

SCHEDULE

Article 2

PART I

PROVISIONS OF THE TELECOMMUNICATIONS ACT 1984 EXTENDED TO THE ISLE OF MAN

Sections 2, 4, 68, 69, 100, 106(1), 109(1), (2), (4) and (6) and 110(1);

paragraphs 1, 2, 3, 4, 5, 12, 14, 50, 78 and 81 of Schedule 4;

paragraphs 41, 42, 43, 45 and 46 of Schedule 5;

Schedule 6;

Parts I, II and III of Schedule 7.

PART II

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN PROVISIONS OF THE TELECOMMUNICATIONS ACT 1984 AS EXTENDED TO THE ISLE OF MAN

1. Any reference to an Act of Parliament (including the Telecommunications Act 1984) or to a provision of such an Act shall be construed, unless the contrary intention appears, as a reference to that Act or provision as it has effect in the Isle of Man.

2. In section 2, for the words from “such day” to “of this Act” there shall be substituted “the coming into force of Part II of the Act of Tynwald”.

3. In section 4(2), for “United Kingdom” (in both places) there shall be substituted “Isle of Man”.

4. In section 4(3)—

(a) the definition of “commercial activities connected with telecommunications”; and

(b) in the definition of “telecommunication apparatus”, the words “(except where the extended definition in Schedule 2 to this Act applies)”

shall be omitted.

5. In section 68(2), for “section 60 above” there shall be substituted “section 43 of the Act of Tynwald”.

6. In section 69, after subsection (1) there shall be inserted the following subsection:—

“(1A) In subsection (1) above, “the transfer date” has the same meaning as in the United Kingdom (that is to say, the day appointed by order by the Secretary of State for the purposes of Part V of this Act as it has effect in the United Kingdom).”.

7. In section 106(1)—

(a) the definitions of “the 1973 Act”, “the 1980 Act”, “commercial activities connected with telecommunications”, “the Commission”, “consumer”, “monopoly situation”, “practice”, “supply”, “the Director”, “directory information service”, “disabled person” and “the excepted liabilities” shall be omitted;

(b) after the definition of “the 1981 Act” there shall be inserted the following definition:—

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““the Act of Tynwald” means the Act of Tynwald cited as the Telecommunications Act 1984;””;

- (c) for the definitions of “public telecommunications operator”, “public telecommunication system”, “the successor company” and “the transfer date” there shall be substituted the following definitions:—

““public telecommunications operator” means a person authorised by a licence granted under section 5 of the Act of Tynwald to run a public telecommunication system;

“public telecommunication system” means a telecommunication system designated by order under section 7(1) of the Act of Tynwald and the running of which is authorised by a licence to which section 6 of that Act applies;

“the successor company” means the company nominated for the purposes of section 60 of this Act as it has effect in the United Kingdom;””;

- (d) in the definition of “telecommunication apparatus”, the words “(except where the extended definition in Schedule 2 to this Act applies)” shall be omitted;
- (e) for the definition of “telecommunications operator” there shall be substituted the following definition:—

““telecommunications operator” means a person who is authorised by a licence granted under section 5 of the Act of Tynwald to run a telecommunication system;””;

- (f) after the definition of “telecommunication system” there shall be inserted the following definition:—

““the transfer date” (except in section 69(1) above) has the same meaning as in section 43(1) of the Act of Tynwald.””.

8. Section 109(1) shall have effect only in relation to paragraphs 1, 2, 3, 4, 5, 12, 14, 50, 78 and 81 of Schedule 4.

9. In section 109(2)(c), for “Schedule 2 to this Act” there shall be substituted “Schedule 1 to the Act of Tynwald”.

10. Section 109(4) shall not have effect, as regards Schedule 5, except in relation to paragraphs 41, 42, 43, 45 and 46.

11. Section 109(6) shall have effect only in relation to Parts I, II and III of Schedule 7.

12. In paragraph 1(1) of Schedule 4—

- (a) in the definition of “the operator”, for “section 7 of this Act” there shall be substituted “section 5 of the Act of Tynwald”, and paragraph (b) shall be omitted;
- (b) in the definition of “public telecommunications operator”, for “9(3)” there shall be substituted “106(1)”;
- (c) the definition of “telecommunication apparatus” shall be omitted;
- (d) in the definition of “telecommunications code”, for “Schedule 2 to this Act” there shall be substituted “Schedule 1 to the Act of Tynwald”; and
- (e) in the definition of “telecommunications code system”, for “section 7 of this Act” there shall be substituted “section 5 of the Act of Tynwald”, and paragraph (b) shall be omitted.

13. In paragraph 1(2) of Schedule 4, for “Subsection (11) of section 7 of this Act” there shall be substituted “Subsection (9) of section 5 of the Act of Tynwald”, and for “this Act” there shall be substituted “that Act”.

14. In paragraph 3(1) of Schedule 4, sub-paragraphs (a) to (l) shall be omitted.

15. Paragraph 3(2) of Schedule 4 shall be omitted.
16. In paragraph 14(2) of Schedule 4, for the words after “substituted” there shall be substituted ““an offence under section 3 of the Telecommunication's Act 1984 (an Act of Tynwald).””.
17. Paragraph 78(1) of Schedule 4 shall be omitted.
18. In paragraph 81(b) of Schedule 4, for ““section 7 of the Telecommunications Act 1984”” there shall be substituted ““section 5 of the Telecommunications Act 1984 (an Act of Tynwald)””.
19. In paragraph 41 of Schedule 5, for “sections 10 and 81(1)” there shall be substituted “section 10”.
20. Paragraph 46(1) of Schedule 5 shall be omitted.
21. In paragraph 1(2) of Schedule 6, for “this Act” there shall be substituted “the Act of Tynwald”.
22. In paragraph 7(1) of Schedule 6, for “the foregoing provisions of this Act” there shall be substituted “the provisions of the Act of Tynwald”.
23. Parts I, II and III of Schedule 7 shall have effect only so far as regards any enactment mentioned in those Parts that extends to the Isle of Man.

PART III

COMING INTO FORCE IN THE ISLE OF MAN OF PROVISIONS OF THE TELECOMMUNICATIONS ACT 1984

1. Section 110(1) of the Telecommunications Act 1984 shall come into force on the day on which this Order comes into operation (that is to say, 10th July 1984).
2. The following provisions of the Telecommunications Act 1984, namely—
sections 2, 4, 106(1) and 109(1) and (2);
paragraphs 1, 2, 3, 4, 5, 12, 14, 50, 78 and 81 of Schedule 4; and
Part I of Schedule 7 and section 109(6) so far as relating to that Part,
shall come into force on the appointed day within the meaning of that Act as it has effect in the United Kingdom (that is to say, the day appointed by order by the Secretary of State under section 2 of that Act as it has effect in the United Kingdom).
3. The following provisions of the Telecommunications Act 1984, namely—
sections 68 and 69;
section 109(4), paragraphs 41, 42, 43, 45 and 46 of Schedule 5 and Schedule 6; and
Part II of Schedule 7 and section 109(6) so far as relating to that Part,
shall come into force on the transfer date within the meaning of that Act as it has effect in the United Kingdom (that is to say, the day appointed by order by the Secretary of State under section 60(1) of that Act as it has effect in the United Kingdom).
4. Part III of Schedule 7 to the Telecommunications Act 1984, and section 109(6) of that Act so far as relating to that Part, shall come into force on the dissolution of British Telecommunications (that is to say, on the day specified by order by the Secretary of State under section 69(2) of that Act).
5. Section 100 of the Telecommunications Act 1984 shall come into force on the day upon which that section comes into force in the United Kingdom (that is to say, the day appointed in that behalf by order by the Secretary of State under section 110(5) of that Act as it has effect in the United Kingdom).