

**2003 No. 3193**

**BROADCASTING**

**The Broadcasting (Isle of Man) Order 2003**

*Made* - - - - - *10th December 2003*

*Coming into force* - - - *29th December 2003*

At the Court at Buckingham Palace, the 10th day of December 2003

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), including as it is applied by section 150(3) of the Broadcasting Act 1996, 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 Broadcasting (Isle of Man) Order 2003 and shall come into force on 29th December 2003 and shall be deemed to have come into force immediately before the Communications (Isle of Man) Order 2003(c).

**Extension of the Broadcasting Act 1996**

2. The following provisions of the Broadcasting Act 1996 shall extend, with the modifications specified in Schedule 1 to this Order, to the Isle of Man—

- (a) in Part I (digital terrestrial television broadcasting), sections 1 to 28, 30, 31 and 33 to 39;
- (b) in Part II (digital terrestrial sound broadcasting), sections 40 to 48, 50, 51 and 53 to 72;
- (c) in Part III (amendments of Broadcasting Act 1990), sections 73 to 76, 78, 79, 82, 83, 84, 86, 87 and 92;
- (d) Part IV (sporting and other events of national interest) (sections 97 to 105);
- (e) Part V (Broadcasting Standards Commission), sections 106 to 126 and 128 to 130;
- (f) Part VI (British Broadcasting Corporation), sections 131 to 133 and 136;
- (g) in Part VIII (miscellaneous and general), sections 142 to 148 and 150; and
- (h) Schedules 1 to 5, 8, 10 and Part I of Schedule 11.

**Amendment of the Broadcasting Act 1990 (Isle of Man) (No. 2) Order 1991**

3. The Broadcasting Act 1990 (Isle of Man) (No. 2) Order 1991(d) is amended in accordance with Schedule 2 to this Order.

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(a) 1996 c. 55.  
(b) 1990 c. 42.  
(c) S.I. 2003/3198.  
(d) S.I. 1991/998.

**Revocations**

4. In the Broadcasting Act 1996 (British Broadcasting Corporation—Transmission Network) (Isle of Man) Order 1997<sup>(a)</sup>, the following provisions are hereby revoked—

- (a) in article 2, the words “147(1)”; and
- (b) paragraph 1 of the Schedule.

*A. K. Galloway*  
Clerk of the Privy Council

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<sup>(a)</sup> S.I. 1997/1756.

**MODIFICATIONS SUBJECT TO WHICH PROVISIONS OF THE BROADCASTING  
ACT 1996 EXTEND TO THE ISLE OF MAN**

1. Any reference to a provision of the Broadcasting Act 1990 (“the 1990 Act”) shall be construed as a reference to that provision as it has effect in the Isle of Man.
2. For the words “United Kingdom” wherever they occur, apart from in—
  - section 19(6),
  - section 38(1) and (5),
  - section 71(1) and (5),
  - section 72(2),
  - section 74(2)(a) (in section 31 of the 1990 Act as amended by the 1996 Act),
  - section 84(1) (in the new section 24(6) of the 1990 Act),
  - section 114(2),
  - Schedule 2, Part I, paragraph 4, inserted by paragraphs 3A and 3B of Part I of Schedule 2 to the 1990 Act,
  - Schedule 2, Part III, substituted by paragraphs 2 and 5 of Part III of Schedule 2 to the 1990 Act,
  - Schedule 2, Part IV, substituted by paragraphs 2 and 13 of Part IV of Schedule 2 to the 1990 Act, and
  - Schedule 10, paragraph 5, inserted by paragraphs (d), (e) and (f) of section 84(1) of the 1990 Act,
 substitute “United Kingdom and the Isle of Man”.
3. In section 1 (multiplex services and digital programme services)—
  - (a) in subsection (1A), for the words “United Kingdom” substitute “United Kingdom and the Isle of Man, but not for general reception in the Isle of Man only”; and
  - (b) in subsection (7), in the definition of “broadcast”, for the words “local delivery service (as defined by section 72(1) of the 1990 Act)” substitute “cable programme service (as defined by section 13(3) of the Broadcasting Act 1993 (an Act of Tynwald))”.
4. In section 2 (definition of “independent analogue broadcaster” and “qualifying service”)—
  - (a) in subsection (1), omit paragraph (b); and
  - (b) omit subsection (4).
5. In section 3(8) (licences under Part I), for the words “section 7 of the Telecommunications Act 1984” substitute “section 5 of the Telecommunications Act 1984 (an Act of Tynwald)”.
6. In section 4(4) (general licence conditions), after the words “such tariff” insert “in the Isle of Man”.
7. In section 25 (licensing of digital additional services), at the end add—
 

“(7) In relation to a digital additional service for the Isle of Man only, references to the Commission in this section and in sections 26 and 27 shall be construed as references to the Communications Commission”.
8. In section 31 (advertisements), omit the words “the Welsh authority or”.
9. In section 33 (review of digital television broadcasting)—
  - (a) in subsection (1)(a)(ii), omit “, S4C Digital”;
  - (b) in subsection (3)
    - (i) in paragraph (c), omit “or II”; and
    - (ii) for paragraph (d) substitute—
 

“(d) the Communications Commission;”.
10. In section 38 (receipts paid into Consolidated Funds)—
  - (a) in subsection (1), for paragraph (c) substitute—
 

“(c) if the licence is for the provision of a service for the Isle of Man and 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 in such proportions as the Commission consider appropriate.”;
  - (b) after subsection (4), insert—
 

“(4A) In respect of a licence granted by the Communications Commission—

    - (a) any amount specified in subsection (2) which is received by that Commission shall be paid to the Treasury of the Isle of Man for the general revenue of the Isle of Man; and

- (b) subsections (3) and (4) shall apply as if the reference in subsection (3) to subsection (1) were a reference to this subsection, and as if the reference in each of those subsections to the Commission were a reference to the Communications Commission”.
- 11.** In section 39(1) (interpretation Part I), omit the definitions of “S4C”, “on S4C”, “SC4 Digital” and “on S4C Digital”.
- 12.** In section 40 (radio multiplex services)—
- (a) for subsection (4) substitute—
- “(4) A radio multiplex service provided on a frequency or frequencies assigned to the Authority under section 45(1) shall be provided without any restriction by virtue of this Act to a particular area or locality in the United Kingdom and the Isle of Man (a “national radio multiplex service”).
- (4A) A radio multiplex service provided on a frequency or frequencies assigned to the Communications Commission under section 45(1A) shall be provided for the Isle of Man only (a “local radio multiplex service”).”; and
- (b) in subsection (8), in the definition of “broadcast”, for “local delivery service (as defined by section 72(1) of the 1990 Act)” substitute “cable programme service (as defined by section 13(3) of the Broadcasting Act 1993 (an Act of Tynwald))”.
- 13.** In section 42 (licences under Part II)—
- (a) in subsection (7), for “section 7 of the Telecommunications Act 1984” substitute “section 5 of the Telecommunications Act 1984 (an Act of Tynwald)”; and
- (b) at the end add—
- “(8) In relation to local radio multiplex licences, references in this section and the following provisions of this Part to the Authority shall be construed as references to the Communications Commission.”.
- 14.** In section 45 (assignment of frequencies)—
- (a) in subsection (1), after “provision of” insert “national”; and
- (b) after subsection (1) insert—
- “(1A) The Secretary of State may by notice assign to the Communications Commission, for the purpose of the provision of local radio multiplex services falling to be licensed by them under this Part, such frequencies as he may determine.”
- 15.** In section 50 (local radio multiplex licence)—
- (a) in subsection (1), for the words from “Where” to “the Authority” substitute “Where the Communications Commission propose to grant a local radio multiplex licence, they”;
- (b) in subsection (2), omit paragraphs (c) and (d); and
- (c) in subsection (4), in paragraph (c), omit the words “(other than BBC services)”.
- 16.** In section 51(2) (award of local radio multiplex licence)—
- (a) in paragraph (a), for the words in brackets substitute “within the Isle of Man”;
- (b) in paragraph (d), omit the words “(other than BBC services)”; and for the words “the area or locality for which the service is to be provided” substitute “the Isle of Man”;
- (c) in paragraph (e), for the words “the area or locality for which it is to be provided” substitute “the Isle of Man”; and
- (d) in paragraph (f), for the words “that area or locality” substitute “the Isle of Man”.
- 17.** In section 54(1)(c)(ii) (conditions), for the words from “the BBC” to the end substitute “the holder of a licence under Part 1 of the Broadcasting Act 1993 (an Act of Tynwald) to provide local digital sound programme services”.
- 18.** In section 58 (duration and renewal of licences)—
- (a) in subsection (4), omit paragraph (a)(ii) and, in paragraph (b), omit the words “or those supplementary proposals”;
- (b) in subsections (5) and (8) for the words “Secretary for State” substitute “Governor in Council”;
- (c) in subsection (7)(b) omit the words “or supplementary proposals”; and
- (d) in subsection (ii), omit the words “and supplementary proposals”.
- 19.** In section 60 (licensing of digital sound programme services)—
- (a) for subsection (2) substitute—
- “(2) A licence to provide digital sound programme services is a licence to provide national digital sound programme services only and in this Part is referred to either as “a digital sound programme licence” or as a “national digital sound programme licence”.”; and
- (b) in subsection (7), omit the words “or local”; and
- (c) in subsection (8)—

- (i) in the substituted section 90(3) of the 1990 Act, omit paragraph (b); and
  - (ii) in the substituted section 90(4) of the 1990 Act, omit the words from “and in applying” to the end.
20. In section 62 (enforcement), omit subsection (9).
21. In section 63 (digital additional services), after subsection (2) insert—
- “(2A) The reference in subsection (2) to a digital sound programme licence includes a reference to a licence granted under Part I of the Broadcasting Act 1993 (an Act of Tynwald) for a digital sound programme service for the Isle of Man provided for broadcasting by means of a local radio multiplex licence; and, in relation to an additional service provided by the holder of such a licence, references to the Authority in sections 64 to 66 shall be construed as references to the Communications Commission.”
22. In section 71 (receipts paid into Consolidated Funds)—
- (a) in subsection (1), for paragraph (c) substitute—
    - “(c) in any other case, 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.”;
  - (b) after subsection (4), insert—
    - “(4A) In respect of a licence granted by the Communications Commission—
      - (a) any amount specified in subsection (2) which is received by that Commission shall be paid to the Treasury of the Isle of Man for the general revenue of the Isle of Man; and
      - (b) subsections (3) and (4) shall apply as if the reference in subsection (3) to subsection (1) were a reference to this subsection, and as if the reference in each of those subsections to the Authority were a reference to the Communications Commission.”.
23. In section 72(1) (interpretation Part II)—
- (a) in the definition of “digital sound programme licence”, for the words “means a licence to provide such services” substitute “has the meaning given by section 60(2)”;
  - (b) for the definition of “local digital sound programme licence” and “national digital sound programme licence” substitute ““national digital sound programme licence” has the meaning given by section 60(2)”;
  - (c) in the definition of “local radio multiplex service”, after “40(4)” insert “and (4A)”.
24. In section 84 (Channel Four to be licensed service), omit subsections (3) and (4).
25. In section 86 (Channel 3 licence), omit subsection (3).
26. In section 97 (listed events television programme services)—
- (a) in subsection (2), after paragraph (b), insert—
    - “(bb) the Communications Commission;” and
  - (b) in subsection (4), for the words “Wales or Northern Ireland” substitute “Wales, Northern Ireland or the Isle of Man”.
27. In section 99(2) (exclusive rights contracts made before Act commencement void), omit the words “, the Welsh Authority”.
28. In section 103(3) (report to Secretary of State), omit the words “or the Welsh Authority”.
29. In section 104(4) (code of guidance), omit paragraph (b).
30. In section 107 (BSC code on avoidance of unjust or unfair treatment or interference with privacy)—
- (a) in subsection (4), after paragraph (a), omit the word “and” and insert—
    - “(aa) the Communications Commission, and”;
  - (b) in subsection (5), omit paragraph (b).
31. In section 108 (BSC code on broadcasting standards generally)—
- (a) after subsection (4)(a), omit the word “and” and insert—
    - “(aa) the Communications Commission, and”;

- (b) in subsection (5), after paragraph (a), insert the word “and”; and omit paragraphs (b) and (d) and the word “, and” after paragraph (c).
- 32. In section 114(2)(a) and (b) (complaints: fairness, taste and decency), after the words “United Kingdom” insert “or the Isle of Man”.
- 33. In section 116(6) (standards complaints), omit the definition of “licensed service”.
- 34. In section 117 (duty to retain recordings), omit the words from “and of” to “offences”.
- 35. In section 119 (publication of BSC findings) omit subsection (12).
- 36. In section 124 (duty to publicise BSC), omit subsection (4).
- 37. In section 125 (annual reports), omit subsections (5)(b) and (6).
- 38. In section 130(1) (interpretation of Part V)—
  - (a) in the definition of “broadcasting body”, omit the words “or the Welsh Authority”;
  - (b) in the definition of “licensed service”—
    - (i) omit the words from “, subject to” to “ 125(6),”; and
    - (ii) in paragraph (e), omit the words “provided by a person other than the Welsh Authority”; and
  - (c) omit the definition of “local delivery service”.
- 39. In section 142(7) (standards for transmission services)—
  - (a) in the definition of “licensed service”, omit the words “or II” and “or provided under a relevant cable licence”; and
  - (b) omit the definition of “relevant cable licence”.
- 40. In section 143(1) and (2) (disqualification on grounds related to political objections), omit “or II”.
- 41. In section 144(5)(a) (offence of providing false information), omit the words “or II”.
- 42. In section 146 (disqualification orders)—
  - (a) in subsection (2), for the words “England and Wales or Northern Ireland” substitute “England and Wales, Northern Ireland or the Isle of Man”; and
  - (b) omit subsection (3).
- 43. In section 150 (short title), omit subsections (2) to (4).
- 44. In Schedule 8 (amendments to 1990 Act), omit paragraph 4.
- 45. In Schedule 10 (amendments)—
  - (a) omit paragraphs 4, 7 and 8;
  - (b) in paragraph 10, omit sub-paragraph (a);
  - (c) omit paragraphs 15, 16, 18 and 19;
  - (d) in paragraph 21, omit sub-paragraph (c); and
  - (e) omit paragraphs 24 and 26 to 32.
- 46. In Part I of Schedule 11, omit all entries except those relating to the 1990 Act.

## SCHEDULE 2

Article 3

### AMENDMENTS OF THE BROADCASTING ACT 1990 (ISLE OF MAN) (No. 2) ORDER 1991

- 1. In article 2(1)(a), for “to 44” substitute “to 42”.
- 2. In article 2(1)(b), for “98 to 103” substitute “98 to 103A” and for “106 to 111” substitute “106, 107 to 111A”.
- 3. In the Schedule—
  - (a) in paragraph 1(a), for “subsection (1)(a) and (b)” substitute “subsection (1)(a), (b), (c) and (d)”;
  - (b) after paragraph 1(a), insert
    - “(aa) in subsection (1), omit the words from “and to regulate” onwards;
    - (ab) after subsection (1) insert—

- “(1A) The reference to television programme services in subsection (1)(a) does not include digital programme services (as defined by section 1(4) of the Broadcasting Act 1996) consisting in the provision of television programmes and any ancillary services (as defined by section 24(2) of that Act of 1996) with a view to their being broadcast in digital form for general reception in the Isle of Man only.”;
- (c) in paragraph 8, after “(provision of Channel 4)” insert “(a)”, and at the end insert—  
“(b) in subsection (5)(a), after the words “United Kingdom” insert “and the Isle of Man”; and  
(c) in subsection 6(a), after the words “United Kingdom”, insert “or the Isle of Man””;
- (d) after paragraph 10, insert—  
“10A. In section 31(2), after the words “United Kingdom” insert “and the Isle of Man”.”;
- (e) omit paragraph 14;
- (f) after paragraph 18, insert—  
“18A. In section 66A (enforcement of licences held by BBC companies), in subsection (2), omit paragraphs (c) and (d).”;
- (g) in paragraph 21 (section 84), at the end, there shall be inserted—  
“(d) in subsection (3A)—  
(i) for the words “, a Channel 4 company or an S4C company” substitute “or a Channel 4 company”; and  
(ii) in paragraph (b), after the words “United Kingdom” insert “or the Isle of Man”; and  
(e) in subsection (3B), omit paragraph (c).”;
- (h) in paragraph 44(d), for head (ii) substitute—  
“(ii) after the first item insert in the first column—  
“Any programme service licensed by the Communications Commission under Part I or II of the Broadcasting Act 1996 or under Part I of the Broadcasting Act 1993 (an Act of Tynwald)”;  
and in the second column—  
“The person licensed to provide the service.”;
- (i) for paragraph 51 substitute—  
“51. In Schedule 2 (restrictions on the holding of licences)—  
(a) in Part I—  
(i) in paragraph 1(1)—  
(aa) for the definition of “local authority” substitute—  
““local authority” means the municipal corporation of the borough of Douglas or the commissioners of any district.”;  
(bb) omit the definitions of “local delivery licence” and “local delivery service”; and  
(cc) for the definitions of “local digital sound programme service” and “national digital sound programme service” substitute—  
““national digital sound programme” has the same meaning as in Part II of the 1996 Act.”;  
(ii) at the end of paragraph 1, add  
“(9) References in this Schedule to the Commission or the Authority shall, where appropriate, be construed in accordance with section 42B(5) of this Act or section 25(7) or 42(8) of the 1996 Act.”;  
(iii) in paragraph 3A(1)—  
(aa) after the words “United Kingdom” in each place where they occur insert “and the Isle of Man”; and  
(bb) in paragraph (d), omit the words “or any local digital sound programme service which is broadcast by means of such a local radio multiplex service”;  
(iv) in paragraph 3B(1), omit paragraph (c); and  
(v) in paragraph 3B(2), for the words from “digital sound programme service” to “(as the case may be)” substitute “digital programme services or national digital sound programme services shall also be taken to provide a digital programme service or a national digital sound programme service”;
- (b) in Part II—  
(i) in paragraph 1(2)—  
(aa) omit paragraphs (a) to (e);  
(bb) for paragraph (g) substitute—  
“(g) a licence to provide a television multiplex service or a national radio multiplex service.”; and  
(cc) in paragraph (j), omit the words “or local”;

- (ii) omit paragraph 1(3);
- (iii) in paragraph 2(1), omit the words “Subject to sub-paragraph (2),”;
- (iv) omit paragraph 2(2) and (3);
- (v) in paragraph 3(1), omit the words “other than a licence to provide a restricted service”;
- (vi) in paragraph 3(2), after paragraph (c) insert—  
“or
- (d) by a Department or Statutory Board out of moneys provided by Tynwald;”;
- (vii) in paragraph 5A(1), omit the words from “,and (b)” to the end;
- (viii) in paragraph 5A(2), for the words “national, local or restricted” substitute “national”; and
- (ix) omit paragraph 5A(3);
- (c) in Part III—
  - (i) in paragraph 1(2)—
    - (aa) omit paragraphs (d) and (e); and
    - (b) in paragraph (i), at the end insert the words “, other than a digital additional service for the Isle of Man only”;
  - (ii) in paragraph 1(3)—
    - (aa) omit paragraphs (b), (c) and (d); and
    - (bb) in paragraphs (f) and (g), omit the words “or local”;
  - (iii) in paragraph 1(4), for the words “national, local, restricted or satellite” (in both places where they occur) substitute “national”;
  - (iv) in paragraph 2(1)(a) and (2)(a) and (b), omit “(d), (e)”;
  - (v) in paragraph 2(3), after the words “United Kingdom”, in the second place where they occur, insert “or the Isle of Man”; and omit the words from “,or (b)” to the end;
  - (vi) in paragraph 5(6), after the words “United Kingdom” insert “and the Isle of Man”;
  - (vii) in paragraph 6(2), omit paragraphs (b) and (c);
  - (viii) in paragraph 8(1), for the words from “one or more” to “or (b)” substitute “the category specified in paragraph 1(3)(a)”;
  - (ix) in paragraph 8(2)(a), omit “(b)” and the words “or local” (in both places where they occur);
  - (x) in paragraph 9(1)—
    - (aa) omit the words “or local” (in both places where they occur); and
    - (bb) in the Table, omit all but the first entry;
  - (xi) omit paragraph 9(2) and (5);
  - (xii) in paragraph 9(3) and (4), omit the words “or local” and in paragraph 9(7), omit those words in both places where they occur;
  - (xiii) omit paragraph 10(1);
  - (xiv) in paragraph 10(2)—
    - (aa) in paragraph (a), omit the words “and in sub-paragraph (2)”;
    - (bb) omit paragraphs (c), (d) and (f);
  - (xv) omit paragraphs 12, 13, 14 and 15(2);
  - (xvi) in paragraph 16(1)—
    - (aa) in paragraph (a), omit “(d)”;
    - (bb) in paragraph (b), omit “(c) or”;
  - (xvii) in paragraph 16(4)—
    - (aa) omit paragraphs (b) and (c); and
    - (bb) omit “45(3)” and the words “, non-domestic satellite services or (as the case may be) satellite radio services”;
  - (xviii) in paragraph 17(1)(b), omit “13 or”;
  - (xix) omit paragraph 17(2); and
  - (xx) in paragraph 17(3), for “2 to 14” substitute “2 to 11”;
- (d) in Part IV—
  - (i) in paragraph 2, after the words “United Kingdom” in each place where they occur, insert “and the Isle of Man”;
  - (ii) in paragraphs 4(1)(b) and 5(4)(b), omit “or local”;
  - (iii) omit paragraphs 6, 7 and 8;
  - (iv) in paragraph 10(1), (2), (3)(b)(i) and (4), omit the words “or a local radio service”;
  - (v) in paragraph 10(5)(b)(i), omit the words “or local radio service”;



- (vi) in paragraph 13(2), after the words “United Kingdom” insert “and the Isle of Man, and before making a determination under any of those paragraphs which concerns the public interest in the Isle of Man, the relevant authority shall consult the Council of Ministers of the Isle of Man”; and
- (vii) omit paragraph 15; and
- (e) omit Part V.”.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order extends to the Isle of Man provisions of the Broadcasting Act 1996 (the 1996 Act) relating to digital terrestrial broadcasting, sporting and other events of national interest, the Broadcasting Standards Commission, the British Broadcasting Corporation and also certain miscellaneous and general provisions. Schedule 1 sets out modifications of provisions of the 1996 Act, and Schedule 2, amending the Broadcasting Act 1990 (Isle of Man) (No. 2) Order 1991 (S.I. 1991/998), sets out modifications of the amendments of the Broadcasting Act 1990 made by the 1996 Act, and certain consequential modifications of that Act of 1990.

The Order also makes consequential amendments of the Broadcasting Act 1996 (British Broadcasting Corporation—Transmission Network) (Isle of Man) Order 1997 (S.I. 1997/1756).

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