

2004 No. 715

ELECTRONIC COMMUNICATIONS
BROADCASTING

**The Communications (Bailiwick of Guernsey) (No.2) Order
2004**

Made - - - - *10th March 2004*

Coming into force - - *26th March 2004*

At the Court at Buckingham Palace, the 10th day of March 2004

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 150(4) of the Broadcasting Act 1996(a) and section 204(6) of the Broadcasting Act 1990(b), as it is applied by section 150(3) of the Broadcasting Act 1996, and in exercise of the powers conferred upon Her by 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. This Order may be cited as the Communications (Bailiwick of Guernsey) (No.2) Order 2004 and shall come into force on 26th March 2004.

Revocations

2. Sub-paragraph (h) of Schedule 2 to the Broadcasting (Guernsey) Order 2003(d), which amended the Broadcasting Act 1990 (Guernsey) (No. 2) Order 1991(e), is hereby revoked.

(a) 1996 c.55, extended in part to Guernsey by S.I. 1999/1314 and 2003/3195.
(b) 1990 c.42, extended in part to Guernsey by S.I. 1991/191 and 1991/1709.
(c) 2003 c.21, extended in part to Guernsey by S.I. 2003/3195 and 2004/307.
(d) S.I. 2003/3192.
(e) S.I. 1991/1709, amended by S.I.1999/1314.

Amendment of the Communications (Bailiwick of Guernsey) Order 2003

3. The Communications (Bailiwick of Guernsey) Order 2003(a) is hereby amended in accordance with the Schedule to this Order.

A.K.Galloway
Clerk to the Privy Council

(a) S.I. 2003/3195.

SCHEDULE

Article 3

AMENDMENTS OF THE COMMUNICATIONS (BAILIWICK OF GUERNSEY) ORDER 2003

1. In article 1—

- (a) in paragraph (4), after the words “(“the No.2 Order”)” insert “or the Office of Communications Act 2002 (Commencement No. 3) and Communications Act 2003 (Commencement No. 2) (Amendment) Order 2004 (“the Amendment Order”)(a)”;
- (b) in paragraph (4)(a), after the words “the No.2 Order” insert “or the Amendment Order”;
- (c) in paragraph (4)(b), after the words “the No.2 Order” insert “or the Amendment Order”;
- (d) in paragraph (4)(c), after the words “the No.2 Order” insert “or the Amendment Order”;
and
- (e) after paragraph (5) insert—
“(6) paragraph (4) shall not apply until the day following the day on which the Order therein referred to as the “Amendment Order” has been registered in the Royal Court of Guernsey.”.

2. For paragraph 2 of Schedule 2 (Modifications with which provisions of the Communications Act 2003 extend to the Bailiwick of Guernsey), substitute the following—

“**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), 247, 248, 277(1)
278(1), 309(1), 319(4), 348(5) 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), 249(1) and (2), 277(2), (3)
and (4), 278(6) and (7), 309(2) and (3), 323(1), 348(5) 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.”.

(a) S.I. 2004/545/c.21.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Communications (the Bailiwick of Guernsey) Order 2003 (S.I. 2003/3195) (the 2003 Order), which extended, in part and with modifications, to the Bailiwick of Guernsey the Office of Communications Act 2002 and the Communications Act 2003 (the 2003 Act).

The amendment is necessary because of an amendment to the Office of Communications Act 2002 (Commencement No.3) and Communications Act 2003 (Commencement No. 2) Order 2003 (S.I. 2003/3142/c. 125) made by the Office of Communications Act 2002 (Commencement No. 3) and Communications Act 2003 (Commencement No. 2) (Amendment) Order 2004 (S.I. 2004/545/c.21).

By reason of the amendment to the Commencement Order, the date upon which section 278 and consequent provisions in sections 351, 353 and Schedule 12 of the 2003 Act (extended to the Bailiwick of Guernsey by the 2003 Order) will come into force has been changed.

This Order also makes further modifications to provisions of the 2003 Act, previously extended by the 2003 Order, and amends the Broadcasting (Bailiwick of Guernsey) Order 2003 (S.I. 2003/3192), by revoking sub-paragraph (h) of Schedule 2 to that Order.

Other provisions of the 2003 Act were extended by the Communications (Bailiwick of Guernsey) Order 2004 (S.I.2004/307).

£3.00

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0383 3/2004 140383T 19585

ISBN 0-11-048868-7



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