



Digital Economy Act 2017

2017 CHAPTER 30

PART 2

DIGITAL INFRASTRUCTURE

Other regulation of spectrum

9 Penalties for contravention of wireless telegraphy licences

- (1) The Wireless Telegraphy Act 2006 is amended as follows.
- (2) In section 42 (special procedure for contraventions by multiplex licence holders), in subsection (1)—
 - (a) in paragraph (a), for “general multiplex” substitute “ wireless telegraphy ”, and
 - (b) omit paragraph (b).
- (3) At the end of that section insert—
 - “(7) A contravention is a “relevant multiplex contravention” for the purposes of section 43 if—
 - (a) it is a contravention of terms, provisions or limitations of a general multiplex licence, and
 - (b) the contravention relates only to terms, provisions or limitations that fall within section 9(4)(b) or (c).”
- (4) In the heading of that section, for “multiplex licence holders” substitute “ holders of wireless telegraphy licences ”.
- (5) In section 43 (amount of penalty under section 42), in subsection (1), after “section 42” insert “ for a relevant multiplex contravention (see subsection (7) of that section) ”.
- (6) In that section, after subsection (2) insert—

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2017, Section 9. (See end of Document for details)

- “(2A) The amount of a penalty imposed under section 42 for a contravention that is not a relevant multiplex contravention is to be such amount not exceeding 10 per cent of the relevant amount of gross revenue as OFCOM think—
- (a) appropriate; and
 - (b) proportionate to the contravention in respect of which it is imposed.”
- (7) In that section, in subsection (3), for “subsection (2)” substitute “ this section ”.
- (8) Omit section 43A.
- (9) In section 44 (relevant amount of gross revenue), in subsections (1) and (10), omit “or 43A”.
- (10) In section 400 of the Communications Act 2003 (destination of licence fees and penalties), in subsection (1)(d), omit “or 43A”.
- (11) In Schedule 8 to that Act (decisions not subject to appeal), at the end of paragraph 44 insert “ for a relevant multiplex contravention ”.
- (12) Omit section 39 of the Digital Economy Act 2010.
- (13) The amendments and repeals made by this section do not apply in relation to—
- (a) any contravention which takes place before the day on which this section comes into force, or
 - (b) any continuing contravention which began before that day.

Changes to legislation:

There are currently no known outstanding effects for the Digital Economy Act 2017, Section 9.