of rent in respect of the sale or letting are not to be received or collected by the dealer on behalf of the seller or owner, the name and address of the seller or owner.

5. If the set has been or is to be installed by the dealer or another person to his order, the address of the premises at which it has been or is to be installed.

6. If the set has not been and is not to be installed as aforesaid but has been or is to be delivered by the dealer or another person to his order to any premises, the address of those premises.

7. Whether the set is designed for reception in colour.

PART II

PARTICULARS TO BE RECORDED BY NOTIFYING DEALER

Within 28 *days from the date of the sale or letting*

1. The date of the sale or letting.

2. The name and address of the buyer or hirer.

3. If the dealer is not himself the seller or owner and all payments of or towards the price or by way of rent in respect of the sale or letting are not to be received or collected by the dealer on behalf of the seller or owner, the name and address of the seller or owner.

4. If the set has been or is to be installed by the dealer or another person to his order, the address of the premises at which it has been or is to be installed.

5. If the set has not been and is not to be installed as aforesaid but has been or is to be delivered by the dealer or another person to his order to any premises, the address of those premises.

6. Whether the set is designed for reception in colour.

Within 28 *days of the information coming to the knowledge of the dealer*

7. If the dealer is himself the seller or owner or such payments as are mentioned in paragraph 3 of this Part of this Schedule are to be received or collected by him on behalf of the seller or owner, any change in the address of the buyer or hirer.

SCH.

8. If after the date of the sale or letting any such payments as aforesaid which would otherwise be received or collected by the dealer are to be received or collected by another person, the name and address of that other person.

PART III

PARTICULARS TO BE RECORDED BY OTHER DEALER

Within 28 *days from the date of the sale or letting*

1. The date of the sale or letting.

2. The name and address of the buyer or hirer.

3. The name and address of the dealer who arranged the sale or letting.

4. The address (if known) of the premises where the set is first installed or normally kept.

5. Whether the set is designed for reception in colour.

Within 28 *days of the information coming to the knowledge of the dealer*

6. Any change in the address of the buyer or hirer.

7. If after the date of the sale or letting any payments of or towards the price or by way of rent in respect of the sale or letting which would otherwise be received or collected by the dealer are to be received or collected by another person, the name and address of that other person.