

2012 No. 2688

ELECTRONIC COMMUNICATIONS

BROADCASTING

**The Communications (Bailiwick of Guernsey) (Amendment)
Order 2012**

Made - - - - *7th November 2012*

Coming into force - - *5th December 2012*

At the Court at Buckingham Palace, the 7th day of November 2012

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 402(3)(c) and 411(6) and (8) of the Communications Act 2003(a), by and with the advice of Her Privy Council, makes the following order:

Citation and commencement

1. This Order may be cited as the Communications (Bailiwick of Guernsey) (Amendment) Order 2012 and comes into force on 5th December 2012.

Amendment of the Communications (Bailiwick of Guernsey) Order 2003

2. For paragraph 50 of Schedule 2 to the Communications (Bailiwick of Guernsey) Order 2003(b) (the "2003 Order"), substitute—

"50. In section 262 (Community radio)—

(a) in subsection (1)—

(i) for "The Secretary of State may by order" substitute "Her Majesty may by Order in Council";

(ii) for "in an order under this section" substitute "in an Order in Council under this section"; and

(iii) for "he considers" substitute "Her Majesty in Council considers";

(b) in subsection (2)—

(a) 2003 c.21.

(b) S.I. 2003/3195, to which there are amendments not relevant to this Order.

- (i) for “The Secretary of State is not to make an order” substitute “An Order in Council shall not be made”; and
- (ii) for paragraph (b) substitute—

“(b) the appropriate authority of Guernsey considers that the provision of services of that description would confer significant benefits on the public or on the communities for which they would be provided.”;
- (c) in subsections (3) and (4), for “order” substitute “Order in Council”; and
- (d) for subsection (5) substitute—

“(5) In this section, “appropriate authority of Guernsey” means the Minister for the Home Department or such other person designated by the Minister.””.

3. For paragraph 87 of Schedule 2 to the 2003 Order, substitute—

“87. In section 359 (Grants to providers)—

- (a) omit subsection (1);
- (b) in subsection (2), omit “also”;
- (c) in subsection (4), for the words “a licence mentioned in subsection (5)”, substitute “a licence under Part 1 of the 1990 Act, or under Part 1 of the 1996 Act, which is granted in accordance with any provision made by an order under section 244 of this Act”; and
- (d) omit subsections (5) and (6).”.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

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

The amendments made to the 2003 Order by this Order modify section 262 (Community radio) of the 2003 Act, which was extended in part and with modifications to the Bailiwick of Guernsey by the 2003 Order, so as to provide that Her Majesty may make Orders in Council relating to the Bailiwick of Guernsey under that section. The amendments made by this Order also modify section 359 (Grants to providers) of the 2003 Act, which was also extended in part and with modifications to the Bailiwick of Guernsey by the 2003 Order, to amend the basis on which grants to providers are to be available in Guernsey.

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