
STATUTORY INSTRUMENTS

2013 No. 243

The Community Radio (Guernsey) Order 2013

Citation, commencement and extent

- 1.—(1) This Order may be cited as the Community Radio (Guernsey) Order 2013.
- (2) This Order comes into force on 19th March 2013.
- (3) This Order extends to the Bailiwick of Guernsey.

Revocation

2. The Community Radio (Guernsey) Order 2012⁽¹⁾ is revoked.

Interpretation

- 3.—(1) In this Order—

“the 1990 Act” means the Broadcasting Act 1990⁽²⁾, as extended to the Bailiwick of Guernsey⁽³⁾;

“the 2003 Act” means the Communications Act 2003, as extended to the Bailiwick of Guernsey⁽⁴⁾;

“community” means—

- (a) the persons who live or work or undergo education or training in a particular Island of the Bailiwick of Guernsey or an area or locality therein, or
- (b) persons who (whether or not they fall within paragraph (a)) have one or more interests or characteristics in common;

“community radio licence” means a licence under Part 3 of the 1990 Act (as it has effect by virtue of this Order) to provide a community radio service;

“community radio service” means a local service having the characteristics set out in article 4;

“Island” means Guernsey, Alderney or Sark;

“local service”, “national service” and “restricted service” each has the meaning given in section 245(4) of the 2003 Act;

“social enterprise” means a business which has as its primary objective the support of one or more projects of a social nature (rather than the production of a financial profit); and

“social gain” has the meaning given by paragraph (2).

(1) [S.I. 2012/2690](#).

(2) [1990 c. 42](#).

(3) The Broadcasting Act 1990 was extended, in part and with modifications, to the Bailiwick of Guernsey by the Broadcasting Act 1990 (Guernsey) Order 1991, [S.I. 1991/191](#) and by the Broadcasting Act 1990 (Guernsey) (No. 2) Order 1991, [S.I. 1991/1709](#), as amended by [S.I. 1999/1314](#) and [S.I. 2003/3192](#). There have been further amendments to [S.I. 1991/1709](#) which are not relevant to this Order.

(4) The Communications Act 2003 was extended, in part and with modifications, to the Bailiwick of Guernsey by the Communications (Bailiwick of Guernsey) Order 2003, [S.I. 2003/3195](#), as amended by [S.I. 2004/1116](#) and [S.I. 2012/2688](#). There have been further amendments to [S.I. 2003/3195](#) which are not relevant to this Order.

(2) In relation to a community radio service, “social gain” means the achievement, in respect of individuals or groups of individuals in the community that the service is intended to serve, or in respect of other members of the public, of the following objectives—

- (a) the provision of sound broadcasting services to individuals who are otherwise underserved by such services,
- (b) the facilitation of discussion and the expression of opinion,
- (c) the provision (whether by means of programmes included in the service or otherwise) of education or training to individuals not employed by the person providing the service, and
- (d) the better understanding of the particular community and the strengthening of links within it,

and may also include the achievement of other objectives of a social nature and, in particular, those mentioned in paragraph (3).

(3) Those objectives are—

- (a) the delivery of services of a social nature and the increasing, and wider dissemination, of knowledge about those services and about local amenities;
- (b) the promotion of economic development and of social enterprises;
- (c) the promotion of employment;
- (d) the provision of opportunities for the gaining of work experience;
- (e) the promotion of social inclusion;
- (f) the promotion of cultural and linguistic diversity;
- (g) the promotion of civic participation and volunteering.

(4) In this Order, in relation to any service which is intended to serve more than one community, any reference to the community which that service is intended to serve shall be taken to include a reference to every such community.

(5) In this Order, one person shall be treated as being connected with another person if he or she would be so treated for the purposes of Schedule 2 to the 1990 Act⁽⁵⁾.

Characteristics of community radio services

4.—(1) It is a characteristic of community radio services that they are local services provided primarily—

- (a) for the good of members of the public, or of particular communities, and
- (b) in order to deliver social gain,

rather than primarily for commercial reasons or for the financial or other material gain of the individuals involved in providing the service.

(2) It is a characteristic of every community radio service that it is intended primarily to serve one or more communities (whether or not it also serves other members of the public).

(3) It is a characteristic of every community radio service that the person providing the service—

- (a) does not do so in order to make a financial profit by so doing, and

(5) Paragraph 3 of Part 1 of Schedule 2 to the Broadcasting Act 1990 sets out which persons are to be treated as being connected with a particular person, for the purposes of that Schedule. This paragraph was substituted by section 73 of, and paragraph 3, Part 1, of Schedule 2 to, the Broadcasting Act 1996 (1996 c.55), as extended to Guernsey by the Broadcasting (Guernsey) Order 2003, S.I. 2003/3192.

(b) uses any profit that is produced in the provision of the service wholly and exclusively for securing or improving the future provision of the service, or for the delivery of social gain to members of the public or the community that the service is intended to serve.

(4) It is a characteristic of every community radio service that members of the community it is intended to serve are given opportunities to participate in the operation and management of the service.

(5) It is a characteristic of every community radio service that, in respect of the provision of that service, the person providing the service is accountable to the community that the service is intended to serve.

Application of broadcasting legislation

5. The provisions of the 1990 Act and the 2003 Act have effect in relation to a community radio service in the Bailiwick of Guernsey with the modifications set out in the Schedule.

Disqualified persons

6.—(1) In addition to the modifications made under article 5 of, and the Schedule to, this Order, Part 2 of Schedule 2 to the 1990 Act⁽⁶⁾ has effect in relation to community radio licences as if the persons who are disqualified persons by virtue of that Part of that Schedule included, in relation to such licences, any person falling within paragraph (2).

(2) Those persons are—

- (a) any person who is not a body corporate;
- (b) any body corporate falling within paragraph (3); and
- (c) any C4 company or S4C company that would not otherwise be a disqualified person by virtue of paragraph (3).

(3) A body corporate falls within this paragraph if—

- (a) that body holds at least one relevant Broadcasting Act licence; or
- (b) that body is connected with a person who holds one or more such licences.

(4) In this article, a relevant Broadcasting Act licence is a Broadcasting Act licence which is not a licence to provide one of the following services—

- (a) a community radio service;
- (b) a digital sound programme service;
- (c) a restricted service;
- (d) a radio licensable content service;

⁽⁶⁾ In Part 2 of Schedule 2 to the Broadcasting Act 1990, paragraph 1(1) was amended by section 73 of, and paragraph 6(1) and (2), Part 2, of Schedule 2 to, the Broadcasting Act 1996, as extended by [S.I. 2003/3192](#), and by section 360(3) of, and paragraph 69(1), (4) and (5), Part 1, of Schedule 15 to, the Communications Act 2003 and was repealed in part by sections 348(1) and 406(7) of, and Schedule 19(1) to, the Communications Act 2003. Paragraph 1(2) and (3) were repealed by section 406(7) of, and Schedule 19(1) to, the Communications Act 2003. Paragraph 2 was amended by section 348(2) and (3) of the Communications Act 2003. Paragraph 3(1) was amended by section 73 of, and paragraph 7, Part 2, of Schedule 2 to, the Broadcasting Act 1996 (as extended by [S.I. 2003/3192](#)) and by section 360(3) of, and paragraph 69(1) and (6), Part 1, of Schedule 15 to, the Communications Act 2003. Paragraph 4(1) was amended by section 360(3) of, and paragraph 69(1), (4) and (7), Part 1, of Schedule 15 to, the Communications Act 2003. Paragraph 4(2) was amended by sections 348(4) and 360(3) of, and paragraph 69(1) and (8), Part 1, of Schedule 15 to, the Communications Act 2003. Paragraph 5 was repealed in part by sections 73 and 148(2) of, and paragraph 8, Part 2, of Schedule 2 and Part 1 of Schedule 11 to, the Broadcasting Act 1996 (as extended by [S.I. 2003/3192](#)) and was amended by section 360(3) of, and paragraph 69(1) and (4), Part 1, of Schedule 15 to, the Communications Act 2003. Paragraph 5A was inserted by section 73 of, and paragraph 9, Part 2, of Schedule 2 to, the Broadcasting Act 1996 (as extended by [S.I. 2003/3192](#)) and was repealed in part by sections 360(3) and 406(7) of, and paragraph 69(1), (9)(a), (b) and (c), Part 1, of Schedule 15 and by Schedule 19(1) to the Communications Act 2003. Paragraph 6 was amended by section 360(3) of, and paragraph 69(1) and (4), Part 1, of Schedule 15 to, the Communications Act 2003.

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- (e) a restricted television service;
- (f) a television licensable content service.

Restrictions on holding of community radio licences

- 7.—(1) No body corporate may hold more than one community radio licence at any one time.
- (2) For the purposes of this article, any body corporate which is connected with another such body which holds such a licence is treated as if it also were a holder of that licence.

Richard Tilbrook
Clerk of the Privy Council