

2011 No. 2084

ELECTRONIC COMMUNICATIONS

The Wireless Telegraphy (Fixed Penalty) Regulations 2011

Made - - - - *23rd August 2011*

Laid before Parliament *25th August 2011*

Coming into force - - *1st October 2011*

The Secretary of State, in exercise of the powers conferred by section 96 of, and paragraph 2 of Schedule 4 to, the Wireless Telegraphy Act 2006(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Wireless Telegraphy (Fixed Penalty) Regulations 2011 and shall come into force on 1st October 2011.

Fixed penalty offence

2. These Regulations apply to any offence under the Wireless Telegraphy Act 2006 (other than Part 4) which is a summary offence and which is committed after these Regulations come into force.

Amount of fixed penalty

3. The fixed penalty for an offence to which regulation 2 applies is £100.

23rd August 2011

Jeremy Hunt
Secretary of State for
Culture, Olympics, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations do not create any new criminal offence but prescribe the amount of the fixed penalty which is to apply to any summary offence under the Wireless and Telegraphy Act 2006 (“the Act”) (other than Part 4), which is committed after these Regulations come into force.

Paragraph 2(1) of Schedule 4 to the Act enables the Secretary of State to prescribe the fixed penalty for a relevant offence. ‘Relevant offence’ is defined in paragraph 1 of Schedule 4 as an offence under the Act (other than under Part 4) which is a summary offence.

Regulation 3 provides that the fixed penalty is to be £100. Paragraph 2(2) of Schedule 4 to the Act provides that the amount of the fixed penalty cannot be more than 25 per cent of the maximum fine on summary conviction for the offence in question. Maximum fines for relevant offences range from Level 3 (£1,000) to Level 5 (£5,000).

A full regulatory impact assessment for these fixed penalty notices was published in December 2005 (<http://www.bis.gov.uk/files/file15286.pdf>). The Better Regulation Executive have advised that under current policy a formal impact assessment is not required. The impact assessment published in December 2005 is available from the Department for Culture, Media and Sport, Information Economy Division, 2-4 Cockspur Street, London SW1Y 5DH and is also available electronically at www.culture.gov.uk.

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£4.00

E1190 08/2011 111190T 19585

ISBN 978-0-11-151478-8

