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STATUTORY INSTRUMENTS

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**1998 No. 2970**

**TELEGRAPHS**

**The Wireless Telegraphy (Visiting  
Ships and Aircraft) Regulations 1998**

*Made - - - - 30th November 1998*  
*Laid before Parliament 2nd December 1998*  
*Coming into force - - 24th December 1998*

The Secretary of State, in exercise of the powers conferred by section 6 of the Wireless Telegraphy Act 1949<sup>(1)</sup> as enacted, and now vested in him<sup>(2)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Wireless Telegraphy (Visiting Ships and Aircraft) Regulations 1998 and shall come into force on 24th December 1998.

**Revocation**

2. The Wireless Telegraphy (Colonial Ships and Aircraft) Regulations 1954<sup>(3)</sup> and the Wireless Telegraphy (Foreign Ships and Aircraft) Regulations 1954<sup>(4)</sup> are hereby revoked.

**Interpretation**

3.—(1) In these Regulations—

“authorised person” means any person authorised by the Secretary of State for the purposes of regulation 7; and

“visiting ship” and “visiting aircraft” mean a ship or aircraft, as the case may be, 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 and which is for the time being within

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(1) 1949 c. 54; section 6 was amended by section 9 of the Wireless Telegraphy Act 1967 (c. 72). Section 6 was extended to the Isle of Man and the Channel Islands by S.I.s 1952/1899 and 1952/1900 respectively, and section 9 was extended to the Isle of Man and the Channel Islands by S.I.s 1967/1280 and 1967/1279 respectively.  
(2) Post Office Act 1969 (c. 48), section 3; S.I. 1969/1369, article 3; S.I. 1969/1371, article 2; S.I. 1974/691, article 2.  
(3) S.I. 1954/539.  
(4) S.I. 1954/540.

the limits of the British Islands and the territorial waters adjacent thereto, but does not include a ship or aircraft in the service of the armed forces of any state.

(2) In the application of the definition of “visiting ship” and “visiting aircraft” for the purposes of these Regulations as having effect in the Isle of Man or any of the Channel Islands, for the words “United Kingdom” where they first occur there shall be substituted the name of the Island in which they so have effect.

### **Interference**

4. All apparatus for wireless telegraphy on board a visiting ship or visiting aircraft shall be so used as not to interfere with the emitting or receiving of any wireless telegraphy.

### **Communication with land stations**

5. All persons using apparatus for wireless telegraphy on board a visiting ship or visiting aircraft for communication with a land station shall comply with the instructions given by the land station in all questions relating to the order and time of transmission, to the choice of frequency and of the class of emission, and to the duration and suspension of communication.

### **Distress signals**

6. Nothing in the foregoing Regulations shall restrict the use of wireless telegraphy for the purpose of making or answering signals of distress.

### **Inspection and restrictions on use**

7.—(1) Where an authorised person has reasonable cause to believe that any apparatus for wireless telegraphy on board a visiting ship or visiting aircraft is not complying with these Regulations, any person who is in possession or control of such apparatus shall, on the demand of that authorised person—

- (a) permit and facilitate its inspection by that authorised person; and
- (b) cause its use to—

- (i) cease; or

- (ii) be restricted in the manner specified by that authorised person,

for a period of time ending either on a date or on the occurrence of an event specified by that authorised person.

(2) Any authorised person exercising powers under paragraph (1) shall produce evidence of his authority, if so required by the person in possession or control of such apparatus.

### **Penalties**

8.—(1) Any person who contravenes any provision of these Regulations shall be guilty of an offence and shall be liable on summary conviction for each such offence to a fine not exceeding level 5 on the standard scale, and upon such conviction the court may order that any apparatus for wireless telegraphy in respect of which the offence was committed shall be forfeited.

(2) For the purposes of any proceedings under these Regulations, the master or person being or appearing to be in command or charge of any visiting ship or aircraft shall be deemed to have authorised and to be responsible for the use of any apparatus for wireless telegraphy on board such ship or aircraft.

(3) Any summons, complaint or other document in any proceedings under these Regulations shall be deemed to have been duly served on the person to whom the same is addressed by being

left with the person being or appearing to be in command or charge of the visiting ship or visiting aircraft in which the offence is charged to have been committed.

#### **Application to Northern Ireland**

9.—(1) In the application of these Regulations to Northern Ireland, the expression “summary conviction” means conviction subject to and in accordance with the Summary Jurisdiction Acts, within the meaning of the Interpretation Act (Northern Ireland) 1954<sup>(5)</sup>.

#### **Application to the Isle of Man**

10. In the application of these Regulations to the Isle of Man, the expression “summary conviction” means conviction subject to and in accordance with the Summary Jurisdiction Acts, within the meaning of the Interpretation Act 1976<sup>(6)</sup>.

#### **Application to the Channel Islands**

11. In the application of these Regulations to the Channel Islands, the word “summary” in regulation 8(1) shall be omitted, and, in relation to the Bailiwick of Jersey, the reference therein to “level 5 on the standard scale” shall be construed as a reference to level 4 on the standard scale of fines in the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993<sup>(7)</sup> as that scale has effect at any time.

30th November 1998

*Barbara Roche*  
Parliamentary Under Secretary of State for Small  
Firms, Trade and Industry,  
Department of Trade and Industry

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<sup>(5)</sup> 1954 c. 33 (N.I.).

<sup>(6)</sup> An Act of Tynwald.

<sup>(7)</sup> Recueil des Lois 1992-3, p. 435.

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## EXPLANATORY NOTE

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

These Regulations revoke and replace the Wireless Telegraphy (Colonial Ships and Aircraft) Regulations 1954 (S.I.1954/539) and the Wireless Telegraphy (Foreign Ships and Aircraft) Regulations 1954 (S.I. 1954/540).

Section 6 of the Wireless Telegraphy Act 1949 (c. 54), as amended by section 9 of the Wireless Telegraphy Act 1967 (c. 72), empowers the Secretary of State to make regulations for regulating the use, within the limits of the United Kingdom and her territorial waters, of wireless telegraphy apparatus on board ships and aircraft which, not being registered in the United Kingdom, are registered in a country other than the United Kingdom, the Isle of Man or any of the Channel Islands. Section 6, as amended, has been extended by various Orders in Council to the Channel Islands and the Isle of Man.

These Regulations contain provisions for regulating the use of wireless telegraphy apparatus on board any such ship or aircraft (defined in regulation 3(1) as a “visiting ship” or “visiting aircraft”) within the said limits with respect to interference (regulation 4) and communication with land stations (regulation 5). The Regulations also provide for inspection and restrictions on use of such apparatus (regulation 7) and penalties for offences against their provisions (regulation 8).

A full regulatory impact assessment report of the effect that these Regulations would have on the costs of business is available to the public from the Radiocommunications Agency Library at New King’s Beam House, 22 Upper Ground, London SE1 9SA (Tel: 0171-211 0211).