
STATUTORY INSTRUMENTS

1991 No. 998

BROADCASTING

The Broadcasting Act 1990 (Isle of Man) (No. 2) Order 1991

Made - - - - *16th April 1991*

Coming into force - - *24th April 1991*

At the Court at Windsor Castle, the 16th day of April 1991

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 204(6) of the Broadcasting Act 1990⁽¹⁾, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Broadcasting Act 1990 (Isle of Man)(No. 2) Order 1991 and shall come into force on 24th April 1991.

2.—(1) The following provisions of the Broadcasting Act 1990 shall extend, with the modifications specified in the Schedule to this Order, to the Isle of Man—

- (a) in Part I (independent television services), sections 1 to 44, 48 to 55 and 65 to 71;
- (b) in Part III (independent radio services), sections 83 to 96, 98 to 103, 106 to 111 and 114 to 126;
- (c) in Part IV (transfer of undertakings), sections 127, 129 to 132 and 135 to 141;
- (d) Part V (Broadcasting Complaints Commission);
- (e) Part VI (Broadcasting Standards Council);
- (f) in Part IX (copyright and related matters), section 176;
- (g) in Part X (miscellaneous and general), sections 182, 185 to 188, 195 to 197 and 199 to 204; and
- (h) Schedules 1 to 5, 7 to 9, 11, 13, 14 and 21.

(2) For the purpose of construing those provisions as so extended as part of the law of the Isle of Man, any reference to an enactment which extends to the Isle of Man shall, except where a contrary intention appears, be construed as a reference to that enactment as it has effect in the Isle of Man.

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G. I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 2

MODIFICATIONS WITH WHICH PROVISIONS OF THE
BROADCASTING ACT 1990 EXTEND TO THE ISLE OF MAN

1. In section 2 (function of Commission)—
 - (a) in subsection (1)(a) and (b) after the words “United Kingdom” insert “or the Isle of Man”;
 - (b) in subsection (2)(a) after the words “United Kingdom” insert “and the Isle of Man”;
 - (c) in subsection (4) in the definition of “television programme service” omit paragraphs (b) and (c); and
 - (d) in subsection (5) after the words “United Kingdom” insert “and the Isle of Man”.
2. In section 3 (general provisions about licences)—
 - (a) in subsection (1) for the words “Chapter II, III, IV or V” substitute “Chapter II, III or V”; and
 - (b) in subsection (8) for the words “section 7 of the Telecommunications Act 1984” substitute “section 5 of the Telecommunications Act 1984 (an Act of Tynwald)”.
3. In section 5 (restrictions on holding of licences), in subsection (1)(b) for the words “Parts III to V” substitute “Parts III and V”.
4. In section 10 (government control over licensed services), in subsection (1) after the words “his functions as such” insert “or with any functions of the Governor in Council or any Department or Statutory Board in the Isle of Man”.
5. In section 13 (prohibition on providing television services without a licence)—
 - (a) in subsection (3)(b) for the word “indictment” substitute “information”;
 - (b) in subsection (4) for the words after “instituted” substitute “in the Isle of Man except by or with the consent of Her Majesty’s Attorney General for the Isle of Man”; and
 - (c) in subsection (5) for the words after “civil proceedings” substitute “at the suit of Her Majesty’s Attorney General for the Isle of Man for an injunction or for any other appropriate relief”.
6. In section 14 (establishment of Channel 3), in subsection (2) after the words “United Kingdom” insert “and the Isle of Man”.
7. In section 15 (applications for Channel 3 licences), in subsection (1)(b)(i) and (iv) after the words “United Kingdom” insert “and the Isle of Man”.
8. In section 24 (provision of Channel 4), in subsection (3) for the words “England, Scotland and Northern Ireland” substitute “England, Scotland, Northern Ireland and the Isle of Man”.
9. In section 28 (Channel 5), in subsections (1) and (2) after the words “United Kingdom” insert “and the Isle of Man”.
10. In section 29 (application of certain provisions to Channel 5), in subsection (2)(a) after the words “United Kingdom” insert “and the Isle of Man”.
11. In section 34 (schools programmes), in subsection (2)(c) after the words “United Kingdom” insert “and the Isle of Man”.
12. In section 37 (announcements of programme schedules), in subsection (2)(a) omit the words after “Channel 4”.
13. In section 39 (networking arrangements), in subsection (1) after the words “United Kingdom” insert “and the Isle of Man”.
14. In section 43 (satellite services)—

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- (a) in subsection (1) after the words “United Kingdom”—
 - (i) where first occurring, insert “or the Isle of Man”, and
 - (ii) in the second place in which they occur, insert “and the Isle of Man”; and
 - (b) omit subsections (2) and (3).
- 15.** In section 48 (additional services)—
- (a) in subsection (1)(a) omit the words from “(other than” to “Part II”); and
 - (b) in subsection (6), in the definition of “telecommunication signals”—
 - (i) for the words “section 4(1)” substitute “section 2(1)”, and
 - (ii) after “1984” insert “(an Act of Tynwald)”.
- 16.** In section 49 (licensing of additional services) omit subsection(3).
- 17.** In section 65 (assignment of frequencies)—
- (a) in subsection (1) omit the words “or Part II”; and
 - (b) omit subsection (3).
- 18.** In section 66 (transmission requirements)—
- (a) in subsection (6)(b) for the words “England, Scotland and Northern Ireland” substitute “England, Scotland, Northern Ireland and the Isle of Man”; and
 - (b) omit subsection (7).
- 19.** In section 68 (receipts of Commission)—
- (a) in subsection (1)—
 - (i) omit the words “or Part II”, and
 - (ii) after paragraph (c) insert—
 - “; or
 - (d) if the licence is for the provision of a service for the Isle of Man, be paid to the Treasury of the Isle of Man for the general revenue of the Isle of Man; or
 - (e) if the licence is for the provision of a service for the Isle of Man and for the whole or part of the United Kingdom, be paid in accordance with paragraph (d) above and into either or both those Funds in such proportions as the Commission consider appropriate.”;
 - (b) in subsection (2) (a) for the words “section 19(1), 52(1) or 77(1)” substitute “section 19(1) or 52(1)”; and
 - (c) in subsections (3) and (5) omit the words “or Part II” wherever occurring.
- 20.** In section 71 (interpretation of Part I), in subsection (1) omit the definitions of “licensable programme service”, “non-domestic satellite service” and “S4C”.
- 21.** In section 84 (regulation by Authority)—
- (a) in subsection (1) omit paragraph (b);
 - (b) for subsection (2) substitute—
 - “(2) This section applies to any sound broadcasting service which is provided from places in the United Kingdom, on a frequency or frequencies assigned to the Authority under subsection (4), for any such minimum area of the United Kingdom and the Isle of Man as the Authority may determine in accordance with section 98(2) (“a national service”).”; and

- (c) omit subsection (3).
- 22.** In section 85 (licensing functions of Authority)—
 - (a) in subsection (2)—
 - (i) after the words“United Kingdom” insert“and the Isle of Man”, and
 - (ii) omit the words after“pop music”; and
 - (b) omit subsection (4).
- 23.** In section 86 (licences under Part III)—
 - (a) in subsection (3) for the words from“the following” to“additional services” substitute“Any licence to provide a national service”;
 - (b) in subsection (6) omit the words“or section 118(1)”; and
 - (c) in subsection (9)—
 - (i) for the words“section 7” substitute“section 5”, and
 - (ii) after“1984” insert“(an Act of Tynwald)”.
- 24.** In section 89 (disqualification for holding licence), in subsection(1) omit the words after“1967”.
- 25.** In section 90 (general requirements as to licensed services)—
 - (a) in subsection (2) omit the words“, local, satellite, or licensable sound programme”;
 - (b) in subsection (3) omit paragraph (b);
 - (c) in subsection (4) omit the words after“considered as a whole”;
 - (d) in subsection (5)(a) omit the words after“national service”; and
 - (e) omit subsection (7).
- 26.** In section 94 (government control over licensed services), in subsection (1) after the words“his functions as such” insert“or with any functions of the Governor in Council or any Department or Statutory Board in the Isle of Man”.
- 27.** In section 96 (audience research), in subsection (1)(b) omit the words“and local”.
- 28.** In section 98 (applications for national licences), in subsections(1)(b) and (2) after the words“United Kingdom” insert“and the Isle of Man”.
- 29.** In section 106 (requirements as to character and coverage)—
 - (a) in subsections (1) and (2) omit the words“or local” and“or locality”; and
 - (b) omit subsections (4) to (6).
- 30.** In section 110 (power to impose penalty, etc.) omit subsections (3) and (7).
- 31.** In section 114 (additional services), in subsection (5) in the definition of“telecommunication signals”—
 - (a) for the words“section 4(1)” substitute“section 2(1)”; and
 - (b) after“1984” insert“(an Act of Tynwald)”.
- 32.** In section 115 (licensing of additional services) omit subsection(8).
- 33.** In section 122 (receipts of Authority)—
 - (a) in subsection (1) after paragraph (c) insert—
 - “or

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- (d) if the licence is for the provision of a service for the Isle of Man and for the whole or part of the United Kingdom, be paid into either or both of those Funds and to the Treasury of the Isle of Man for the general revenue of the Isle of Man in such proportions as the Authority consider appropriate.”; and
 - (b) in subsection (2)(c) omit the words after “section 110(1)(a)”.
- 34.** In section 126 (interpretation of Part III)—
- (a) in subsection (1) for the first three of the definitions following that of “licence” substitute—
 - ““national licence” means a licence to provide a national service;
 - “national service” shall be construed in accordance with section 84(1);”;and
 - (b) for subsection (2) substitute—
 - “(2) Any reference in this Part to a minimum area of the United Kingdom and the Isle of Man shall not be construed as referring to an area which consists wholly or mainly of the Isle of Man.”.
- 35.** In section 129 (transitional arrangements)—
- (a) in subsection (1)—
 - (i) in paragraph (a) omit the words “and the Welsh Authority”, and
 - (ii) omit paragraph (c);
 - (b) in subsection (2) omit the words “or the Radio Authority”, where first occurring, and the words “or IV” and “or the Radio Authority (as the case may be)”;
 - (c) in subsection (3) omit the words “and S4C respectively” and the words after “subsection (4)”;
 - (d) omit subsection (6); and
 - (e) in subsection (7)—
 - (i) in paragraph (a) for the words “Parts II and IV” substitute “Part II”,
 - (ii) in paragraph (b) for the words “or to the Radio Authority by virtue of either of those Parts” substitute “by virtue of that Part”,
 - (iii) omit the words “or the Radio Authority”, and
 - (iv) for the words “those Parts of that Schedule contain” substitute “that Part of that Schedule contains”; and
 - (f) in subsection (10) omit the definition of “on S4C”.
- 36.** In section 130 (variation of programme contracts)—
- (a) omit subsection (4);
 - (b) in subsection (5) omit the words “the relevant authority or (as the case may be)”;
 - (c) in subsection (8) for the definition of “the relevant authority” substitute—
 - ““the relevant authority” means the Commission;”.
- 37.** In section 131 (supplementary provisions)—
- (a) in subsections (1) and (2)(a) and (b) for the words “section 130(1) to (4)” substitute “section 130(1) to (3)”;
 - (b) in subsection (5) for the definition of “the relevant authority” substitute—
 - ““the relevant authority” means the Commission”.
- 38.** In section 143 (function of BCC), in subsection (2) omit paragraph (b).

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39. In section 144 (complaints), in subsection (4)(b) and (c) after the words “United Kingdom” insert “or the Isle of Man”.

40. In section 150 (interpretation of Part V), in the definition of “licensed service” for the words “paragraph (a) or (b)” substitute “paragraph (a)”.

41. In section 152 (preparation of code), in subsection (2) omit paragraph (b).

42. In section 154 (complaints relating to broadcasting standards), in subsection (5)(a) and (b) after the words “United Kingdom” insert “or the Isle of Man”.

43. In section 161 (interpretation of Part VI), in subsection (1) in the definition of “licensed service” omit the words “paragraph (a) or (b) of” and the words after “Part III of this Act”.

44. In section 176 (duty to provide advance information)—

(a) in subsection (1)—

(i) omit the words “and Schedule 17 to this Act”, and

(ii) after the words “United Kingdom” insert “or the Isle of Man”;

(b) in subsection (5) after the words “United Kingdom” insert “or the Isle of Man”;

(c) omit subsection (6); and

(d) in subsection (7) omit the words “and that Schedule” and for the words “the section and Schedule apply” substitute “this section applies”, and in the table—

(i) in the first item after the words “United Kingdom” insert “or the Isle of Man”,

(ii) after the first item insert—

“Any programme service licensed or provided by or on behalf of the Department of Home Affairs under the Broadcasting Commission (Isle of Man) Act 1965 (an Act of Tynwald) or any Act of Tynwald amending or replacing that Act”,	The person licensed or authorised to provide the service.
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(iii) omit the third item, and

(iv) in the fourth item for the words “section 84(2)(a)(i)” substitute “section 84(2)”.

45. In section 196 (entry and search of premises)—

(a) in subsection (1) for the words “section 13, 82 or 97” substitute “section 13”;

(b) for subsection (2) substitute—

“(2) In subsection (1) “the relevant authority” means the Independent Television Commission.”

(c) in subsection (4)(b) for the word “indictment” substitute “information”; and

(d) omit subsections (5) and (6).

46. In section 197 (restriction on disclosure of information)—

(a) in subsection (2)(a)(i) omit the words “, the Welsh Authority” and “or the 1988 Regulations”;

(b) omit subsection (2)(a)(ii) and (c);

(c) omit subsection (5);

(d) in subsection (6)(b) for the word “indictment” substitute “information”; and

(e) omit subsection (7).

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- 47.** In section 201 (programme services)—
- (a) in subsection (1)—
 - (i) in paragraph (a) after the words “this Act” insert “as it has effect in the United Kingdom”,
 - (ii) in paragraph (b) omit the words “or licensable sound programme service”, and
 - (iii) in paragraph (c)(i) and (ii) after the words “United Kingdom” insert “or the Isle of Man”; and
 - (b) in subsection (2)—
 - (i) omit paragraph (a),
 - (ii) in paragraph (b) after “1984” insert “(an Act of Tynwald”, and
 - (iii) in paragraph (c) after the words “section 46(2)(c)” insert “of this Act as it has effect in the United Kingdom”.
- 48.** In section 202 (general interpretation)—
- (a) in subsection (1) in the definition of “telecommunication system” after “1984” insert “(an Act of Tynwald)”;
 - (b) after subsection (1) insert—
 - “(1A) In this Act “Department”, “the Governor in Council” and “Statutory Board” have the meanings given by the Interpretation Act 1976 (an Act of Tynwald).”;
 - (c) for subsection (2)(b) substitute—
 - “(b) Schedule 1, 2, 3, 13 or 14,”; and
 - (d) in subsection (5)(b) after the words “United Kingdom” insert “or the Isle of Man”.
- 49.** In section 203 (consequential and transitional provisions), omit subsections (1), (2) and (4).
- 50.** In section 204 (short title, etc.), omit subsections (2) to (6).
- 51.** In Schedule 2 (restrictions on the holding of licences)—
- (a) in Part I, in paragraph 1(1)—
 - (i) for the definition of “local authority” substitute—
 - ““local authority” means the municipal corporation of the borough of Douglas or the commissioners of any district,”; and
 - (ii) omit the definitions of “local delivery licence” and “local delivery service”;
 - (b) in Part II—
 - (i) in paragraph 1 omit sub-paragraphs (2)(a) to (e) and (3),
 - (ii) in paragraph 2(1) omit the words “Subject to sub-paragraph (2)”,
 - (iii) omit paragraph 2(2) and (3),
 - (iv) in paragraph 3(1) omit the words “other than a licence to provide a restricted service”, and
 - (v) in paragraph 3(2) after sub-paragraph (c) insert—
 - “; or
 - (d) by a Department or Statutory Board out of money provided by Tynwald;”;
 - (c) in Part III—
 - (i) in paragraph 1(2) omit sub-paragraphs (c), (d) and (f),

- (ii) in paragraph 1(3) omit sub-paragraphs (b) to (e),
 - (iii) for paragraph 1(4) substitute—
 - “(4) References in this Part to national radio services are references to national services within the meaning of Part III of this Act.”,
 - (iv) in paragraph 2(1) omit sub-paragraphs (e) and (f),
 - (v) omit paragraph 2(5),
 - (vi) in paragraph 2(6) omit sub-paragraphs (b) and (c) and the words “45(3) or 86(2)” and “non-domestic satellite services or (as the case may be) satellite radio services”,
 - (vii) in paragraph 2(8) omit “, (5)”,
 - (viii) omit paragraph 6(4) to (9),
 - (ix) in paragraph 6(10) for the words “(2) and (5) to (7)” substitute “and (2)”,
 - (x) omit paragraph 7(2), and
 - (xi) in paragraph 9(1) omit the words “or 6(8)” and the words after “participant” where first occurring;
- (d) in Part IV—
- (i) in paragraph 1(1) after the words “United Kingdom”, in the second place in which they occur, insert “or in the Isle of Man”,
 - (ii) in paragraph 1(2) after the words “part of the United Kingdom” insert “or in the Isle of Man”,
 - (iii) omit paragraph 1(4),
 - (iv) omit paragraph 2(4),
 - (v) in paragraph 2(5)(a) for the words “sub-paragraph (1), (3) or (4)” substitute “sub-paragraph (1) or (3)”,
 - (vi) omit paragraph 2(5)(c) and (d),
 - (vii) in paragraph 2(5)(e) omit the words “or (c) or (3)(d)”,
 - (viii) omit paragraph 3(4),
 - (ix) in paragraph 3(5)(a) for the words “sub-paragraph (1), (3) or (4)” substitute “sub-paragraph (1) or (3)”,
 - (x) omit paragraph 3(5)(c) and (d), and
 - (xi) in paragraph 3(5)(e) omit the words “or (c) or (3)(d)”; and
- (e) omit Part V.
- 52.** In Schedule 7 (qualifying revenue), in Part I omit the words “or Part II”, wherever occurring.
- 53.** In Schedule 9 (division of assets of IBA)—
- (a) omit paragraph 4(4);
 - (b) in paragraph 5(5) after sub-paragraph (b) insert—
 - “or
 - (c) where the proceedings are to be held in the Isle of Man, by the Lieutenant Governor of the Isle of Man.”;
 - (c) in paragraph 7(4) after the words “United Kingdom” insert “or the Isle of Man”; and
 - (d) in paragraph 7(7) after the words “United Kingdom” insert “and the Isle of Man”.
- 54.** In Schedule 11 (transitional provisions relating to IBA's broadcasting services)—

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- (a) in Part I omit the definitions of “local licence”, “local service”, “S4C” and “on S4C”;
- (b) in Part II—
 - (i) in paragraph 1(2) after the words “United Kingdom” insert “and the Isle of Man”,
 - (ii) in paragraph 3(1) for the words “England, Scotland and Northern Ireland” substitute “England, Scotland, Northern Ireland and the Isle of Man”, and
 - (iii) omit paragraphs 6 to 9; and
- (c) omit Parts IV and V.

55. In Schedule 21 (repeals) omit all entries except those relating to the Broadcasting Act 1981(2), Schedule 4 to the Telecommunications Act 1984(3), the Cable and Broadcasting Act 1984(4), and the Broadcasting Act 1987(5).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Isle of Man, with the modifications specified in the Schedule, provisions of the Broadcasting Act 1990 relating to independent television services and some independent radio services, the transfer of undertakings, the Broadcasting Complaints Commission and the Broadcasting Standards Council, and the supplying of advance information about programmes, and a number of the miscellaneous and general provisions in Part X of the Act.

(2) 1981 c. 68.
(3) 1984 c. 12.
(4) 1984 c. 46.
(5) 1987 c. 10.