

2005 No. 856

ELECTRONIC COMMUNICATIONS

BROADCASTING

**The Communications (Bailiwick of Guernsey) (Amendment)
Order 2005**

Made - - - - *22nd March 2005*

Coming into force - - *31st March 2005*

At the Court at Buckingham Palace, the 22nd day of March 2005

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty in exercise of the powers conferred upon by sections 402(3)(b) and (c) and 411(6) and (8) of the Communications Act 2003(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Communications (Bailiwick of Guernsey) (Amendment) Order 2005 and shall come into force on 31st March 2005.

(2) In this Order, “the 2003 Order” means the Communications (Bailiwick of Guernsey) Order 2003(b)

Amendment of the 2003 Order

2. The 2003 Order is amended as follows—

(a) in article 6—

(i) for the words, “sections 211” to “244;” substitute “sections 211, 212 and 214 to 244;”; and

(ii) for the words, “sections 263, 264, 271,” substitute “sections 263 to 271,” and

(b) after paragraph 53 of Schedule 2 (Modifications with which provisions of the Communications Act 2003 extend to the Bailiwick of Guernsey) insert—

(a) 2003 c.21, which was extended in part to the Bailiwick of Guernsey by S.I. 2003/3195 and 2004/307.

(b) S.I. 2003/3195, which was amended by S.I. 2004/307, 2004/715 and 2004/1116.

“53A. In section 270 (Enforcement of public service remits) after the words “United Kingdom” wherever they occur insert “or the Bailiwick of Guernsey”.”.

22nd March 2005

A.K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order further amends the Communications (Bailiwick of Guernsey) Order 2003 (S.I. 2003/3195) (“the 2003 Order”) which extended, in part the Communications Act 2003 (“the 2003 Act”) to the Bailiwick of Guernsey (Guernsey).

In particular this Order amends article 6 of the 2003 Order so as to extend sections 231(1), 231(2)(c) and sections 265 to 270 of the 2003 Act to Guernsey and amends Schedule 2 to the 2003 Order to take account of consequential modifications. The remaining provisions of section 231 were extended by the 2003 Order.

Section 231(2)(c) requires OFCOM to grant the Channel 4 Television Corporation (“C4C”) a replacement licence which requires C4C to provide a television service in digital form, subject to the terms and conditions set out in subsections (3) to (9) of section 231.

Section 231(1) of the Act provides for the cessation of the licence under which Channel 4 has been providing a service and for the coming into force of the replacement licence granted to C4C under section 231(2)(c). Sections 265 to 269 of the Act define the public service remits for the licensed public service channels and the public teletext service and make provision for the preparation of statements of programme and service policy and for a degree of self-regulation by the relevant providers. Section 270 gives OFCOM powers to enforce the public service remits, including the power to replace self-regulation with specific conditions imposed by OFCOM.

Section 231(2)(c) and sections 231(1) and 265 to 270 of the 2003 Act were brought into force in the United Kingdom by the Communications Act 2003 (Commencement No.3) Order 2004 (S.I. 2004/3309 (c. 150)). Section 231(2)(c) came into force on 10th December 2004. Sections 231(1) and 265 to 270 on 28th December 2004, the day on which the replacement licence granted to C4C came into force in the United Kingdom.

Other provisions of the 2003 Act were extended by the Communications (the Bailiwick of Guernsey) Order 2004 (S.I. 2004/307), which also amended the 2003 Order. The 2003 Order was further amended by the Communications (Bailiwick of Guernsey) (No.2) Order 2004 (S.I. 2004/718) and the Communications (Bailiwick of Guernsey) (No.3) Order 2004 (S.I. 2004/1116).

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