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STATUTORY INSTRUMENTS

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**2003 No. 3195**

**ELECTRONIC COMMUNICATIONS  
BROADCASTING**

**The Communications (Bailiwick of Guernsey) Order 2003**

*Made* - - - - *10th December 2003*

*Coming into force* - - *29th December 2003*

At the Court at Buckingham Palace, the 10th day of December 2003

Present,

The Queen's most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon her by section 20(3) of the Wireless Telegraphy Act 1949<sup>(1)</sup> as it has effect by virtue of section 9(2) of the Wireless Telegraphy Act 1998<sup>(2)</sup>, section 9(3) of the Wireless Telegraphy Act 1998, section 7(4) of the Office of Communications Act 2002<sup>(3)</sup> and sections 402(3)(b) and (c) and 411(6) and (8) of the Communications Act 2003<sup>(4)</sup>, is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Communications (Bailiwick of Guernsey) Order 2003.

(2) Articles 1 to 5 and Schedule 1 shall come into force on 29th December 2003 and shall be deemed to have come into force immediately following the Broadcasting (Guernsey) Order 2003<sup>(5)</sup>.

(3) Article 6 and Schedule 2 shall, subject to paragraph (5), come into effect as provided in paragraph (4).

(4) In respect of any provision of the 2003 Act that is extended to the Bailiwick of Guernsey (whether with or without modifications) by this Order and that is to any extent brought into force in the United Kingdom on a date specified in the Communications Act 2003 (Commencement No. 1) Order 2003<sup>(6)</sup> (“the No.1 Order”) or the Office of Communications Act 2002 (Commencement No.3) and Communications Act 2003 (Commencement No. 2) Order 2003 (“the No. 2 Order”)<sup>(7)</sup>—

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(1) 1949 c. 54.

(2) 1998 c. 6.

(3) 2002 c. 11.

(4) 2003 c. 21.

(5) S.I.2003/3192.

(6) SI 2003/1900.

(7) S.I. 2003/3142/c. 125.

- (a) any provision of the 2003 Act so extended, and any modification to that provision made by this Order, shall be of no effect in or in relation to the Bailiwick of Guernsey in relation to any time before the date specified in the No. 1 Order or (as the case may be) the No. 2 Order as the date on which that provision is to come into force in the United Kingdom;
- (b) where any provision of the 2003 Act so extended is brought into force in the United Kingdom for certain purposes or to a certain extent, as specified in the No. 1 Order or (as the case may be) No. 2 Order, that provision, and any modification to that provision made by this Order, shall have effect in the Bailiwick of Guernsey only for the purposes or to the extent so specified;
- (c) any provision of the 2003 Act so extended, and any such modification, shall have effect in the Bailiwick of Guernsey subject to any transitional or transitory provision made in the No. 1 Order or (as the case may be) No. 2 Order in relation to that provision.

(5) Paragraph (4) shall not apply until the day following the day on which each of the Orders therein referred to as the “No. 1 Order” and the “No. 2 Order” have been registered in the Royal Court of Guernsey.

**2.** In this Order—

“the 2002 Act” means the Office of Communications Act 2002;

“the 2003 Act” means the Communications Act 2003.

**3.** Article 2(b) of the Wireless Telegraphy (Guernsey) Order 1998<sup>(8)</sup> (which inserted in section 3 of the Wireless Telegraphy Act 1998 as extended to the Bailiwick of Guernsey a new subsection (5A)) is revoked.

**4.** The Secretary of State shall not—

- (a) request OFCOM under subsection (2) of section 22 of the 2003 Act to do as respects the Bailiwick of Guernsey one or more of the things set out in subsection (1) of that section, or
- (b) require OFCOM under subsection (2) of section 152 of the 2003 Act to do as respects the Bailiwick of Guernsey one or more of the things set out in that subsection,

unless he has first consulted the appropriate authorities in the Bailiwick of Guernsey.

**5.** Sections 1, 6 and 7 of, and the Schedule to, the 2002 Act shall extend to the Bailiwick of Guernsey with the modifications set out in Schedule 1 to this Order.

**6.** The following provisions of the 2003 Act shall extend to the Bailiwick of Guernsey with the modifications set out in Schedule 2 to this Order:

In Part 1 (Functions of OFCOM), sections 1 to 3, 5 to 9, 11 to 13, 22, 26, 28, 30 and 31;

In Part 2 (Networks, services and the radio spectrum)—

Chapter 1 (Electronic communications networks and services), sections 32 and 138 to 144 (for the purposes only of section 191(5) and (6));

Chapter 2 (Spectrum use), sections 152, 154 to 179, 183 and 184;

Chapter 3 (Disputes and appeals), sections 185 to 192, and 195 to 197;

In Part 3 (Television and radio services)—

Chapter 1 (The BBC, C4C, the Welsh Authority, and the Gaelic Media Service), section 198 to 202;

Chapter 2 (Regulatory structure for independent television services), sections 211, 212, and 214 to 230, 231 except subsections (1) and (2)(c), 232 to 244;

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(8) S.I. 1998/1511.

Chapter 3 (Regulatory structure for independent radio services), sections 245 to 253 and 256 to 262;

Chapter 4 (Regulatory Provisions), sections 263, 264, 271, 275 to 315, 319 to 332, 334 to 336, 338 and 344 to 347;

Chapter 5 (Media ownership and control), sections 348, 350 to 357;

Chapter 6 (Other provisions about Television and Radio Services), sections 358 to 362;

In Part 6 (Miscellaneous and supplemental)—

Sections 390 to 396, 400 and 402 to 406;

Sections 410 and 411;

Schedule 1, 5, 8 to 15 and 17 to 19.

*A. K. Galloway*  
Clerk of the Privy Council

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## SCHEDULE 1

Article 5

### MODIFICATIONS WITH WHICH PROVISIONS OF THE OFFICE OF COMMUNICATIONS ACT 2002 EXTEND TO THE BAILIWICK OF GUERNSEY

1. In section 1 (The Office of Communications), omit subsections (2) to (9).
2. In section 6 (Interpretation), omit the definition of “enactment”.
3. In section 7 (Short title, commencement and extent), omit subsections (2) to (4).
4. In the Schedule, omit paragraphs 1 to 11 and 21 to 24.

## SCHEDULE 2

Article 6

### MODIFICATIONS WITH WHICH PROVISIONS OF THE COMMUNICATIONS ACT 2003 EXTEND TO THE BAILIWICK OF GUERNSEY

1. Any reference to a provision of an enactment of the United Kingdom Parliament shall be construed as a reference to that enactment as it has effect in the Bailiwick of Guernsey.

2. The following provisions of the 2003 Act, that is—  
sections 29(3), 139(5), 176(1)(a), 198(5), 224(1), 237(3)(a) and paragraphs 12(3) and (4)(a) of Schedule 10

shall have effect as if an order or regulations made under, respectively—

sections 29(4), 139(9), 176(3), 198(6), 224(2), 237(9) and paragraph 13 of Schedule 10

and which is for the time being in force in the United Kingdom had extended to the Bailiwick of Guernsey.

3. In section 1 (Functions and general powers of OFCOM) omit subsections (4) to (7).
4. After section 1, insert the following section—

#### **“Saving of Telecommunications Law**

**1A.** Nothing in this Act shall apply to any matter governed by the provisions of the Telecommunications (Bailiwick of Guernsey) Law 2001.”.

5. In section 3 (General duties of OFCOM)—
  - (a) in subsections (2)(c) and 4(a) and (1), after the words “United Kingdom” wherever they occur, insert “and the Bailiwick of Guernsey”;
  - (b) in subsection (12)(c), after the words “United Kingdom” where they first occur, insert “and the Bailiwick of Guernsey” and omit the words “or in a part of the United Kingdom”; and
  - (c) omit subsections (2)(b), (4)(e) and (13).
6. In section 5 (Directions in respect of networks and spectrum functions)—
  - (a) after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Guernsey”; and
  - (b) omit subsections (4) to (7).
7. In section 7 (Duty to carry out impact assessments), in subsection (2)(c), after the words “United Kingdom” where they first occur, insert “and the Bailiwick of Guernsey” and omit the words “or in a part of the United Kingdom”.

**8.** In section 12 (Duty to establish and maintain Content Board), in subsection (5), insert at the end “and that there is a member of the Board capable of representing the interests of persons living in the Bailiwick of Guernsey”.

**9.** In section 13 (Functions of the Content Board), in subsection (3)(b), after the words “United Kingdom” insert “and the Bailiwick of Guernsey”.

**10.** In section 23 (Directions for international purposes in respect of broadcasting functions), in subsection (3), after the words “United Kingdom” insert “on behalf of the Bailiwick of Guernsey”.

**11.** In section 24 (Provision of information to the Secretary of State), in subsection (2), after the words “United Kingdom” insert “on behalf of the Bailiwick of Guernsey”.

**12.** In section 31 (Transitional functions and abolition of pre commencement regulators)—

- (a) in subsection (4), omit paragraph (a);
- (b) in subsection (5), omit the words “section 54 of the Telecommunications Act 1984 (c. 12) (which provides for the establishment of advisory bodies) shall cease to have effect”; and
- (c) in subsection (6), omit the words “for the Director General of Telecommunications and”.

**13.** In section 139 (Penalties for contravention of information requirements), omit subsections 9 and (10).

**14.** In section 143 (Enforcement of directions under ss.140 and 141), in subsection (3), for the words “the statutory maximum” substitute “level 5 on the uniform scale”.

**15.** In section 144 (Offences in connection with information requirements) in subsections (1)(a) and (4)(a), for the words “the statutory maximum” substitute “level 5 on the uniform scale”.

**16.** In section 152 (General functions of OFCOM in relation to radio spectrum)—

- (a) in subsection (2), after the words “United Kingdom” insert “on behalf of the Bailiwick of Guernsey”; and
- (b) in subsections (3) to (5), after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Guernsey”.

**17.** In section 156 (Directions with respect to the radio spectrum), after subsection (5) add the following subsection—

“(6) Before making an Order under this section which relates to the management of the radio spectrum in respect of the Bailiwick of Guernsey, the Secretary of State shall consult the appropriate authorities of the Bailiwick of Guernsey.”.

**18.** In section 157 (Procedure for directions under s.150), omit subsections (4) to (7).

**19.** In section 159 (Grant of recognised spectrum access), after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Guernsey”.

**20.** In section 169 (Variation and revocation of wireless telegraphy licences)—

- (a) in subsection (1), for the words from “For” to “substituted”, substitute “After section 1D of the [Wireless Telegraphy Act 1949 \(c54\)](#) there shall be inserted the following section —”; and
- (b) omit subsection (2).

**21.** In section 171 (Information requirements in relation to wireless telegraphy licences), in the inserted section 13B(2) of the Wireless Telegraphy Act 1949, for the word “standard” substitute “uniform”.

**22.** In section 174 (Procedure for prosecution of wireless telegraphy offences), omit subsection (7).

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23. In section 176 (Amount of penalty under s. 175), omit subsections (3) and (4).
24. In section 178 (Proceedings for an offence relating to apparatus use)—
  - (a) in subsection (1), omit the subsections (2C) and (2D) inserted in section 11 of the Wireless Telegraphy Act 1949; and
  - (b) in subsection (2), omit the subsections (2C) and (2D) inserted in section 12 of that Act.
25. In section 179 (Modifications of penalties for certain wireless telegraphy offences)—
  - (a) in subsection (2), in the inserted section 1(AA) of the Wireless Telegraphy Act 1949, for the word “standard” substitute “uniform”; and
  - (b) omit subsections (3) and (4).
26. In section 184 (Modification of definition of “wireless telegraphy”) for paragraph (2) substitute the following—

“(2) An order made by the Secretary of State under this section shall not have effect in the Bailiwick of Guernsey unless it is registered in the Royal Court of Guernsey, and where any such order is so registered, it shall have effect on the day following the day of such registration or on the day of coming into force specified in the order, whichever is the later.”.
27. In section 185 (References of disputes to OFCOM), omit subsections (1), (2)(c), (7), and (8).
28. In section 187 (Legal proceedings about referred disputes), in subsection (3) omit the words “or sisted” and “or sist”.
29. In section 190 (Resolution of referred disputes), omit subsections (2), (4)(a) and (7)(a).
30. In section 192 (Appeals against decisions by OFCOM, the Secretary of State, etc), omit subsection (1)(b), (c) and (d)(ii) and (iii).
31. In section 195 (Decisions of tribunal)—
  - (a) for the word “Tribunal”, wherever it occurs, substitute “Royal Court of Guernsey”;
  - (b) omit subsection (7); and
  - (c) for subsection (8) substitute the following subsection—

“(8) Rules of court may be made for the purposes of appeals under section 192.”
32. In section 196 (Appeals from tribunal)—
  - (d) for the word “Tribunal”, wherever it occurs, substitute “Royal Court”;
  - (e) for subsection (2)(a) substitute—

“(a) lies to the Guernsey Court of Appeal;” and
  - (f) in subsection (4), for the word “Court” substitute “Guernsey Court of Appeal”.
33. In section 197 (Interpretation of Part 3)—
  - (a) in subsection (1), omit the definitions of “The Tribunal” and “Tribunal rules”; and
  - (b) omit subsection (3).
34. In section 198 (Functions of OFCOM in relation to the BBC), omit subsections (6) and (7).
35. In section 211 (Regulation of independent television services)—
  - (a) in subsection 1(a) omit the words “or the Welsh Authority”; and
  - (b) in subsections (2) and (3), after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Guernsey”.
36. In section 212 (Abolition of function of assigning television frequencies), omit paragraph (b).

- 37.** In section 214 (Digital channel 3 and channel 5 licences), after the words “United Kingdom” wherever they occur insert “or the Bailiwick of Guernsey”.
- 38.** In section 218 (Duty to secure the provision of a public teletext service)—
- (a) omit “S4C” and “and S4C” wherever they occur; and
  - (b) in subsection (6) (b), after the words “United Kingdom” wherever they occur insert “or the Bailiwick of Guernsey”.
- 39.** In section 219 (Licensing of the public teletext service), in subsection (5), after the words “United Kingdom” insert “and to the Bailiwick of Guernsey”.
- 40.** In section 231 (Replacement Channel 4 licence), in subsection (9), after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Guernsey”.
- 41.** In section 237 (Penalties for contravention of licence condition or direction), omit subsections (9) and (10).
- 42.** In section 240 (Abolition of separate licences for certain television services), in subsection (1), omit paragraph (b) and the word “or” immediately before it.
- 43.** In section 241 (Television multiplex services), in subsection (9), omit paragraph (d).
- 44.** In section 243 (Powers where frequencies reserved for qualifying services) in subsection (7), omit paragraph (d).
- 45.** In section 244 (Local digital television services), omit subsection (9).
- 46.** In section 245 (Regulations of independent radio services)—
- (a) after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Guernsey”;
  - (b) in subsection (6) after the words “a BBC company” insert “or” and omit “or an S4 Company”; and
  - (c) omit subsection (7).
- 47.** In section 249 (Modifications of ss. 247 and 248) omit subsection (3).
- 48.** In section 250 (Licensing of radio licensable content services), in subsection (3), for “111A” substitute “111”.
- 49.** In section 252 (Extension of licence period), in subsection (1), in the words substituted in section 86(1) of the Broadcasting Act 1990, for “111B” substitute “111”.
- 50.** In section 262 (Community radio), omit subsection (5).
- 51.** In section 263 (Application of regulatory regimes), omit subsection (5).
- 52.** In section 264 (OFCOM reports on the fulfilment of the public service remit)—
- (a) after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Guernsey”;
  - (b) omit subsection (11)(b); and
  - (c) omit subsection (12)(b).
- 53.** In section 271 (Power to amend public service remits)—
- (a) after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Guernsey”; and
  - (b) omit subsection (7).
- 54.** In section 275 (Must-provide services for the purposes of s.274), omit subsection (1)(e).

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- 55.** In section 277 (Programming quotas for independent productions)—
- (a) in subsection (11), after “OFCOM” insert “and” and omit the words “and the Welsh Authority”; and
  - (b) omit subsection (12).
- 56.** In section 278 (Programming quotas for original productions)—
- (a) in subsection (8), after “OFCOM” insert “and” and omit the words “and the Welsh Authority”; and
  - (b) omit subsection (9).
- 57.** In section 280 (Appointed news providers for Channel 3), after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Guernsey”.
- 58.** In section 282 (Power to repeal or modify Channel 3 news provider provisions), omit subsection (4).
- 59.** In section 283 (News providers for Channel 5), omit subsection (9).
- 60.** In section 285 (Code relating to programme commissioning), in subsection (6)(c), for “the BBC” substitute “and” and omit the words “the Welsh Authority”.
- 61.** In section 286 (Regional programme-making for Channels 3 and 5), after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Guernsey”.
- 62.** In section 287 (Regional programmes on Channel 3), after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Guernsey”.
- 63.** In section 290 (Proposals for arrangements), in subsection (4)(c), after the words “United Kingdom” insert “and the Bailiwick of Guernsey”.
- 64.** In section 291 (Obligation as to making and continuance of approved arrangements), omit subsections (3) and (4).
- 65.** In section 300 (Effects of categorisation of listed events), in the section 101(1) substituted in the Broadcasting Act 1996, after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Guernsey”.
- 66.** In section 303 (Code relating to provision for the deaf and visually impaired)—
- (a) in subsection (8)(d), after the words “United Kingdom” insert “and the Bailiwick of Guernsey”; and
  - (b) in subsection (12), omit paragraph (a).
- 67.** In section 305 (Meaning of “Relevant Dates” in s. 303)—
- (a) in subsection (2), omit paragraph (a); and
  - (b) in subsection (3)(b), omit “and S4C Digital”.
- 68.** In section 306 (Power to modify targets in s. 303), omit subsection (5).
- 69.** In section 309 (Quotas for independent programmes), omit subsection (5).
- 70.** In section 310 (Code of practice for electronic programme guides)—
- (a) in subsection (4), omit paragraph (e); and
  - (b) in subsection (7)(a) and (c), after the words “United Kingdom” insert “and the Bailiwick of Guernsey”.
- 71.** In section 319 (OFCOM standards code), in paragraphs (2)(i) and (7) after the words “United Kingdom” insert “on behalf of the Bailiwick of Guernsey”.



- 72.** In section 321 (Objectives for advertisements and sponsorship)—
- (a) in subsection (2)(a), after the words “on behalf of a” insert “person or”;
  - (b) in subsection (3)(a), (b), (c), (e) and (g), and in the first place where they occur in subsection (3)(d), after the words “United Kingdom” insert “, the Bailiwick of Guernsey”;
  - and
  - (c) in subsection (3)(d), in the second place where they occur, and in subsection (3)(f), after the words “United Kingdom” insert “or the Bailiwick of Guernsey”.
- 73.** In section 322 (Supplementary powers relating to advertising), in subsection (4), after “United Kingdom” insert “on behalf of the Bailiwick of Guernsey”.
- 74.** In section 323 (Modification of matters to be taken into account under s. 319), omit subsection (3).
- 75.** In section 324 (Setting of publication of standards), omit subsection (3)(a).
- 76.** In section 329 (Proscription Orders)—
- (a) in subsection (5), after the words “United Kingdom” insert “on behalf of the Bailiwick of Guernsey”;
  - (b) in subsection (7)(a), after the words “United Kingdom” insert “or the Bailiwick”;
  - (c) in subsection (7)(b)(i), after the words “United Kingdom” insert “on behalf of the Bailiwick of Guernsey”; and
  - (d) in subsection (7)(b)(ii), after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Guernsey”.
- 77.** In section 330 (Effect of Proscription Order), in subsection (4)(b), after the words “United Kingdom” insert “or the Bailiwick of Guernsey”
- 78.** In section 331 (Notification for Enforcing a Proscription), omit subsection (5)(b).
- 79.** In section 332 (Penalties for Contravention of Notification under section 331)—
- (a) for subsection (7) substitute the following—
    - “(7) An order made by the Secretary of State in the United Kingdom under section 332(1) shall not have effect in the Bailiwick of Guernsey until it has been registered in the Royal Court of Guernsey;” and
  - (b) omit subsection (8).
- 80.** In section 335 (Conditions securing compliance with international obligations), after the words “United Kingdom” wherever they occur insert “on behalf of the Bailiwick of Guernsey”.
- 81.** In section 336 (Government requirements for Licensed Services)—
- (a) in subsection (1), for the words “Secretary of State or any other Minister of the Crown” substitute “the President of the Advisory and Finance Committee”, omit the words “in connection with any of his functions” and for the words “the Secretary of State or that minister” substitute “he”;
  - (b) in subsection (2), after the words “Broadcasting Act Licences” insert “in the Bailiwick of Guernsey”;
  - (c) in subsection (5), for the words “Secretary of State” substitute “the President of the Advisory and Finance Committee” and after “Broadcasting Act Licenses” insert “in the Bailiwick of Guernsey”;
  - (d) in subsection (6)(a), after the words “Broadcasting Act licence” insert “in the Bailiwick of Guernsey”;

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- (e) in subsection (6)(b), for the words “Secretary of State” substitute “President of the Advisory and Finance Committee”;
  - (f) in subsection (8), for the words “Secretary of State” substitute “President of the Advisory and Finance Committee”; and
  - (g) omit subsection (9).
- 82.** In section 338 (Corresponding rules for the BBC), omit the words “and the Welsh Authority”.
- 83.** In section 347 (Statement of charging principles), in subsection (7), omit the words “or the Welsh authority”.
- 84.** In section 348 (Modification of disqualification provisions), omit subsection (7).
- 85.** In section 351 (Changes of control of Channel 3 services), after the words “United Kingdom” wherever they occur insert “or the Bailiwick of Guernsey”.
- 86.** In section 358 (Annual factual and statistical report), in subsection (2)(a), after the words “United Kingdom” insert “and the Bailiwick of Guernsey”.
- 87.** In section 359 (Grants to providers), omit subsection (6).
- 88.** In section 361 (Meaning of “available for reception by members of the public”)—
- (a) in subsection (6), after the words “United Kingdom” insert “or the Bailiwick of Guernsey”; and
  - (b) omit subsections (7) and (8).
- 89.** In section 362 (Interpretation of Part 3)—
- (a) in subsection (1) omit the definitions of “S4C and S4C Digital” and “S4C company”
  - (b) in subsection (3), omit paragraph (c) and the words “or the Welsh Authority” and “or S4C Company”; and
  - (c) in subsection (5), after the words “United Kingdom” wherever they occur insert “or the Bailiwick of Guernsey”.
- 90.** In section 391 (Review of media ownership), omit subsections (2)(e) and (4)(d).
- 91.** In section 392 (Penalties imposed by OFCOM)—
- (a) in subsection (6), omit the words “or any other enactment (apart from the Competition Act 1998 (c. 41))”; and
  - (b) omit paragraph (7).
- 92.** In section 393 (General restrictions on disclosure of information)—
- (a) in subsection (2), omit paragraphs (b), (c), and (d);
  - (b) in subsection (2)(f), after the words “United Kingdom” insert “on behalf of the Bailiwick of Guernsey”;
  - (c) omit subsections (3) and (4);
  - (d) in subsection (5), omit paragraphs (d) to (i) and (m) to (p);
  - (e) omit subsections (8) and (9);
  - (f) in subsection (10), for the words from “liable” to the end substitute “liable to imprisonment for a term not exceeding two years or to a fine or to both”; and
  - (g) omit subsection (11).
- 93.** In section 394 (Service of notifications and other documents)—

- (a) in subsection (7), for the words “section 7 of the Interpretation Act 1978” substitute “section 11 of the Interpretation (Guernsey) Law 1948”; and
  - (b) in subsection (8), after the words “United Kingdom” wherever they occur insert “or the Bailiwick of Guernsey”.
- 94.** In section 400 (Destination of licence fees)—
- (a) in subsection (1)
    - (i) omit paragraph (b);
    - (ii) in paragraph (c), after “under” insert “section 3 or 3A of”;
  - (b) for subsection (2) substitute—

“(2) OFCOM shall, after consultation with the Broadcasting Committee of the States of Guernsey, pay to the Treasurer of the States to be credited to the annual income of the States such proportion of the amount to which this section applies as appears to OFCOM to be appropriate.”;
  - (c) omit subsection (3);
  - (d) for subsection (4)(b) substitute—

“(b) the sums paid to the Treasurer of the States;”;
  - (e) omit subsection (6); and
  - (f) at the end, add the following new subsection—

“(9) Any fines imposed for offences under this Act shall be paid to Her Majesty’s Sheriff.”.
- 95.** For section 403 (Regulations and Orders made by OFCOM), substitute—

“**403.** Any statutory instrument made by OFCOM pursuant to this Act shall not have effect in the Bailiwick of Guernsey unless it is registered in the Royal Court of Guernsey and where any such statutory instrument is so registered, it shall have effect on the day following the day of such registration or on the day of coming into force specified in the instrument, whichever is the later.”.
- 96.** In section 404 (Criminal liability of company directors, etc)—
- (a) omit subsection (2);
  - (b) omit subsection (4)(e); and
  - (c) after subsection (5) insert the following subsection—

“(6) A person who aids, abets, counsels, or procures the commission of an offence under this Act shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.”.
- 97.** In section 405 (General interpretation)—
- (a) in subsection (1), in the definition of “international obligation of the United Kingdom” omit the words “any Community obligation and”;
  - (b) after the “United Kingdom” in the second place where it occurs, insert “on behalf of the Bailiwick of Guernsey”;
  - (c) after the definition of “other Member State” insert the following definition—

““police officer” means—

    - (i) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey,

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- (ii) in relation to Alderney, a member of the said salaried police force, a member of any police force which may be established by the States of Alderney and, within the limits of his jurisdiction, a member of the Alderney Special Constabulary established pursuant to section 46A of the Government of Alderney Law, 1987; and
  - (iii) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey;”
- (d) after the definition of “TV licence” insert the following definition—  
““uniform scale” means the scale of fines designated by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989;”
- (e) in the definition of “subordinate legislation”, omit paragraph (b);
  - (f) omit the definition of “Welsh Authority”; and
  - (g) omit subsection (6).
- 98.** In section 406 (Minor and consequential amendments, transitionals, and repeals)—
- (a) omit subsections (2) to (5); and
  - (b) omit subsections (8) and (9).
- 99.** For section 410 (Application of enactments to territorial sea and other waters) substitute—  
“**410.** The provisions of this Act as extended to the Bailiwick of Guernsey including any amendments or repeals of any other enactments, shall apply in the Bailiwick of Guernsey and the territorial sea adjacent thereto.”.
- 100.** In section 411 (Short title, commencement and extent), omit subsections (2) to (8).
- 101.** In Schedule 1 (Functions transferred to OFCOM)—
- (a) omit paragraphs 1(1)(b) and (c) and (3); and
  - (b) omit paragraphs 3 to 14.
- 102.** In Schedule 2 (Transfer Schemes), omit paragraph 5.
- 103.** In Schedule 5 (Procedure for grants of recognised Spectrum Access), in paragraphs 6(12)(b) and 7(4), after the words “United Kingdom” wherever they occur, insert “on behalf of the Bailiwick of Guernsey”.
- 104.** In Schedule 8 (Decisions not subject to appeal), omit paragraphs 3 to 13, 16, 22, 23, 25 and 26.
- 105.** In Schedule 9 (Arrangements about carrying on of C4C’s activities) omit paragraph 7(2)(b).
- 106.** In Schedule 10 (Licensing the public teletext service), omit paragraph 13(2).
- 107.** In Schedule 11 (Approval, imposition and modification of Networking arrangements)—
- (a) in paragraph 5(3)(a), after the words “Office of Fair Trading” insert “and to the States of Guernsey Broadcasting Committee if the subject matter of the report is to do with anything connected with the Bailiwick of Guernsey”;
  - (b) omit paragraph 6;
  - (c) omit paragraph 10(7);
  - (d) in paragraph 11(2)(a), before the words “Court of Appeal” insert “Guernsey” and omit the words “or to the Court of Session”;
  - (e) in paragraph (11)(a) for the words “the statutory maximum” substitute “level 5 on the uniform scale”

- (f) in paragraph 13(12), after the word “means—” insert “the Royal Court of Guernsey” and omit paragraphs (a), (b) and (c);
- (g) in paragraph 15, in the definition of “the Tribunal” for “the Competition Appeal Tribunal” substitute “the Royal Court of Guernsey” and in the definition of “Tribunal rules” omit “made under section 15 of The Enterprise Act 2002 (c. 40)” and substitute “rules of the Royal Court of Guernsey”.

**108.** In Schedule 12 (Corresponding obligations of the BBC and Welsh Authority), omit paragraph 1(13) and Part 2.

**109.** In Schedule 13 (Financial penalties under the Broadcasting Acts),

- (a) omit paragraphs 2(3), 3(2), 4(4), 5(2), 6(3), 7(3), 8(2), 9(3), 11(3), 13(3), 14(6), 15(6), 16(3), 17(2), 19(4), 20(7), 21(7) and 22(3); and
- (b) omit the section 36(3) of the Broadcasting Act 1990 inserted by paragraph 16.

**110.** In Schedule 14 (Media ownership rules)—

- (a) in paragraph 3(1), after the words “United Kingdom” in the first place that they occur, insert “or the Bailiwick of Guernsey” and for the words “in a part of the “United Kingdom” substitute “the Bailiwick of Guernsey”;
- (b) for paragraph 6 substitute the following paragraph—

“6. The States Broadcasting Committee may, as respects the Bailiwick of Guernsey, by Order vary or repeal any of the restrictions imposed by this Part of this Schedule.”;
- (c) for paragraph 10 substitute the following paragraph—

“10. The States Broadcasting Committee may, as respects the Bailiwick of Guernsey, by Order vary or repeal any of the restrictions imposed by this Part of this Schedule.”;
- (d) in paragraphs 11 and 12, for the words “Secretary of State” substitute “the States Broadcasting Committee”;
- (e) for paragraph 16 substitute the following paragraph—

“16. The States Broadcasting Committee may, as respects the Bailiwick of Guernsey, by Order repeal or otherwise modify the restriction imposed by this Part of this Schedule.”;
- (f) omit paragraph 17(2).

**111.** In Schedule 15 (Amendments of Broadcasting Acts)—

- (a) omit paragraphs 20(8), 28, 31(2), 60, 62, 63, 64(2), 71, 73, 75(2)(d) and (e), 97, 127(2) and 133;
- (b) in paragraph 32(4) for the words “Subsections (3) and (4)” substitute “Subsection (3)”;
- (c) in paragraph 32(5) for the words “subsection (7)” substitute “subsection (6)”;
- (d) in paragraph 74 (4) for the words “For subsection (4A) there shall be substituted” substitute “After subsection (4) there shall be inserted” and in the section 1(4A) of the 1996 Act inserted by this paragraph, after “State” in each place where it occurs, insert “or the Bailiwick of Guernsey”;
- (e) in paragraph 93(2)—
  - (i) in the inserted subsection (1)(b) of section 24 of the Broadcasting Act 1996 after the words insert “the United Kingdom” insert “and the Bailiwick of Guernsey” ;
  - (ii) in the inserted subsection (1)(c) of that section omit the words “a public television service of the Welsh Authority”; and

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- (iii) in the inserted subsection (3A) of that section omit the definition of “public television service of the Welsh Authority” and in the definition of “relevant public service broadcaster” omit paragraph (e);
  - (f) in paragraph 98(3) omit the words “the public television services of the Welsh Authority (within the meaning of Part 2 of the Communications Act 2003)”;
  - (g) in paragraph 100 omit sub-paragraph (c).
- 112.** In Schedule 17 (Minor and consequential amendments)—
- (a) omit paragraphs 2 to 5, 19 to 22, 25 to 31, 40 to 63, 70 to 144, 152 to 170 and 173 to 175;
  - (b) for paragraph 8, substitute the following:

“After section 1C of that Act there shall be inserted—

**“Procedures for the grant of licences**

**1D.**—(1) An application for the grant of a wireless telegraphy licence shall be determined in accordance with procedures prescribed in regulations made by OFCOM.

(2) Where the person applying for a licence fails to provide any information which OFCOM reasonably require in order to satisfy themselves that the applicant is able to comply with the terms, provisions and limitations in the licence, OFCOM may refuse to grant the licence.

(3) Regulations made by OFCOM under this section shall not have effect in the Bailiwick of Guernsey unless they are registered in the Royal Court of Guernsey and where any such regulations are so registered, they shall have effect on the day following the day of such registration or on the day of coming into force specified in the regulations, whichever is the later.”

- (c) in paragraph 9(3), for the inserted section 3(2)(b) of the 1949 Act, substitute the following—

“(2B) No statutory instrument made by OFCOM under this section shall have effect in the Bailiwick of Guernsey unless it has been registered in the Royal Court and where any such instrument is so registered, it shall have effect on the day following the day of such registration or on the day of coming into force specified in the instrument, whichever is the later.”;
- (d) in paragraph 14(8), omit the word “and” and sub-paragraph (b);
- (e) in paragraph 15(2), for the words “any constable” substitute “any police officer”;
- (f) in paragraph 15(3), in the inserted subsection(1A) for the words “he is to be” to the end substitute “shall execute the warrant accompanied by one or more police officers”;
- (g) in paragraph 16(2), for the inserted section 16(1A) of the 1949 Act substitute—

“(2B) No statutory instrument made by OFCOM under this Act shall have effect in the Bailiwick of Guernsey unless it has been registered in the Royal Court and where any such instrument is so registered, it shall have effect on the day following the day of such registration or on the day of coming into force specified in the instrument, whichever is the later.”;
- (h) for paragraph 64 substitute the following—

“**64.** In sections 79 and 83 of the Telecommunications Act 1984 (wireless telegraphy provisions, for the words “The Secretary of State” wherever they occur there shall be substituted “OFCOM”.”;

- (i) for paragraph 65 there shall be substituted the following—
  - “After section 79(6)(a) of that Act (seizure of apparatus) insert the following paragraph—
    - “(b) any proceedings for forfeiture under Schedule 7 to the Communications Act 2003.”
- (j) for paragraph 66(2) substitute the following—
  - “(2) In subsection (1)(b), after “property” insert “or proceedings for forfeiture under schedule 7 to the Communications Act 2003.”
  - (2A) in subsection 2(b), after “offences” insert “or proceedings for forfeiture under the said Schedule 7.””;
- (k) in paragraph 69(2), omit “under section 80 or 81 above”;
- (l) in paragraph 150, omit subsections (2) and (3) of the inserted section 6 of the Wireless Telegraphy Act 1998;
- (m) in paragraph 172, omit sub-paragraphs (2)(a) and (b) and (3).

**113.** In Schedule 18 (Transitional provisions)—

- (a) omit paragraphs 2(4), 3, 4, 6 to 20, 22, 24, and 25, 26(8), 27 to 29, 38, 50(6), 51(6) and 55 to 63.;
- (b) in paragraph 23(1)(c), omit sub-paragraph (ii) and the word “or” immediately before it;
- (c) in paragraphs 23(5) to (7), for the word “Tribunal” wherever it occurs, substitute “Royal Court”;
- (d) in paragraph 43(3)—
  - (i) in subparagraph (a) omit the words “or the Welsh Authority”, and
  - (ii) in subparagraph (b) omit the words from “and” to the end;
- (e) in paragraph 64, omit the definition of “the abolition of licensing”.

**114.** In Schedule 19 (Repeals)—

- (a) omit all the entries except for those relating to—
  - Wireless Telegraphy Act 1949;
  - Marine, etc, Broadcasting Offences Act 1967;
  - Telecommunications Act 1984;
  - Broadcasting Act 1990;
  - Broadcasting Act 1996;
  - Wireless Telegraphy Act 1998;
  - Office of Communications Act 2002;
- (b) in the entries for the Wireless Telegraphy Act 1949, omit those for sections 1(1A) and (1F);
- (c) omit the entries for the Telecommunications Act 1984, except those relating to sections 91 and 92(4);
- (d) in the entries for the Broadcasting Act 1990, omit those for—
  - Chapter 4 of Part 1,
  - Sections 56(1)(b), 57, 60(1) to (3) and (6), 61A, 62, 66A(2),
  - Part 2, sections 114(5), 134, 183, 187(1) and(2), 188(2), 191,
  - Schedule 4,

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Schedule 6,  
Schedule 12  
Part 2 of Schedule 18,  
Schedule 19,  
Schedule 20, and 22;

- (e) in the entries for the Broadcasting Act 1996, omit those for—  
Section 1(1)(a) and (2), 21, 29(2), 90, 91, 95(3) to (7), 127,  
Paragraphs 4, 8, 10, 16, 18 and 20 to 27(a) of Schedule 10.

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#### **EXPLANATORY NOTE**

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

This Order extends to the Bailiwick of Guernsey provisions of the Office of Communications Act 2002, which establishes a single regulator (OFCOM) for communications and media and provisions of the Communications Act 2003 which confer on OFCOM certain regulatory functions in respect of wireless telegraphy and broadcast media.

The modifications with which those provisions of the two Acts that are extended, will apply in the Bailiwick of Guernsey are set out in Schedule 1 and 2, respectively, to the Order.

The provisions of the 2003 Act extended include amendments of the Wireless Telegraphy Act 1949, the Marine, &c, Broadcasting Act 1967, the Telecommunications Act 1984, the Broadcasting Act 1990, the Broadcasting Act 1996 and the Wireless Telegraphy Act 1998, as those Acts have been extended to the Bailiwick of Guernsey.

The Order will come into effect on 29 December 2003.