
STATUTORY INSTRUMENTS

2003 No. 3195

The Communications (Bailiwick of Guernsey) Order 2003

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⁽¹⁾.

(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⁽²⁾ (“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”)⁽³⁾—

- (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⁽⁴⁾ (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

(1) [S.I.2003/3192](#).

(2) [SI 2003/1900](#).

(3) [S.I. 2003/3142/c. 125](#).

(4) [S.I. 1998/1511](#).

(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;

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