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STATUTORY INSTRUMENTS

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**2003 No. 3195**

**ELECTRONIC COMMUNICATIONS  
BROADCASTING**

**The Communications (Bailiwick of Guernsey) Order 2003**

*Made - - - - 10th December 2003*

*Coming into force 29th December 2003*

**THE COMMUNICATIONS (BAILIWICK  
OF GUERNSEY) ORDER 2003**

1. (1) This Order may be cited as the Communications (Bailiwick...
2. In this Order— “the 2002 Act” means the Office of...
3. Article 2(b) of the Wireless Telegraphy (Guernsey) Order 1998 (which...
4. The Secretary of State shall not— (a) request OFCOM under...
5. Sections 1, 6 and 7 of, and the Schedule to,...
6. The following provisions of the 2003 Act shall extend to...

Signature

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**SCHEDULE 1 — MODIFICATIONS WITH WHICH PROVISIONS OF THE  
OFFICE OF COMMUNICATIONS ACT 2002 EXTEND TO THE  
BAILIWICK OF GUERNSEY**

1. In section 1 (The Office of Communications), omit subsections (2)...
2. In section 6 (Interpretation), omit the definition of “enactment”.
3. In section 7 (Short title, commencement and extent), omit subsections...
4. In the Schedule, omit paragraphs 1 to 11 and 21...

**SCHEDULE 2 — MODIFICATIONS WITH WHICH PROVISIONS OF THE  
COMMUNICATIONS ACT 2003 EXTEND TO THE BAILIWICK  
OF GUERNSEY**

1. Any reference to a provision of an enactment of the...
2. The following provisions of the 2003 Act, that is— sections...
3. In section 1 (Functions and general powers of OFCOM) omit...
4. After section 1, insert the following section— Saving of  
Telecommunications...
5. In section 3 (General duties of OFCOM)—

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6. In section 5 (Directions in respect of networks and spectrum...
7. In section 7 (Duty to carry out impact assessments), in...
8. In section 12 (Duty to establish and maintain Content Board),...
9. In section 13 (Functions of the Content Board), in subsection...
10. In section 23 (Directions for international purposes in respect of...
11. In section 24 (Provision of information to the Secretary of...
12. In section 31 (Transitional functions and abolition of pre commencement...
13. In section 139 (Penalties for contravention of information requirements), omit...
14. In section 143 (Enforcement of directions under ss.140 and 141),...
15. In section 144 (Offences in connection with information requirements) in...
16. In section 152 (General functions of OFCOM in relation to...
17. In section 156 (Directions with respect to the radio spectrum),...
18. In section 157 (Procedure for directions under s.150), omit subsections...
19. In section 159 (Grant of recognised spectrum access), after the...
20. In section 169 (Variation and revocation of wireless telegraphy licences)  
—...
21. In section 171 (Information requirements in relation to wireless telegraphy...
22. In section 174 (Procedure for prosecution of wireless telegraphy offences),...
23. In section 176 (Amount of penalty under s. 175), omit...
24. In section 178 (Proceedings for an offence relating to apparatus...
25. In section 179 (Modifications of penalties for certain wireless telegraphy...
26. In section 184 (Modification of definition of “wireless telegraphy”) for...
27. In section 185 (References of disputes to OFCOM), omit subsections...
28. In section 187 (Legal proceedings about referred disputes), in subsection...
29. In section 190 (Resolution of referred disputes), omit subsections (2),...
30. In section 192 (Appeals against decisions by OFCOM, the Secretary...
31. In section 195 (Decisions of tribunal)— (a) for the word...
32. In section 196 (Appeals from tribunal)— (d) for the word...
33. In section 197 (Interpretation of Part 3)—
34. In section 198 (Functions of OFCOM in relation to the...
35. In section 211 (Regulation of independent television services)—
36. In section 212 (Abolition of function of assigning television frequencies),...
37. In section 214 (Digital channel 3 and channel 5 licences),...
38. In section 218 (Duty to secure the provision of a...
39. In section 219 (Licensing of the public teletext service), in...
40. In section 231 (Replacement Channel 4 licence), in subsection (9),...
41. In section 237 (Penalties for contravention of licence condition or...
42. In section 240 (Abolition of separate licences for certain television...
43. In section 241 (Television multiplex services), in subsection (9), omit...
44. In section 243 (Powers where frequencies reserved for qualifying services)...
45. In section 244 (Local digital television services), omit subsection (9)....
46. In section 245 (Regulations of independent radio services)—
47. In section 249 (Modifications of ss. 247 and 248) omit...
48. In section 250 (Licensing of radio licensable content services), in...
49. In section 252 (Extension of licence period), in subsection (1),...
50. In section 262 (Community radio), omit subsection (5).
51. In section 263 (Application of regulatory regimes), omit subsection (5)....
52. In section 264 (OFCOM reports on the fulfilment of the...
53. In section 271 (Power to amend public service remits)—

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54. In section 275 (Must-provide services for the purposes of s.274),...
55. In section 277 (Programming quotas for independent productions)—
56. In section 278 (Programming quotas for original productions)—
57. In section 280 (Appointed news providers for Channel 3), after...
58. In section 282 (Power to repeal or modify Channel 3...
59. In section 283 (News providers for Channel 5),omit subsection (9)...
60. In section 285 (Code relating to programme commissioning), in subsection...
61. In section 286 (Regional programme-making for Channels 3 and 5),...
62. In section 287 (Regional programmes on Channel 3), after the...
63. In section 290 (Proposals for arrangements), in subsection (4)(c), after...
64. In section 291 (Obligation as to making and continuance of...
65. In section 300 (Effects of categorisation of listed events), in...
66. In section 303 (Code relating to provision for the deaf...
67. In section 305 (Meaning of “Relevant Dates” in s. 303)—...
68. In section 306 (Power to modify targets in s. 303),...
69. In section 309 (Quotas for independent programmes), omit subsection (5)...
70. In section 310 (Code of practice for electronic programme guides)—...
71. In section 319 (OFCOM standards code), in paragraphs (2)(i) and...
72. In section 321 (Objectives for advertisements and sponsorship)—
73. In section 322 (Supplementary powers relating to advertising), in subsection...
74. In section 323 (Modification of matters to be taken into...
75. In section 324 (Setting of publication of standards), omit subsection...
76. In section 329 (Proscription Orders)— (a) in subsection (5), after...
77. In section 330 (Effect of Proscription Order), in subsection (4)(b),...
78. In section 331 (Notification for Enforcing a Proscription), omit subsection...
79. In section 332 (Penalties for Contravention of Notification under section...
80. In section 335 (Conditions securing compliance with international obligations), after...
81. In section 336 (Government requirements for Licensed Services)—
82. In section 338 (Corresponding rules for the BBC), omit the...
83. In section 347 (Statement of charging principles), in subsection (7),...
84. In section 348 ( Modification of disqualification provisions), omit subsection...
85. In section 351 (Changes of control of Channel 3 services),...
86. In section 358 (Annual factual and statistical report), in subsection...
87. In section 359 (Grants to providers), omit subsection (6).
88. In section 361 (Meaning of “available for reception by members...
89. In section 362 (Interpretation of Part 3)—
90. In section 391 (Review of media ownership), omit subsections (2)(e)...
91. In section 392 (Penalties imposed by OFCOM)—
92. In section 393 (General restrictions on disclosure of information)—
93. In section 394 (Service of notifications and other documents)—
94. In section 400 (Destination of licence fees)—
95. For section 403 (Regulations and Orders made by OFCOM), substitute—...
96. In section 404 (Criminal liability of company directors, etc)—
97. In section 405 (General interpretation)— (a) in subsection (1), in...
98. In section 406 (Minor and consequential amendments, transitionals, and repeals)—...
99. For section 410 (Application of enactments to territorial sea and...
100. In section 411 (Short title, commencement and extent), omit subsections...
101. In Schedule 1 (Functions transferred to OFCOM)—

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102. In Schedule 2 (Transfer Schemes), omit paragraph 5.
103. In Schedule 5 (Procedure for grants of recognised Spectrum Access),...
104. In Schedule 8 (Decisions not subject to appeal), omit paragraphs...
105. In Schedule 9 (Arrangements about carrying on of C4C's activities)...
106. In Schedule 10 (Licensing the public teletext service), omit paragraph...
107. In Schedule 11 (Approval, imposition and modification of Networking arrangements)—...
108. In Schedule 12 (Corresponding obligations of the BBC and Welsh...
109. In Schedule 13 (Financial penalties under the Broadcasting Acts),
110. In Schedule 14 (Media ownership rules)— (a) in paragraph 3(1),...
111. In Schedule 15 (Amendments of Broadcasting Acts)—
112. In Schedule 17 (Minor and consequential amendments)—
113. In Schedule 18 (Transitional provisions)— (a) omit paragraphs 2(4), 3,...
114. In Schedule 19 (Repeals)— (a) omit all the entries except...

Explanatory Note