

2003 No. 3196

**TELEGRAPHS
TELECOMMUNICATIONS
BROADCASTING**

The Wireless Telegraphy (Jersey) 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 exercise of the powers conferred upon her by section 20(3) of the Wireless Telegraphy Act 1949(a), section 108 of the Telecommunications Act 1984(b) and section 204(6) of the Broadcasting Act 1990(c), 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 Wireless Telegraphy (Jersey) Order 2003 and shall come into force on 29th December 2003.
2. In this Order, the expression "Jersey" means the Bailiwick of Jersey.
- 3.—(1) Part VI and sections 102, 106(4) and (5), 109(6) and 110(1) of, Schedule 3 to and Part IV of Schedule 7 to, the Telecommunications Act 1984(d) shall extend to Jersey subject to the exceptions, adaptations and modifications specified in Part I of the Schedule to this Order.
(2) Sections 168 to 173 of the Broadcasting Act 1990 shall extend to Jersey with the exceptions, adaptations and modifications specified in Part II of the Schedule to this Order.
4. Paragraph (e) of article 3(1) of, and paragraph 41 of the Schedule to, the Broadcasting Act 1990 (Jersey) (No. 2) Order 1991(e) are hereby revoked.

A. K. Galloway
Clerk of the Privy Council

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- (a) 1949 c. 54, extended to the Channel Islands by S.I. 1952/1900; section 20(3) was extended by section 174 of the Broadcasting Act 1990 (c. 42).
- (b) 1984 c. 12.
- (c) 1990 c. 42, extended in part to Jersey by S.I. 1991/193 and 1710. The Act has been amended in ways not relevant to this Order.
- (d) Section 76 was repealed by section 26(1) of the Police and Criminal Evidence Act 1984 (c. 60), section 78 was repealed by regulation 2(1) of the Electromagnetic Compatibility Regulations 1992 (S.I. 1992/2372), section 79 was amended by section 173(4), (5) and (6) of the Broadcasting Act 1990, section 85 was amended by section 48(1) of the Consumer Protection Act 1987 (c. 43) and section 92(3) was repealed by section 57(2) of, and Schedule 6 to, the Cable and Broadcasting Act 1984 (c. 46).
- (e) S.I. 1991/1710.

PART I

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE
EXTENSION OF PROVISIONS OF THE TELECOMMUNICATIONS ACT
1984 TO JERSEY

1. Any reference to an Act of Parliament (including the Telecommunications Act 1984), or to a provision thereof, shall be construed, unless the contrary intention appears, as a reference to that Act or provision as it has effect in Jersey.
2. For any reference to a constable there shall be substituted a reference to a police officer.
3. Section 74 shall be omitted.
4. In section 75—
 - (a) subsection (1) shall be omitted,
 - (b) in subsection (2), the words from “for the purpose of” to the end shall be omitted, and
 - (c) in subsection (3)—
 - (i) the words “in this section or” and paragraph (a) shall be omitted, and
 - (ii) in paragraph (b), for “that date” in the first place where it occurs there shall be substituted “this section is extended to Jersey”.
5. Section 77 shall be omitted.
6. In section 79—
 - (a) for subsection (1)(a) and (b) there shall be substituted—

“(a) any offence under the 1949 Act other than one consisting in the installation or use, otherwise than under and in accordance with a wireless telegraphy licence, of any apparatus not designed for emission (as opposed to reception);”,
 - (b) subsection (1)(c) and the word “; and” immediately before it shall be omitted, and
 - (c) subsection (6)(b) and the word “; and” immediately before it shall be omitted.
7. Sections 80 and 81 shall be omitted.
- 8.—(1) Section 82 shall be modified in accordance with sub-paragraph (2) of this paragraph.
(2) In the subsections which section 82 substitutes for subsection (3) of section 14 of the Wireless Telegraphy Act 1949—
 - (a) in subsection (3)—
 - (i) paragraph (c) and the word “; or” immediately before it shall be omitted,
 - (ii) for the words “Secretary of State” there shall be substituted “Crown for the benefit of the Crown Revenues of the Bailiwick of Jersey”, and
 - (iii) the words “or (c)” shall be omitted,
 - (b) subsection (3A) shall be omitted,
 - (c) in subsection (3B), for “by the Secretary of State in such manner as he thinks fit” there shall be substituted “in such manner as the Viscount thinks fit”,
 - (d) subsection (3C) shall be omitted, and
 - (e) in subsections (3D) and (3E), for “the Secretary of State” there shall be substituted “a police officer”.
9. In section 83—
 - (a) in subsection (1)(b), the words “or proceedings for forfeiture of that property under section 80 or 81 above”, and
 - (b) in subsection (2)(b), the words “or under section 80 or 81 above”, shall be omitted.
10. Sections 84 to 88 and 90 shall be omitted.
11. In section 91—
 - (a) in subsection (1), the words “or for the forfeiture of any apparatus under section 80 or 81 above” and the words from “(whether” to “leave)”, and

(b) subsection (4),
shall be omitted.

12. In section 92(1)—

- (a) there shall be inserted, in the appropriate place, the following definition—
““police officer” means a member of the Honorary Police or of the States of Jersey Police.”; and
- (b) the definition of “the 1967 Act” shall be omitted.

13. In section 106(4), after the words “country or territory outside the United Kingdom” there shall be inserted “and the Bailiwick of Jersey”.

14. Section 109(6) shall have effect only so far as it relates to Part IV of Schedule 7.

15.—(1) Schedule 3 shall be modified in accordance with the following provisions of this paragraph.

(2) In the subsections which paragraph 1 substitutes for section 14(1) of the Wireless Telegraphy Act 1949—

- (a) in subsection (1), the words from “on summary” to “indictment”,
- (b) in subsection (1A), paragraphs (e) and (f) and the words “on summary conviction”,
- (c) in subsection (1B), the words “on summary conviction”, and
- (d) in subsection (1C), the words “on summary conviction”,

shall be omitted.

(3) For the subsections which paragraph 2 adds at the end of the said section 14 there shall be substituted the following subsection:

“(8) In this section “police officer” means a member of the Honorary Police or of the States of Jersey Police and “the standard scale” means the standard scale of fines for the time being specified in the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993.”

(4) Paragraph 3 shall be omitted.

16. Part IV of Schedule 7 shall have effect in relation only to such of the enactments specified there as have effect in Jersey.

PART II

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF PROVISIONS OF THE BROADCASTING ACT 1990 TO JERSEY

1. Any reference to an Act of Parliament, or to a provision thereof, shall be construed, unless the contrary intention appears, as a reference to that Act or provision as it has effect in Jersey.

2. In section 172, in the subsection (3) which subsection (4) substitutes for section 14(3) of the Wireless Telegraphy Act 1949—

- (a) after paragraph (a) there shall be inserted the word “or”,
- (b) paragraph (b) shall be omitted,
- (c) paragraph (d) and the word “or” immediately before it shall be omitted, and
- (d) for the words “Secretary of State” there shall be substituted “Crown for the benefit of the Crown Revenues in the Bailiwick of Jersey”.

3. In section 173(4), for the words “subsection (1)(b)” there shall be substituted “subsection (1)(a)”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Jersey the provisions of the Telecommunications Act 1984 (c. 12) specified in article 3(1) of the Order subject to the exceptions, adaptations and modifications specified in the Schedule to the Order and the provisions of the Broadcasting Act 1990 (c. 42) specified in article 3(2) of the Order subject to the exceptions, adaptations and modifications specified in Part II of the Schedule. Article 4 of the Order revokes that part of the Broadcasting Act (Jersey) (No. 2) Order 1991 (S.I. 1991/1710), which extended the provisions of that Act specified in article 3(2) of the Order to the Bailiwick of Jersey. The provisions extended by this Order include amendments to the Wireless Telegraphy Act 1949 (c. 54).

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