

RADIO TODAY:



Home Office

New Wireless Telegraphy Act

There has been a great deal of discussion of late as to the pro's and con's of the Government's intention to 'privatise' British Telecom, but whatever the rights and wrongs of the matter it seems that there may be some very interesting spin-off as far as amateur radio and its associates are concerned. The Home Office has taken the opportunity afforded by the Telecommunications Bill to make a number of amendments to provisions of the existing Wireless Telegraphy Acts. Provisions which, once the Act becomes law, will make life considerably harder for the average radio pirate, whatever his preference as to frequency band.

For a number of years officials of the Radio Interference Service have felt themselves at a disadvantage in attempting to prevent piracy because of the obvious difficulty of obtaining proof sufficient to lay before a magistrate and one of the main objectives of Part V of the Telecommunications Bill is to simplify this task.

New act

The first effect of the new Act will be to render certain offences under the 1949 Wireless Telegraphy Act subject to trial on indictment. That is to say they may be heard in a Crown Court, in which the possible penalties are considerably more severe than those which can be imposed by a magistrate. These offences will include 'Sending false or misleading messages likely to prejudice the efficiency of any safety of life service' and 'Using any apparatus for the purpose of interfering with wireless telegraphy'. While this will have the effect of increasing the maximum penalties for these offences the Bill also contains a clause which states that the new penalties will not apply to any offence committed before the Bill becomes law, which is understood to be sometime during late 1983.

From that date the Act will empower the police to arrest anyone who has committed any indictable offence under the 1949 Act, or who is suspected of having committed such an offence, provided that there are grounds for believing that there may be some difficulty in serving a summons. Other

offences which might lead to an arrest will include those under section 1(1) of the 1949 Act which deals with installation and use 'otherwise than under and in accordance with a wireless telegraphy licence' of any apparatus 'designed or adapted for emission'. Perhaps this power will be invoked against the squeakies and others whose sole pleasure in life seems to stem from disrupting repeater operation.

Illegal equipment

In the past, the market has always been willing and able to supply a large variety of rigs designed to operate on frequencies for which no licence was available. The Telecommunication Bill seeks to reduce their use in a number of ways. In addition to the present ban on manufacture and importation of certain transceivers, the Home Secretary will be empowered to create a Statutory Instrument prohibiting the 'selling or offering for sale, letting on hire or offering to let on hire, or indication (whether by display of the apparatus or by any form of advertisement) one's willingness to sell or let on hire'. The provisions of such an order need not be confined to transceivers but may also include 'any apparatus designed or adapted for use in connection with wireless telegraphy apparatus'. It is expected, for instance, that this provision will be used to prevent the proliferation of power amplifiers outside the amateur bands, though the Home Office states clearly that no decision has yet been taken as to the types of equipment which will fall within the scope of any such order.

Piracy

Piracy, even within licensed bands, may prove an expensive pastime in future, as the Bill also increases the powers of the Radio Interference Service by creating the right to obtain a warrant authorising the seizure of any equipment which has been installed or used without a licence, or for the purpose of interfering with wireless telegraphy. Such a warrant would also permit entry to and search of any specified premises upon which offences against the relevant Acts are believed to have taken place.

Once seized under the terms of such a warrant, any equipment may then be detained for use as evidence for a period of six months from the date of seizure. If the apparatus is considered to fall within a restricted classification then an application for its permanent forfeiture may be made to a Justice of the Peace within this six month period. The grant of a forfeiture order will render the apparatus involved the property of the Secretary of State.

Anyone attempting to prevent the seizure of equipment under the terms of a warrant will be liable to arrest without the need for a further warrant. The right of appeal against forfeiture of any apparatus is written into the Bill and the Secretary of State will have the right to summon witnesses in the event of such appeal.

The full provisions of the Bill will apply to England, Wales and Northern Ireland but it appears that certain dissimilarities between English and Scottish law will need to be catered for separately. A very lengthy document, Part V of the Bill is not recommended for bedtime reading since it goes into considerable detail about such matters as how the Secretary of State may dispose of seized equipment, as well as an almost incomprehensible explanation of the fact that certain categories of equipment will be liable to forfeiture under the 1967 Act following a conviction under the 1949 Act.

No consultation

The result of a single sentence, buried deep within the text of the new Bill, is to remove the statutory duty of the Home Office to consult an advisory committee on interference with Wireless telegraphy. It seems that the last occasion on which such a committee was consulted was immediately prior to the legislation of CB, though scant regard appears to have been taken of its advice.

Clearly some of the provisions of the Telecommunications Bill represent a major change in the way that offences under the various Wireless Telegraphy Acts will be treated in the future. Trial on indictment is a very difficult matter to trial in a magistrate's court. The maximum possible fine is con-