

CAP. 307.

CYPRUS

WIRELESS TELEGRAPHY

CHAPTER 307 OF THE LAWS

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CHAPTER 307.

WIRELESS TELEGRAPHY.

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A LAW TO AMEND AND CONSOLIDATE THE LAW RELATING TO WIRELESS TELEGRAPHY.

7 of 52.

[9th April, 1952.]

37 of 55.

Short title.

1. This Law may be cited as the Wireless Telegraphy Law.

Interpreta-
tion.

2. (1) In this Law, unless the context otherwise requires, the following words shall have the meaning hereby assigned to them, respectively, that is to say:—

“electric line” means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, covering, tube, pipe, or insulator enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity or electric currents;

“interference” in relation to wireless telegraphy means the prejudicing by any emission or reflection of electro-magnetic energy of the fulfilment of the purposes of the telegraphy (either generally or in part, and, without prejudice to the generality of the preceding words, as respects all, or as respect any, of the recipients or intended recipients of any message, sound

or visual image intended to be conveyed by the telegraphy);

“ maintain ” includes possession of an apparatus for wireless telegraphy whether in working condition or not;

“ ship ” includes every description of vessel used in navigation not propelled by oars but shall not include any ship belonging to Her Majesty;

“ vessel ” includes any ship or boat, or any other description of vessel used in navigation but shall not include any vessel belonging to Her Majesty;

“ station for wireless telegraphy ” includes the wireless telegraphy apparatus of a ship or aircraft;

“ wireless telegraphy ” means the emitting or receiving, over paths which are not provided by any material substance constructed or arranged for that purpose, of electro-magnetic energy of a frequency not exceeding three million megacycles a second, being energy which either—

- (a) serves for the conveying of messages, sound or visual images (whether the messages, sound or images are actually received by any person or not) or for the actuation or control of machinery or apparatus; or
- (b) is used in connection with the determination of position, bearing or distance, or for the gaining of information as to the presence, absence, position or motion of any object or of any objects of any class, and references to stations for wireless telegraphy or wireless telegraphy apparatus shall be construed as references to stations and apparatus for the emitting or receiving as aforesaid of such electro-magnetic energy as aforesaid:

Provided that where—

- (i) a station or apparatus for wireless telegraphy cannot lawfully be used without a wireless telegraphy licence or could not lawfully be used without such a licence but for an order under section 3;
- (ii) any such electro-magnetic energy as aforesaid which is received by that station or apparatus serves for the conveying of messages, sound or visual images; and

(iii) any apparatus is electrically coupled with that station or apparatus for the purpose of enabling any person to receive any of the said messages, sound or visual images, the apparatus so coupled shall itself be deemed for the purposes of this Law to be apparatus for wireless telegraphy.

(2) Any reference in this Law to the emission of electro-magnetic energy, or to emission (as opposed to reception), shall be construed as including a reference to the deliberate reflection of electro-magnetic energy by means of any apparatus designed or specially adapted for that purpose, whether the reflection is continuous or intermittent.

(3) Any reference in this Law to the sending or the conveying of messages includes a reference to the making of any signal or the sending or conveying of any warning or information, and any reference to the reception of messages shall be construed accordingly.

(4) Any reference in this Law to apparatus on board a ship or vessel shall be construed as including reference to apparatus on a kite or captive balloon flown from a ship or vessel.

(5) Any notice required or authorized by any provision of this Law to be served on any person may be served by registered post.

Licensing of
wireless
telegraphy.

3. (1) No person shall establish, use or maintain any station for wireless telegraphy or install, use or maintain any apparatus for wireless telegraphy except under the authority of a licence in that behalf granted by the Governor, and any person who establishes, uses or maintains any station for wireless telegraphy or installs, uses or maintains any apparatus for wireless telegraphy except under and in accordance with such a licence shall be guilty of an offence under this Law:

Provided that the Governor may, by order, exempt from the provisions of this subsection the establishment, installation, use or maintenance of stations for wireless telegraphy or wireless telegraphy apparatus of such classes or descriptions as may be specified in the order, either absolutely or subject to such terms, provisions and limitations as may be so specified.

(2) A licence granted under this section (hereafter in

this Law referred to as "a wireless telegraphy licence") may be issued, subject to such terms, provisions and limitations as the Governor may think fit, including in particular in the case of a licence to establish a station, limitations as to the position and nature of the station, the purposes for which, the circumstances in which, and the persons by whom the station may be used, and the apparatus which may be installed, used or maintained therein, and, in the case of any other licence, limitations as to the apparatus which may be installed, used or maintained, and the places where, the purposes for which, the circumstances in which and the persons by whom the apparatus may be used.

(3) A wireless telegraphy licence shall, unless previously revoked by the Governor, continue in force for such period as may be specified in the licence.

(4) A wireless telegraphy licence may be revoked, or the terms, provisions or limitations thereof varied, by a notice in writing of the Governor served on the holder of the licence or by a general notice applicable to licences of the class to which the licence in question belongs published in such manner as may be specified in the licence.

(5) Where a wireless telegraphy licence has expired or has been revoked, it shall be the duty of the person to whom the licence was issued, and of every other person in whose possession or under whose control the licence may be, to cause the licence to be surrendered to the Governor if required by the Governor so to do, and any person who, without reasonable excuse, fails or refuses to comply with the provisions of this subsection shall be guilty of an offence under this Law:

Provided that this subsection shall not apply to a licence relating solely to apparatus not designed or adapted for emission (as opposed to reception).

(6) Nothing in this section shall authorize the inclusion, in any wireless telegraphy licence relating solely to apparatus not designed or adapted for emission (as opposed to reception), of any term or provision requiring any person to concede any form of right of entry into any private dwelling house.

4. (1) Subject to the provisions of this section, where an application for the grant or renewal of a wireless licence is

Experimental
licences.

made to the Governor by a British subject and the Governor is satisfied that the only purpose for which the applicant requires the licence is to enable him to conduct experiments in wireless telegraphy for the purpose of scientific research, the Governor shall not refuse to grant or renew the licence and shall not revoke the licence when granted and no sum shall be payable under any Regulations made under this Law otherwise than on the issue or renewal of the licence.

(2) Nothing in subsection (1) shall limit the discretion of the Governor as to the terms, provisions or limitations which he attaches to any licence or his power to vary the terms, provisions or limitations of any licence.

(3) Nothing in subsection (1) shall prevent the Governor from refusing to grant or renew, or from revoking, any licence if, whether before or after the grant or last renewal of the licence, the applicant has been convicted of any offence under this Law, whether in relation to the same or any other apparatus, or has contravened any of the terms, provisions or limitations of that or any other wireless telegraphy licence granted to him, or has been convicted of using any apparatus for the purpose of interfering with any wireless telegraphy.

(4) If it appears to the Governor that, by reason of the existence of a national emergency, it is expedient so to do, he may, by a notice in writing served on the holder of any licence granted in pursuance of this section, revoke that licence, or by a general notice published in the Gazette, revoke all licences granted in pursuance of this section which are for the time being in force, and the Governor shall not be obliged by virtue of this section to grant or renew any licence, if it appears to him, by reason of the existence of such an emergency, inexpedient so to do.

Licence to
sell, etc.

5. (1) No person shall sell, deal, let or hire or otherwise dispose of any apparatus for wireless telegraphy in any place in the Colony except under the authority of a licence granted in that behalf by the Governor and subject to such terms and limitations as the Governor may think fit to impose.

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(2) The Governor may, in his discretion, refuse to grant a licence under this section to any person who, in his opinion, is not competent, to comply with the terms and conditions of such licence.

6. (1) The Governor may make Regulations—

Regulations
as to wireless
telegraph.

- (a) prescribing the things which are to be done or are not to be done in connection with the use of any station for wireless telegraphy or wireless telegraphy apparatus, and, in particular requiring the use of any such station or apparatus to cease on the demand in that behalf of any such persons as may be prescribed by or under the Regulations;
- (b) imposing on the person to whom a wireless telegraphy licence is issued with respect to any station for wireless telegraphy or wireless telegraphy apparatus, or who is in possession or control of any station for wireless telegraphy or wireless telegraphy apparatus, obligations as to permitting and facilitating the inspection of the station and apparatus, as to the condition in which the station and apparatus are to be kept and in the case of a station or apparatus for the establishment, installation, use or maintenance of which a wireless telegraphy licence is necessary, as to the production of the licence, or of such other evidence of the licensing of the station or apparatus as may be prescribed by the Regulations;
- (c) where sums are or may become due from the person to whom a wireless telegraphy licence is issued after the issue or renewal thereof, requiring that person to keep and produce such accounts and records as may be specified in the Regulations; and
- (d) requiring the person to whom a wireless telegraphy licence authorizing the establishment or use of a station has been issued to exhibit at the station such notices as may be specified in the Regulations;
- (e) prescribing the requirements to be complied with and the things which are to be done or are not to be done by any person, to prevent undue interference with any wireless telegraphy and providing for the constitution of an advisory committee and for appeals in connection therewith;
- (f) prescribing the fees to be paid in respect of any licence issued under this Law;

- (g) prescribing anything which is required by this Law to be prescribed and anything in respect of which this Law requires regulations to be made;
- (h) prescribing such forms as may be required, and different provision may be made by any such Regulations for different classes of case:

Provided that nothing in any such Regulations shall require any person to concede any form of right of entry into a private dwelling house for the purpose of permitting or facilitating the inspection of any apparatus not designed or adapted for emission (as opposed to reception).

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- (2) Any Regulations made under this section may prescribe penalties of imprisonment not exceeding six months or a fine not exceeding fifty pounds or both such imprisonment and fine for any breach of such regulations.

Misleading
messages and
interception
and dis-
closure of
messages.

7. Any person who—

- (a) by means of wireless telegraphy, sends or attempts to send any message which, to his knowledge, is false or misleading and is, to his knowledge likely to prejudice the efficiency of any safety of life service or endanger the safety of any person or of any vessel, aircraft or vehicle, and, in particular, any message which, to his knowledge, falsely suggests that a vessel or aircraft is in distress or in need of assistance or is not in distress or not in need of assistance; or
- (b) otherwise than under the authority of the Governor or in the course of his duty as a servant of the Crown, either—
 - (i) uses any wireless telegraphy apparatus with intent to obtain information as to the contents, sender or addressee of any message (whether sent by means of wireless telegraphy or not) which neither the person using the apparatus nor any person on whose behalf he is acting is authorized by the Governor to receive; or
 - (ii) except in the course of legal proceedings or for the purpose of any report thereof, discloses any information as to the contents, sender or addressee of any such message, being information which would not have come to his knowledge but for the use of

wireless telegraphy apparatus by him or
by another person,
shall be guilty of an offence under this Law.

8. (1) Subject to the provisions of this section, the preceding provisions of this Law shall apply—

(a) to all stations and apparatus within, or for the time being within, the territorial limits of the Colony; and

(b) subject to any limitations which the Governor may by Regulations determine, to all apparatus which is not in or over the Colony but was released from within the Colony or from any British seagoing ship or British aircraft which is registered in the Colony.

Territorial
extent of
preceding
provisions.
6 of 37/55.
4 (a) & (b)
& (c).

and, without prejudice to the liability of any other person, in the event of any contravention of the said preceding provisions or of any Regulations made under this Law occurring in relation to any station or apparatus on board or released from any vessel or aircraft, the captain or the person for the time being in charge of the vessel or aircraft shall be guilty of an offence under this Law:

Provided that the captain or person for the time being in charge of a vessel or aircraft shall not be guilty of any offence under this Law by reason of any contravention of the said provisions or Regulations occurring in relation to apparatus on board the vessel or aircraft if the contravention consists of the use by a passenger on board the ship or aircraft of apparatus not designed or adapted for emission (as opposed to reception) which is not part of the wireless telegraphy apparatus, if any, of the ship or aircraft.

(2) The Governor may make Regulations for regulating the use, on board any foreign seagoing ship or foreign aircraft within the limits of the Colony of wireless telegraphy apparatus on board the ship or aircraft, and such Regulations may provide for the punishment of persons contravening the regulations by such fine, not exceeding in the case of any one offence one hundred pounds, as may be specified in the Regulations, and for the forfeiture of any wireless telegraphy apparatus in respect of which an offence under such Regulations is committed; but, save as aforesaid, nothing in this Law shall operate so as to impose any prohibition or restriction on persons using wireless telegraphy apparatus on board any foreign seagoing ship or foreign aircraft.

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(3) The Governor may by order direct that any reference in this section to any British ship or aircraft registered in the Colony shall be construed as including a reference to any British ship or aircraft within the territorial limits of the Colony which, registered in any colony, British protectorate or British protected state, or registered under the Law of any other country or territory outside the Colony which is, for the time being, administered by Her Majesty's Government in the United Kingdom.

Powers of
Governor as
to wireless
personnel.

9. (1) The Governor may hold examinations to determine the competence of the persons examined to fill positions in connection with the operation of stations for wireless telegraphy or wireless telegraphy apparatus and may issue to persons successful at such examinations certificates of competence of such types as he may, from time to time, determine.

(2) The Governor may issue to such persons as he thinks fit authorities in writing authorizing the persons to whom the authorities are issued to fill such positions in connection with the operation of stations for wireless telegraphy or wireless telegraphy apparatus as may be specified in the respective authorities, being positions for the holding of which the possession of such an authority is, under wireless telegraphy licences granted under this Law or under any licences granted under any corresponding law of any part of Her Majesty's dominions, a necessity or a qualification.

Schedule.

(3) The Governor, if it appears to him that there are sufficient grounds so to do, may, at any time, suspend any authority granted under the last preceding subsection with a view to the revocation thereof, and, where he so suspends an authority, the provisions of the Schedule to this Law shall have effect.

(4) Where any authority granted under subsection (2) of this section has ceased to be in force or has been suspended, it shall be the duty of the person to whom the authority was issued, and of every other person in whose possession or under whose control the authority may be, to cause the authority to be surrendered to the Governor if required by the Governor so to do, and any person who, without reasonable excuse, fails or refuses to comply with the provisions of this subsection, shall be guilty of an offence under this Law.

(5) The Governor may charge to persons applying to take part in any examination under this section, and to applicants for, or for copies of, any certificate or authority issued under this section, such fees, if any, as he may determine.

10. (1) Where the Governor in Council is satisfied that, for the purpose of ensuring the proper and efficient working and use of any station for wireless telegraphy, it is expedient and in the public interest so to do, he may make an Order (hereinafter referred to as a "restricting Order") under this section.

Power to Governor in Council to restrict use of land in the vicinity of wireless telegraphy installations.
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(2) A restricting Order shall be published in the Gazette and shall relate to any area specified in the Order being within one mile of the station for wireless telegraphy in respect of which the Order is made.

(3) A restricting Order may provide—

- (a) either for the prohibition, or the restriction, or both such prohibition and restriction, of the erection of buildings, structures (including electrical appliances of any kind) or other things or any class of buildings, structures as aforesaid or other things on the area specified in the Order or any part of such area;
- (b) either for the prohibition, or the restriction, or both such prohibition and restriction, of the planting of any trees or class of trees in the area specified in the Order or any part thereof.

(4) Any person who contravenes an Order made under this section shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

(5) Any person suffering loss or damage in consequence of a restricting Order under this section, shall be paid compensation therefor by the person in whose favour the restricting Order was made and, in default of agreement, the amount of such compensation shall be determined by the President of the District Court of the District within which the land is situate.

11. Any person who—

- (a) shall establish, use or maintain any station for wireless telegraphy or shall install, use or

Penalties.
6 of 37/55.

maintain any apparatus for wireless telegraphy except under and in accordance with a licence granted under the provisions of this Law;

(b) shall sell, deal, let or hire or otherwise dispose of any apparatus for wireless telegraphy in any place in the Colony except under the authority of a licence granted under the provisions of this Law;

(c) contravenes or fails to comply with the provisions of section 7 or 9 of this Law,

shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred pounds or to both imprisonment and fine, and the Court, in addition to any other penalty, may—

(i) order that all or any of the apparatus of the station, or, as the case may be, of the apparatus in connection with which the offence has been committed, to be forfeited;

(ii) in any case in which such apparatus has been used without a licence, order a sum, equivalent to any licence fee payable by the person convicted, to be paid by such person.

Saving.

12. Any Regulations made or licences granted under the Law repealed by this Law* which are in force immediately before the date of coming into operation of this Law† shall, as from that date and until other Regulations are made under this Law, be deemed to be Regulations made or licences granted under this Law and shall, with any necessary modifications, have effect accordingly.

SCHEDULE.

(Section 9 (3).)

PROCEDURE IN RELATION TO SUSPENSION AND REVOCATION OF AUTHORITIES TO WIRELESS PERSONNEL.

1. The Governor shall, on suspending the authority, serve on the person to whom it was issued a notice informing him of the suspension, of the grounds thereof and of his rights under the subsequent provisions of this Schedule and further informing him that, if he does not avail himself of those rights, the Governor may revoke the authority:

* The Law repealed by this Law was the Wireless Telegraphy Law (1949 Cap. 284).

† This Law came into operation on the 10th September, 1953 (53 Vol. II, 500).

Provided that, where it appears to the Governor that it is not reasonably practicable to serve the notice on the said person, the Governor, in lieu of serving the notice on him, shall take such steps, by advertisement or otherwise, to bring the notice to his knowledge as appear to the Governor to be reasonable in the circumstances.

2. (1) If, within such time and in such manner as may be specified in the notice, the person to whom the authority was issued requests that the question whether the authority should be revoked or the suspension thereof continued or terminated should be referred to an advisory committee, the Governor, unless he terminates the suspension, shall refer that question to an advisory committee accordingly.

(2) Every such advisory committee shall consist of three persons appointed by the Governor, of whom one shall be an independent chairman selected by the Governor and two shall be persons nominated, respectively, by such body or bodies representing employers of wireless operators and such association or associations representing wireless operators as seem to the Governor to be appropriate for the purpose.

(3) Where a question is referred to an advisory committee under this paragraph, the Committee shall enquire into the matter, shall consider any representations made by the person to whom the authority was issued, and shall then make a report to the Governor stating the facts as found by them and the action which, in their opinion, ought to be taken as respects the revocation of the authority or the continuation or termination of the suspension thereof, and the Governor shall consider the report.

(4) After considering the report of the advisory committee or, as the case may be, on the expiration of the time referred to in sub-paragraph (1) of this paragraph without the person to whom the authority was issued having required in the manner therein referred to that question should be referred to an advisory committee, the Governor shall, as he thinks fit, either revoke the authority, or terminate the suspension thereof, or continue the suspension thereof for such period as he thinks fit.

(5) Where the Governor revokes the authority or continues the suspension thereof, he shall, if requested so to do by the person to whom the authority was issued, inform him of the opinion which the advisory committee expressed as to the action which ought to be taken as respects the revocation of the authority or the continuation or termination of the suspension thereof.

3. Any expenses incurred by an advisory committee under this Schedule to such extent as may be determined by the Governor, including such sums in respect of the expenses of the members of the committee as may be so determined, shall be paid out of the general revenues of the Colony.

