



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 3

REGULATION OF APPARATUS

Undue interference

55 Enforcement: use of apparatus

- (1) This section applies where, in the opinion of OFCOM—
 - (a) apparatus does not comply with the requirements applicable to it under regulations made under section 54(1); and
 - (b) the first or second condition is satisfied in relation to the apparatus.
- (2) The first condition is that the use of the apparatus is likely to cause undue interference with wireless telegraphy used—
 - (a) for the purposes of a safety of life service; or
 - (b) for a purpose on which the safety of a person, or of a ship, aircraft or vehicle, may depend.
- (3) The second condition is that—
 - (a) the use of the apparatus is likely to cause undue interference with wireless telegraphy other than wireless telegraphy falling within subsection (2);
 - (b) the use of the apparatus in fact has caused, or is causing, such interference; and
 - (c) the case is one where OFCOM consider that all reasonable steps to minimise interference have been taken in relation to the wireless telegraphy station or wireless telegraphy apparatus receiving the telegraphy interfered with.
- (4) OFCOM may give a notice in writing to the person in possession of the apparatus—
 - (a) prohibiting the use of the apparatus after a date fixed by the notice, whether by the person to whom the notice is given or otherwise; or

Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Section 55. (See end of Document for details)

- (b) (if OFCOM think fit so to frame the notice) prohibiting the use of the apparatus after a date fixed by the notice except in such way, at such times and in such circumstances as the notice may specify.
- (5) The date fixed by a notice under subsection (4) must be not less than 28 days from the date on which the notice is given.
- (6) But if OFCOM are satisfied that the use of the apparatus in question is likely to cause such undue interference as is described in subsection (2), the date fixed by a notice under subsection (4) may be the date on which the notice is given.
- (7) A notice under subsection (4) may be revoked or varied by a subsequent notice in writing from OFCOM given to the person who is then in possession of the apparatus.
- (8) Where a notice under subsection (7) has the effect of imposing additional restrictions on the use of the apparatus, the provisions of this section about the coming into force of notices apply in relation to the notice as if it were a notice under subsection (4).

Changes to legislation:

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