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HMRC internal manual

Corporate Intangibles Research and Development Manual

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CIRD70305 - Telecommunications licences and rights: wireless telegraphy licences: background

A draft Communications Bill was laid before Parliament in May 2002. This page tells you about the regulatory framework before any changes introduced by that Bill.

The use of radio is regulated in the UK. Its use is carefully planned to give as high a standard of service as possible. Unauthorised use of radio can cause harmful interference to legitimate users.

Lives may be put at risk if the radios used by emergency services suffer interference; the successful running of a business can be affected by radio interference, and listeners can be prevented from enjoying their favourite radio station by interference. Radio does not stop at frontiers and its use is regulated internationally by the radio regulations, which are agreed at meetings of the International Telecommunications Union.

The Secretary of State for Trade and Industry is responsible for the regulation of radio and the radio communications agency acts on the Secretary of State's behalf.

The Wireless Telegraphy Act 1949

Section 1 of the 1949 Act forbids the installation or use of wireless telegraphy equipment (radio) unless a licence has been obtained from the Secretary of State or the equipment has been exempted from licensing.

A licence may be subject to limitations and, for example, may allow use only on a certain frequency; only with a certain power and level of emission; only if it does not cause undue interference, and only within a certain area.

The Wireless Telegraphy Act 1998

Section 3 of the 1998 Act allows the Secretary of State to auction wireless telegraphy licences. In order to hold an auction the Secretary of State has to make regulations specifying the licences to be auctioned and issue a notice setting out the procedure.

The rules in FA00/SCH23 apply to wireless telegraphy licences which have been granted following an auction under regulations made under Section 3 of The Wireless Telegraphy Act 1998.

They do not apply to other wireless telegraphy licences, to licences granted under other legislation or to equivalent overseas licences.

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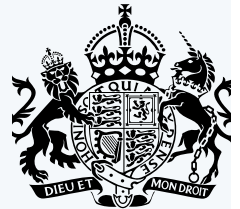
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