

2004 No. 307

**ELECTRONIC COMMUNICATIONS
BROADCASTING**

The Communications (Bailiwick of Guernsey) Order 2004

Made - - - - - *11th February 2004*

Coming into force - - - - - *27th February 2004*

At the Court at Buckingham Palace, the 11th day of February 2004

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(a) as it has effect by virtue of section 9(2) of the Wireless Telegraphy Act 1998(b), section 9(3) of the Wireless Telegraphy Act 1998 and sections 402(3)(b) and (c) and 411(6) and (8) of the Communications Act 2003(c), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1.—(1) This Order may be cited as the Communications (Bailiwick of Guernsey) Order 2004 and shall come into force on 27th February 2004.

(2) 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 Office of Communications Act 2002 (Commencement No.3) and Communications Act 2003 (Commencement No. 2) Order 2003 (“the No. 2 Order”)(d)—

- (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. 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. 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. 2 Order in relation to that provision.

(a) 1949 c. 54.

(b) 1998 c. 6.

(c) 2003 c. 21, extended in part to Guernsey by S.I. 2003/3195.

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

Interpretation

2. In this Order—
“the 2003 Act” means the Communications Act 2003; and
“the Channel Islands” means the Bailiwicks of Jersey and Guernsey.

Revocations

3. Article 2 of the Wireless Telegraphy (Channel Islands) (Amendment Order) 1997^(a) (which amended section 1 of the Wireless Telegraphy Act 1949, as inserted by paragraph 2 of the Schedule to, and as extended to the Channel Islands by, the Wireless Telegraphy (Channel Islands) Order 1952^(b)), as it applies to the Bailiwick of Guernsey, is revoked.

Extension of the 2003 Act

4. Sections 363, 364, 365, 366 and 368 in Part 4 of the 2003 Act shall extend, with the modifications specified in the Schedule to this Order, to the Bailiwick of Guernsey.

5. For the purpose of construing the provisions of the 2003 Act, as extended by this Order as part of the law of the Bailiwick of Guernsey, any reference to an enactment which extends to the Bailiwick of Guernsey shall, except where a contrary intention appears, be construed as a reference to that enactment as it has effect in the Bailiwick of Guernsey.

A.K.Galloway
Clerk to the Privy Council

^(a) S.I. 1997/284.

^(b) S.I. 1952/1900, to which there have been amendments not relevant to the subject matter of this Order.

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

1. In section 363 (Licence required for use of TV receiver)—
 - (a) in subsection (4) for the word “standard,” substitute “uniform”; and
 - (b) after subsection (7), insert the following—

“(8) Regulations made by the Secretary of State in the United Kingdom under section 363(6) shall not have effect in the Bailiwick of Guernsey until they have been registered in the Royal Court, and where such Regulations have been 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.
2. In section 364 (TV licences), in subsection (9)(b) for the words “section 7 of the Interpretation Act 1978(a) (service by post)”, substitute “section 11 of the Interpretation (Guernsey) Law 1948”.
3. In section 365 (TV licence fees)—
 - (a) after subsection (4)(b), insert the following—

“(c) where the regulations relate to the fees payable in respect of a TV licence authorising the installation and use of one or more television receivers in accommodation for residential care, for that accommodation to include accommodation provided or managed by a body approved by Board of Health for the Bailiwick of Guernsey for the purposes of the regulations.”;
 - (b) omit subsection (6); and
 - (c) after subsection (8), insert the following—

“(9) Regulations made by the Secretary of State in the United Kingdom under section 365(1) shall not have effect in the Bailiwick of Guernsey until they have been registered in the Royal Court, and where such Regulations have been 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.”.
4. In section 366 (Powers to enforce TV licensing)—
 - (a) in subsection (1), for the words “a justice” to “Ireland”, substitute “the Bailiff”;
 - (b) in subsection (2)—
 - (i) after “OFCOM” insert “, accompanied by a police officer,”; and
 - (ii) in subsection (2)(a) omit the words “(either alone or in the company of one or more constables)”;
 - (c) in subsection (6), after the word “section” insert “or a police officer”;
 - (d) in subsection (9), for the word “standard” substitute “uniform”; and
 - (e) omit subsections (11) and (12).

(a) 1978 c.30.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Guernsey Part 4 of the Communications Act 2003, subject to modifications set out in the Schedule to the Order, which concerns the licensing of television reception. Other provisions of the Act were previously extended by the Communications (the Bailiwick of Guernsey) Order 2003 (S.I.2003/3195). Part 4 includes provisions enabling the Secretary of State to make regulations in respect of television licence fees, and further provisions concerning powers to enforce television licensing. The Order also revokes article 2 of the Wireless Telegraphy (Channel Islands) (Amendment Order) 1997 (S.I. 1997/284) as it applies to the Bailiwick of Guernsey.

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