

2003 No. 3197

**ELECTRONIC COMMUNICATIONS
BROADCASTING**

The Communications (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) as it has effect by virtue of section 9(2) of the Wireless Telegraphy Act 1998(b), section 9(3) of the Wireless Telegraphy Act 1998, section 7(4) of the Office of Communications Act 2002(c) and sections 402(3)(b) and (c) and 411(6) and (8) of the Communications Act 2003(d), is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Communications (Jersey) Order 2003.

(2) Articles 1 to 5 and 7 and Schedule 1 shall come into force on 29th December 2003 and shall be deemed to have come into force immediately following the Broadcasting (Jersey) Order 2003(e).

(3) Article 6 and Schedule 2 shall, subject to paragraph (5), come into effect as provided in paragraph (4).

(4) In respect of any provision of the 2003 Act that is extended to Jersey (whether with or without modifications) by this Order and that is to any extent brought into force in the United Kingdom on a date specified in the Communications Act 2003 (Commencement No. 1) Order 2003(f) ("the No.1 Order") or the Office of Communications Act 2002 (Commencement No.3) and Communications Act 2003 (Commencement No. 2) Order 2003 ("the No. 2 Order")(g)—

(a) any provision of the 2003 Act so extended, and any modification to that provision made by this Order, shall be of no effect in or in relation to Jersey in relation to any time before the date specified in the No. 1 Order or (as the case may be) the No. 2 Order as the date on which that provision is to come into force in the United Kingdom;

(a) 1949 c. 54.
(b) 1998 c. 6.
(c) 2002 c. 11.
(d) 2003 c. 21.
(e) S.I. 2003/3203.
(f) S.I. 2003/1900.
(g) S.I. 2003/3142/c. 125.

- (b) where any provision of the 2003 Act so extended is brought into force in the United Kingdom for certain purposes or to a certain extent, as specified in the No. 1 Order or (as the case may be) No. 2 Order, that provision, and any modification to that provision made by this Order, shall have effect in Jersey only for the purposes or to the extent so specified;
- (c) any provision of the 2003 Act so extended, and any such modification, shall have effect in Jersey subject to any transitional or transitory provision made in the No. 1 Order or (as the case may be) No. 2 Order in relation to that provision.
- (5) Paragraph (4) shall not apply until the day following the day on which each of the Orders therein referred to as the “No. 1 Order” and the “No. 2 Order” have been registered in the Royal Court of Jersey.

2. In this Order—

- “the 1949 Act” means the Wireless Telegraphy Act 1949;
“the 1990 Act” means the Broadcasting Act 1990;
“the 1996 Act” means the Broadcasting Act 1996;
“the 2002 Act” means the Office of Communications Act 2002;
“the 2003 Act” means the Communications Act 2003; and
“Jersey” means the Bailiwick of Jersey.

3. Article 2(b) of the Wireless Telegraphy (Jersey) Order 1998(a) (which inserted in section 3 of the Wireless Telegraphy Act 1998 as extended to Jersey a new subsection (5A)) is revoked.

4. The Secretary of State shall not—

- (a) request OFCOM under subsection (2) of section 22 of the 2003 Act to do as respects Jersey one or more of the things set out in subsection (1) of that section, or
(b) require OFCOM under subsection (2) of section 152 of the 2003 Act to do as respects Jersey one or more of the things set out in that subsection,

unless he has first consulted the appropriate authorities in Jersey.

5. Sections 1 and 7 of, and the Schedule to, the 2002 Act shall extend to Jersey with the modifications set out in Schedule 1 to this Order.

6. The following provisions of the 2003 Act shall extend to Jersey with the modifications set out in Schedule 2 to this Order:

In Part 1 (Functions of OFCOM):

sections 1 to 3, 5 to 9, 11 to 13, 21 to 26 and 28 to 31;

In Part 2 (Networks, services and the radio spectrum):

Chapter 1 (Electronic communications networks and services): sections 32 and 138 to 144 for the purposes only of sections 191(5) and (6);

Chapter 2 (Spectrum use): sections 152, 154 to 167, 169 to 179, and 183 and 184;

Chapter 3 (Disputes and Appeals): sections 185 to 192 and 195 to 197;

In Part 3 (Television and radio services):

Chapter 1, (The BBC, C4C, the Welsh Authority and the Gaelic Media Service): sections 198 to 202;

Chapter 2 (Regulatory structure for independent television services): sections 211 and 212, and 214 to 230, 231 except subsections (1) and (2)(c), 232 to 244;

Chapter 3 (Regulatory structure for independent radio services): sections 245 to 253 and 256 to 262;

Chapter 4 (Regulatory provisions): sections 263, 264, 271, 275 to 315, 319 to 332, 334 to 336, 338 and 344 to 347;

Chapter 5 (Media ownership and control): sections 348 and 350 to 357;

Chapter 6 (Other provisions about Television and Radio services): sections 358 to 362;

In Part 6 (Miscellaneous and Supplemental):

sections 390 to 396, 400 and 402 to 406, 410 and 411.

Schedules 1, 2, 5, 8 to 15 and 17 to 19.

(a) S.I. 1998/1512.

7. For the purposes of construing the provisions of the 2002 and 2003 Acts, as extended by this Order as part of the law of Jersey, any reference to an enactment which extends to Jersey shall, except where a contrary intention appears, be construed as a reference to that enactment as it has effect in Jersey.

A. K. Galloway
Clerk of the Privy Council

SCHEDULE 1

Article 5

MODIFICATIONS WITH WHICH PROVISIONS OF THE OFFICE OF COMMUNICATIONS ACT 2002 EXTEND TO JERSEY

1. In section 1, (The Office of Communications) omit subsections (2) to (9).
2. In section 7, (Short title, commencement and extent) omit subsections (2) to (4).
3. In the Schedule, omit paragraphs 1 to 11 and 21 to 24.

SCHEDULE 2

Article 6

MODIFICATIONS WITH WHICH PROVISIONS OF THE COMMUNICATIONS ACT 2003 EXTEND TO JERSEY

1. The following provisions of the 2003 Act, that is—
section 29(3)
section 139(5)
section 176(1)
section 198(5)
section 224(1)
section 237(3)
sections 247 and 248
section 277(1)
section 319(4)
section 348(5)
Schedule 10, paragraphs 12(3)(a) and (4)(a)
shall have effect as if an order or regulations made under, respectively—
section 29(4)
section 139(9)
section 176(3)
section 198(6)
section 224(2)
section 237(9)
section 249(1)
section 277(3)
section 323(3)
section 348(7)
Schedule 10, paragraph 13(1)
and which is for the time being in force in the United Kingdom had extended to the Bailiwick of Jersey.
 2. In section 1 (Functions and general powers of OFCOM), omit subsections (4) to (7).
 3. After section 1, insert the following section—
“Saving of Telecommunications Law
“1A. Nothing in this Act shall apply to any matter governed by the provisions of the Telecommunications (Jersey) Law 2002.”.
 4. In section 3 (General duties of OFCOM)—
 - (a) in subsections (2)(c), 4(a) and (l), after the words “United Kingdom” wherever they occur, insert “and the Bailiwick of Jersey”;
 - (b) in subsection (12)(c), after the words “United Kingdom” where they first occur, insert “and the Bailiwick of Jersey” and omit the words “or in a part of the United Kingdom”; and
 - (c) omit subsections (2)(b), (4)(e) and (13).
 5. In section 5 (Directions in respect of networks and spectrum functions)—
 - (a) after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Jersey”; and
 - (b) omit subsections (4) to (7).

6. In section 7 (Duty to carry out impact assessments), in subsection (2)(c), after the words “United Kingdom” where they first appear, insert “and the Bailiwick of Jersey” and omit the words “or in a part of the United Kingdom”.
7. In section 12 (Duty to establish and maintain Content Board), in subsection (5), insert at the end “and that there is a member of the Board capable of representing persons living in the Bailiwick of Jersey”.
8. In section 13 (Functions of the Content Board), in subsection (3)(b), after the words “United Kingdom” insert “and the Bailiwick of Jersey”.
9. In section 23 (Directions for international purposes in respect of broadcasting functions) in subsection (3), after the words “United Kingdom” insert “on behalf of the Bailiwick of Jersey”.
10. In section 24 (Provision of information to the Secretary of State), in subsection (2), after the words “United Kingdom” insert “on behalf of the Bailiwick of Jersey”.
11. In section 31 (Transitional functions and abolition of pre commencement regulators)—
- (a) omit subsections (4)(a) and (5); and
 - (b) in subsection (6) omit the words “for the Director General of Telecommunications and” and for the words “subsections (4)(b) and (5)” substitute “subsection (4)(b)”.
12. In section 139 (Penalties for contravention of information requirements), omit subsection (10).
13. In section 143 (Enforcement of directions under sections 140 and 141), in subsection (3)(a) for the words from “liable” to the end, substitute “liable to a fine”.
14. In section 144 (Offences in connection with information requirements)—
- (a) in subsection (1), for the words from “liable” to the end, substitute “liable to a fine”; and
 - (b) in subsection (4) for the words from “liable” to the end, substitute “liable to a fine or to imprisonment for two years, or to both”.
15. In section 152 (General functions of OFCOM in relation to radio spectrum)—
- (a) in subsection (2), after the words “United Kingdom”, insert “on behalf of the Bailiwick of Jersey”; and
 - (b) in subsections (3) to (5), after the words “United Kingdom”, wherever they occur insert “and the Bailiwick of Jersey”.
16. In section 156 (Directions with respect to the radio spectrum), after subsection (5), insert the following subsection—
- “(6) Before making an Order under this section which relates to the management of the radio spectrum in respect of the Bailiwick of Jersey, the Secretary of State shall consult the appropriate authorities of the Bailiwick of Jersey.”.
17. In section 157 (Procedure for directions under s.150), omit subsections (4) to (7).
18. In section 159 (Grant of recognised spectrum access), after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Jersey”.
19. In section 169 (Variation and revocation of wireless telegraphy licences)—
- (a) in subsection (1) for the words from “For” to “substituted”, substitute “After section 1D of the Wireless Telegraphy Act 1949 (c. 54) there shall be inserted the following section -”; and
 - (b) omit subsection (2).
20. In section 171 (Information requirements in relation to wireless telegraphy licences), in the inserted section 13B(2) of the 1949 Act inserted by this section, omit the words “(Summary offences carrying a maximum fine of level 3 on the standard scale)”.
21. In section 174 (Procedure for prosecution of wireless telegraphy offences), omit subsection (7).
22. In section 176 (Amount of penalty under section 175), omit subsections (3) and (4).
23. In section 178 (Proceedings for an offence relating to apparatus use)—
- (a) in subsection (1), omit the inserted subsections (2C) and (2D) of section 11 of the 1949 Act; and
 - (b) in subsection (2), omit the inserted subsections (2C) and (2D) of section 12 of that Act.
24. In section 179 (Modification of penalties for certain wireless telegraphy offences)—
- (a) in subsection (2), in the inserted subsection (1AA) of the 1949 Act, omit the words “on summary conviction” and for “5” substitute “3”; and
 - (b) omit subsections (3) and (4).

- 25.** In section 184 (Modification of definition of “wireless telegraphy”), for subsection (2) substitute the following—
- “(2) An order made by the Secretary of State under this section shall not have effect in the Bailiwick of Jersey unless it is registered in the Royal Court of Jersey and where any such order is so registered, it shall have effect on the day following the day of such registration or on the day of coming into force specified in the order, whichever is the later.”.
- 26.** In section 185 (References of disputes to OFCOM), omit subsections (1), (2)(c), (7) and (8).
- 27.** In section 187 (Legal proceedings about referred disputes), in subsection (3), omit the words “or sisted” and “or sist”.
- 28.** In section 190 (Resolution of referred disputes), omit subsections (2), (4)(a) and (7)(a).
- 29.** In section 192 (Appeals against decisions by OFCOM, the Secretary of State, etc) omit subsections (1)(b), (c) and (d)(ii) and (iii).
- 30.** In section 195 (Decisions of tribunal)—
- (a) for the word “Tribunal”, wherever it occurs, substitute “Royal Court of Jersey”;
 - (b) omit subsection (7); and
 - (c) for subsection (8) substitute the following subsection—
- “(8) The power of the Superior Number of the Royal Court to make Rules of Court under Article 11 of the Royal Court (Jersey) Law 1948, as amended, shall include power to make Rules for the purposes of appeals under section 192.”.
- 31.** In section 196 (Appeals from tribunal)—
- (a) for the word “Tribunal”, wherever it occurs, substitute “Royal Court of Jersey”;
 - (b) for subsection (2)(a) substitute—
- “(a) lies to the Jersey Court of Appeal;” and
- (c) in subsection (4), for the word “Court” substitute “Jersey Court of Appeal”.
- 32.** In section 197 (Interpretation of Part 3)—
- (a) in subsection (1), omit the definitions of “The Tribunal” and “Tribunal rules”; and
 - (b) omit subsection (3).
- 33.** In section 202 (Borrowing limit for C4C), omit subsection (b).
- 34.** In section 211 (Regulation of independent television services)—
- (a) in subsection 1(a), omit the words “or the Welsh Authority”;
 - (b) omit subsection (2)(b) and (c); and
 - (c) in subsections (2) and (3) after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Jersey”.
- 35.** In section 212 (Abolition of function of assigning television frequencies), omit paragraph (b).
- 36.** In section 214(8) (Digital Channel 3 and Channel 5 licences), after the words “United Kingdom”, wherever they occur, insert “or the Bailiwick of Jersey”.
- 37.** In section 218 (Duty to secure the provision of a public teletext service)—
- (a) omit “S4C” and “and S4C” wherever they occur; and
 - (b) in subsection (6)(b), after the words “United Kingdom” wherever they occur, insert “or the Bailiwick of Jersey”.
- 38.** In section 219 (Licensing of the public teletext service), in subsection (5), after the words “United Kingdom” insert “and to the Bailiwick of Jersey”.
- 39.** In section 230 (Orders suspending rights of renewal), omit subsection (9).
- 40.** In section 231 (Replacement Channel 4 licence), in subsection (9), after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Jersey”.
- 41.** In section 237 (Penalties for contravention of licence condition or direction), omit subsection (10).
- 42.** In section 240 (Abolition of separate licences for certain television services), in subsection (1), omit paragraph (b) and the word “or” immediately before it.
- 43.** In section 241(9) (Television multiplex services), omit paragraph (d).
- 44.** In section 243(7) (Powers where frequencies reserved for qualifying services), omit paragraph (d).
- 45.** In section 244 (Local digital television services), omit subsection (9).

- 46.** In section 245 (Regulation of independent radio services)—
- (a) after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Jersey”;
 - (b) in subsection (2), omit paragraphs (d), (e) and (f);
 - (c) in subsection (6), after the words “a BBC company” insert “or” and omit “or an S4C Company”; and
 - (d) omit subsection (7).
- 47.** In section 249 (Modifications of ss. 247 and 248), omit paragraph (3).
- 48.** In section 263 (Application of regulatory regimes), omit paragraph (5).
- 49.** In section 264 (OFCOM reports on the fulfilment of the public service remit)—
- (a) after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Jersey”;
 - (b) omit subsection (11)(b); and
 - (c) omit subsection (12)(b).
- 50.** In section 271 (Power to amend public service remits)—
- (a) after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Jersey”; and
 - (b) omit subsection (7).
- 51.** In section 275, (Must provide services for the purposes of s. 274), omit subsection (1)(e).
- 52.** In section 277 (Programming quotas for independent productions)—
- (a) in subsection (11), after “OFCOM” insert “and” and omit the words “and the Welsh Authority”; and
 - (b) omit subsection (12).
- 53.** In section 278 (Programming quotas for original productions)—
- (a) in subsection (8), after “OFCOM” insert “and” and omit the words “and the Welsh Authority”; and
 - (b) omit subsection (9).
- 54.** In section 280 (Appointed news providers for Channel 3), after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Jersey”.
- 55.** In section 282 (power to repeal or modify Channel 3 news provider provisions), omit subsection (4).
- 56.** In section 283 (News providers for Channel 5), omit subsections (4) and (9).
- 57.** In section 285 (Code relating to programme commissioning), in subsection (6)(c), immediately before “the BBC” insert “and” and omit the words “the Welsh Authority”.
- 58.** In section 286 (Regional programme-making for Channels 3 and 5), after the words “United Kingdom” insert “of the Bailiwick of Jersey”.
- 59.** In section 287 (Regional programmes on Channel 3), after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Jersey”.
- 60.** In section 290 (Proposals for arrangements), in subsection (4)(c), after the words “United Kingdom” insert “and the Bailiwick of Jersey”.
- 61.** In section 291 (Obligation as to making and continuance of approved arrangements), omit subsections (3) and (4).
- 62.** In section 300 (Effects of categorisations of listed events), in the substituted section 101(1) of the 1996 Act, after the words “United Kingdom”, wherever they occur, insert “and the Bailiwick of Jersey”.
- 63.** In section 303 (Code relating to provision for the deaf and visually impaired)—
- (a) in subsection (8)(d), after the words “United Kingdom” insert “and the Bailiwick of Jersey”; and
 - (b) in subsection (12), omit paragraph (a).
- 64.** In section 305 (Meaning of “Relevant Dates” in section 303)—
- (a) in subsection (2), omit paragraph (a); and
 - (b) in subsection (3)(b) omit “and S4C Digital”.
- 65.** In section 306 (Power to modify targets in s. 303), omit subsection (5).
- 66.** In section 309 (Quotas for independent programmes), omit subsection (5).
- 67.** In section 310 (Code of practice for electronic programme guides)—
- (a) in subsection (4), omit paragraph (e); and

- (b) in subsection (7)(a) and (c), after the words “United Kingdom” insert “and the Bailiwick of Jersey”.
- 68.** In section 319 (OFCOM standards code), after “United Kingdom” wherever it appears insert “and the Bailiwick of Jersey”.
- 69.** In section 321 (Objectives for advertisements and sponsorship)—
- (a) in subsection (2)(a), after “on behalf of a” insert “person or”;
 - (b) in subsection (3)(a), (b), (c), (e) and (g) and, in the first place where they occur in subsection (3)(d), after the words “United Kingdom” insert “, the Bailiwick of Jersey”; and
 - (c) in subsection (3)(d), in the second place where they occur, and in subsection (3)(f), after the words “United Kingdom” insert “or the Bailiwick of Jersey”.
- 70.** In section 322 (Supplementary powers relating to advertising), in subsection (4), after the words “United Kingdom” insert “on behalf of the Bailiwick of Jersey”.
- 71.** In section 323 (Modifications of matters to be taken into account), omit subsection (3).
- 72.** In section 324 (Setting of publication of standards), omit subsection (3)(a).
- 73.** In section 329 (Proscription orders)—
- (a) in subsection (5), after the words “United Kingdom” insert “on behalf of the Bailiwick of Jersey”;
 - (b) in subsection (7)(a), after the words “United Kingdom” insert “or the Bailiwick of Jersey”;
 - (c) in subsection (7)(b)(i), after the words “United Kingdom” insert “on behalf of the Bailiwick of Jersey”; and
 - (d) in subsection (7)(b)(ii), after the words “United Kingdom” wherever they occur insert “and the Bailiwick of Jersey”.
- 74.** In section 330 (Effect of Proscription Order), in subsection (4)(b) after the words “United Kingdom” insert “or the Bailiwick of Jersey”.
- 75.** In section 331 (Notification for Enforcing a Proscription), omit subsection (5)(b).
- 76.** In section 332 (Penalties for Contravention of Notification under section 331)—
- (a) for subsection (7) substitute the following—

“(7) An order made by the Secretary of State in the United Kingdom under section 332(1) shall not have effect in the Bailiwick of Jersey until it has been registered in the Royal Court, and where such an order is so registered, it shall have effect on the day following the day of such registration or on the day of coming into force specified in the Order, whichever is the later”; and
 - (b) omit subsection (8).
- 77.** In section 335 (Conditions securing compliance with international obligations) after the words “United Kingdom”, wherever they occur, insert “on behalf of the Bailiwick of Jersey”.
- 78.** In section 336 (Government requirements for Licensed Services)—
- (a) in subsection (1), for the words “Secretary of State or any other Minister of the Crown” substitute “the Economic Development Committee of the States of Jersey” and omit the words “in connection with any of his functions, the Secretary of State or that minister”;
 - (b) in subsection (2), after the words “Broadcasting Act Licences” insert “in the Bailiwick of Jersey”;
 - (c) in subsection (5), for the words “Secretary of State” substitute “the Economic Development Committee of the States of Jersey” and after “Broadcasting Act Licenses” insert “in the Bailiwick of Jersey”;
 - (d) in subsection (6)(a), after the words “Broadcasting Act Licence” insert “in the Bailiwick of Jersey”;
 - (e) in subsection (6)(b), for the words “ Secretary of State” substitute “Economic Development Committee of the States of Jersey”;
 - (f) in subsection (8), for the words “Secretary of State” substitute “Economic Development Committee of the States of Jersey or any other Committee of the States”; and

- (g) omit subsection (9).
- 79.** In section 338 (Corresponding rules for the BBC), omit the words “and the Welsh authority”.
- 80.** In section 347 (Statement of charging principles), in subsection (7) omit the words “or the Welsh authority”.
- 81.** In section 348 (Modification of disqualification provisions), omit subsections (6) and (7).
- 82.** In section 351 (Changes of control of Channel 3 services), for the words “United Kingdom” wherever they occur insert “or the Bailiwick of Jersey”.
- 83.** In section 358 (Annual factual and statistical report), in subsection (2)(a), after the words “United Kingdom” insert “and the Bailiwick of Jersey”.
- 84.** In section 359 (Grants to providers), omit subsection (6).
- 85.** In section 361 (Meaning of “available for reception by members of the public”)—
- (a) in subsection (6) after the words “United Kingdom” insert “or the Bailiwick of Jersey”; and
 - (b) omit subsections (7) and (8).
- 86.** In section 362 (Interpretation of Part 3)—
- (a) in subsection (2)(1), omit the definitions of “S4C”, “S4C Digital” and “S4C company”;
 - (b) in subsection (3), omit paragraph (c); and
 - (c) in subsection (5), after the words “United Kingdom” wherever they occur, insert “or the Bailiwick of Jersey”.
- 87.** In section 391 (Review of media ownership), omit the words “; and”, at the end of subsections 2(d) and 4(c) and omit subsections 2(e) and 4(d).
- 88.** In section 392 (Penalties imposed by OFCOM)—
- (a) in subsection (6) omit the words “or any other enactment (apart from the Competition Act 1998 (c.41))”; and
 - (b) omit paragraph (7).
- 89.** In section 393 (General restrictions on disclosure of information)—
- (a) in subsection (2), omit paragraphs (b), (c), and (d);
 - (b) in subsection (2)(f), after the words “United Kingdom” insert “on behalf of the Bailiwick of Jersey”;
 - (c) omit subsections (3) and (4);
 - (d) in subsection (5), omit paragraphs (d) to (i) and (m) to (p);
 - (e) omit subsections (8) and (9);
 - (f) in subsection (10), for the words from “liable” to the end substitute “liable to imprisonment for a term not exceeding two years or to a fine or to both”; and
 - (g) omit subsection (11).
- 90.** In section 394 (Service of notifications and other documents)—
- (a) in subsection (7), for “section 7 of the Interpretation Act 1978” substitute “Article 12 of the Interpretation (Jersey) Law 1954”; and
 - (b) in subsection (8), after the words “United Kingdom” wherever they occur insert “or the Bailiwick of Jersey”.
- 91.** In section 400 (Destination of licence fees)—
- (a) in subsection (1)—
 - (i) omit paragraph (b);
 - (ii) in paragraph (c), after “under” insert “section 3 or 3A of”;
 - (b) for subsection (2) substitute—

“(2) OFCOM shall, after consultation with the Economic Development Committee of the States of Jersey, pay to the Treasurer of the States to be credited to the annual income of the States such proportion of the amount to which this section applies as appears to OFCOM to be appropriate.”;
 - (c) omit subsection (3);
 - (d) for subsection (4)(b) substitute—

“(b) the sums paid to the Treasurer of the States;”;
 - (e) omit subsection (6); and

- (f) after subsection (8), add the following new subsection—
- “(9) Any fines imposed for offences under this Act shall be paid to the Crown for the benefit of the Crown revenues in Jersey”.
- 92.** For section 403 (Regulations and Orders made by OFCOM), substitute—
- “**403.** Any statutory instrument made by OFCOM pursuant to this Act shall not have effect in the Bailiwick of Jersey unless it is registered in the Royal Court of Jersey and where any such statutory instrument is so registered, it shall have effect on the day following the day of such registration or on the day of coming into force specified in the instrument, whichever is the later.”.
- 93.** In section 404 (Criminal liability of company directors, etc)—
- (a) omit subsection (2);
- (b) omit subsection (4)(e); and
- (c) after subsection (5) insert the following new subsection—
- “(6) A person who aids, abets, counsels, or procures the commission of an offence under this Act shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.”.
- 94.** In section 405 (General interpretation)—
- (a) in subsection (1), in the definition of “international obligation of the United Kingdom”—
- (i) omit the words “any Community obligation and”;
- (ii) after the words “United Kingdom” in the second place where they occur, insert “on behalf of the Bailiwick of Jersey”;
- (b) after the definition of “other Member State”, insert the following definition—
- ““police officer” means a member of the Honorary Police or the States of Jersey Police Force;”;
- (c) after the definition of “TV licence”, insert the following definition—
- ““standard scale” means the standard scale of fines for the time being in the Criminal Justice (Standard Scale of Fines) (Jersey) Law, 1993;”;
- (d) in the definition of “subordinate legislation”, omit paragraph (b);
- (e) omit the definition of “Welsh Authority”; and
- (f) omit subsection (6).
- 95.** In section 406 (Minor and consequential amendments, transitionals, and repeals)—
- (a) omit subsections (2) to (5); and
- (b) omit subsections (8) and (9).
- 96.** For section 410 (Application of enactments to territorial sea and other waters) substitute—
- “**410.** The provisions of this Act as extended to the Bailiwick of Jersey including any amendments or repeals of any other enactments, shall apply in the Bailiwick of Jersey and the territorial sea adjacent thereto.”.
- 97.** In section 411 (Short title, commencement and extent), omit subsections (2) to (8).
- 98.** In Schedule 1 (Functions transferred to OFCOM)—
- (a) omit paragraph 1(1)(b) and (c) and (3); and
- (b) omit paragraphs 3 to 14.
- 99.** In Schedule 2 (Transfer Schemes), omit paragraph 5.
- 100.** In Schedule 5 (Procedure for grants of recognised Spectrum Access), in paragraphs 6(12)(b) and 7(4), after the words “United Kingdom” in each place where they occur, insert “on behalf of the Bailiwick of Jersey”.
- 101.** In Schedule 8 (Decisions not subject to appeal), omit paragraphs 3 to 13, 16, 22, 23, 25 and 26.
- 102.** In Schedule 9 (Arrangements about carrying on C4C’s activities) omit paragraph 7(2)(b).
- 103.** In Schedule 10 (Licensing the public teletext service), omit paragraph 13(2).
- 104.** In Schedule 11 (Approval, imposition and modification of Networking arrangements)—
- (a) in paragraph 5(3)(a), after the words “Office of Fair Trading” insert “and to the Economic Development Committee of the States of Jersey if the subject matter of the report is concerned with anything connected with the Bailiwick of Jersey”;
- (b) omit paragraph 6;
- (c) in paragraphs 9, 10 and 11 (except sub-paragraph (4)), for the word “Tribunal” wherever it occurs, substitute “Royal Court of Jersey”;
- (d) omit paragraph 10(7);

- (e) in paragraph 11(2), for the words from “section” to the end substitute “to the Jersey Court of Appeal”;
 - (f) in paragraph 11(4), for the words from “permission” to the end substitute “leave of the Royal Court of Jersey or the Jersey Court of Appeal”;
 - (g) in paragraph 13(1) to (11), for the word “court” wherever it occurs substitute “Royal Court of Jersey”;
 - (h) in paragraph 13(11), for the words from “liable” to the end substitute “liable to a fine or to imprisonment for two years, or to both”;
 - (i) omit paragraph 13(12); and
 - (j) in paragraph 15, omit the definition of “the Tribunal”, and the definition of “Tribunal rules”.
- 105.** In Schedule 12 (Corresponding obligations of the BBC and the Welsh Authority)—
- (a) in part 1, omit paragraph 1(13); and
 - (b) omit Part 2.
- 106.** In Schedule 13 (Financial penalties under the Broadcasting Acts)—
- (a) omit paragraphs 2(3), 3(2), 4(4), 5(2), 6(3), 7(3), 8(2), 9(3), 11(3), 13(3), 14(6), 15(6), 16(3), 17(2), 19(4), 20 (7), 21(7) and 22(3); and
 - (b) omit the section 36(3) of the 1990 Act inserted by paragraph 16.
- 107.** In Schedule 14 (Media ownership rules)—
- (a) in paragraph 3(1), after the words “United Kingdom” in the first place where they occur insert “or the Bailiwick of Jersey” and for the words “a part of the United Kingdom” substitute “the Bailiwick of Jersey”;
 - (b) for paragraph 6 substitute the following paragraph—

“6. The Economic Development Committee of the States of Jersey may, as respects the Bailiwick of Jersey, by Order vary or repeal any of the restrictions imposed by this Part of this Schedule.”;
 - (c) for paragraph 10 substitute the following paragraph—

“10. The Economic Development Committee of the States of Jersey may, as respects the Bailiwick of Jersey, by Order vary or repeal any of the restrictions imposed under this Part of this Schedule.”;
 - (d) in paragraphs 11 and 12, for the words “Secretary of State” wherever they occur substitute “Economic Development Committee of the States of Jersey”;
 - (e) for paragraph 16 substitute the following paragraph—

“16. The Economic Development Committee of the States of Jersey may, as respects the Bailiwick of Jersey, by Order repeal or otherwise modify the restriction imposed by this Part of this Schedule.”; and
 - (f) omit paragraph 17(2).
- 108.** In Schedule 15 (amendments of Broadcasting Acts)—
- (a) omit paragraphs 20(8), 28, and 31(2) 60(b), 62 and 63, 71, 73, 97 and 133;
 - (b) in paragraph 32(4), for “Subsections (3) and (4)” substitute “Subsection (3)”;
 - (c) in paragraph 32(5) for “(7)” substitute “(6)”;
 - (d) for paragraph 66(3) substitute the following—

“(3) In subsection (2) (definition of “relevant authority”), omit all the words after “police force.”;
 - (e) in paragraph 74(4), for the words “For subsection (4A) there shall be substituted” substitute “After subsection (4) there shall be inserted” and in the section 1(4A) of the 1996 Act inserted by this paragraph, after “State” in each place where it occurs, insert “or the Bailiwick of Jersey”;
 - (f) in paragraph 75, omit sub-paragraphs (d) and (e);
 - (g) in paragraph 93(2)—
 - (i) in the substituted subsection (1)(b) of section 24 of the 1996 Act after the words “the United Kingdom” insert “and the Bailiwick of Jersey”;
 - (ii) in the substituted subsection (1)(c) of that section, omit the words “a public television service of the Welsh Authority”; and
 - (iii) in the inserted subsection (3A) of that section, omit the definition of “public television service of the Welsh Authority” and in the definition of “relevant public service broadcaster” omit paragraph (e);
 - (h) in paragraph 93(5), in the inserted section 24(3A) of the 1996 Act, omit the definition of “public television service of the Welsh Authority” and, in the definition of “relevant public service broadcaster”, omit paragraph (e);
 - (i) in paragraph 98(3), omit the words “the public television services of the Welsh Authority (within the meaning of Part 2 of Schedule 12 to the Communications Act 2003)”;
 - (j) in paragraph 100, omit sub-paragraph (c);

- (k) in paragraph 108(4), after the word “for” insert “the”; and
 - (l) omit paragraph 127(2).
- 109.** In Schedule 17 (Minor and consequential amendments)—
- (a) omit paragraphs 2 to 5, 19 to 32, 37 to 63, 67 and 68, 70 to 144, 152 to 171 and 173 to 175;
 - (b) for paragraph 8 substitute the following—
 - “8. After section 1C of that Act there shall be inserted—
 - “Procedures for the grant of licences
 - 1D**—(1) An application for the grant of a wireless telegraphy licence shall be determined in accordance with procedures prescribed in regulations made by OFCOM.
 - (2) Where the person applying for a licence fails to provide any information which OFCOM reasonably require in order to satisfy themselves that the applicant is able to comply with the terms, provisions and limitations in the licence, OFCOM may refuse to grant the licence.
 - (3) No statutory instrument made by OFCOM under this section shall have effect in the Bailiwick of Jersey until it has been registered in the Royal Court and where any such instrument is so registered, it shall have effect on the day following the day of such registration or on the day of coming into force specified in the instrument, whichever is the later.”;
 - (c) in paragraph 14(8), omit the word “and” at the end of sub-paragraph (a) and omit sub-paragraph (b);
 - (d) in paragraph 15(2), for the words “any constable” substitute “any police officer”;
 - (e) in paragraph 15(3), for the words “he is to be” to the end substitute “shall execute the warrant accompanied by one or more police officers”;
 - (f) in paragraph 16(2), for the inserted section 16(1A) of the 1949 Act substitute—
 - “(1A) No statutory instrument made by OFCOM under this Act shall have effect in the Bailiwick of Jersey unless it has been registered in the Royal Court and where any such instrument is so registered, it shall have effect on the day following the day of such registration or on the day of coming into force specified in the instrument, whichever is the later.”;
 - (g) in paragraph 33(1) after the words “section 5” insert the words “of the Marine etc. Broadcasting (Offences) Act 1967”;
 - (h) for paragraph 64 substitute the following—
 - “64. In sections 79 and 83 of the Telecommunications Act 1984 (wireless telegraphy provisions), for the words “The Secretary of State” wherever occurring there shall be substituted “OFCOM.”;
 - (i) for paragraph 65 there shall be substituted the following—
 - “65. After section 79(6)(a) of that Act (seizure of apparatus) insert the following paragraph—
 - “(b) any proceedings for forfeiture under Schedule 7 to the Communications Act 2003.”;
 - (j) for paragraph 66(2) substitute the following—
 - “(2) In subsection (1)(b), after “property” insert “or proceedings for forfeiture under Schedule 7 to the Communications Act 2003.
 - (2A) In subsection 2(b), after “offences)” insert “ or proceedings for forfeiture under the said Schedule 7.”;
 - (k) in paragraph 69(2), omit “under section 80 or 81 above”;
 - (l) in paragraph 150, omit subsections (2) and (3) of the inserted section 6 of the Wireless Telegraphy Act 1998;
 - (m) in paragraph 172, omit sub-paragraphs (2)(a) and (b) and (3).
- 110.** In Schedule 18 (Transitional provisions)—
- (a) omit paragraphs 2(4), 3, 4, 6 to 20, 22, 24 and 25, 26(8), 27 to 29, 38, 45, 56 to 64.
 - (b) in paragraph 23(1)(c), omit sub-paragraph (ii) and the word “or” immediately before it;
 - (c) in paragraphs 23(5) to (7), for the word “Tribunal” wherever it occurs, substitute “Royal Court”;
 - (d) in paragraph 26(3) omit the words “; or” at the end of sub-paragraph (i) and omit sub-paragraph (ii);
 - (e) in paragraph 43(3)—
 - (i) in subparagraph (a) omit the words “or the Welsh Authority, and
 - (ii) in subparagraph (b) omit the words from “and” to the end.
- 111.** In Schedule 19 (Repeals)—
- (a) omit all the entries except for those relating to—
 - Wireless Telegraphy Act 1949;
 - Marine, etc, Broadcasting Offences Act 1967;

- Telecommunications Act 1984;
Broadcasting Act 1990;
Broadcasting Act 1996;
Wireless Telegraphy Act 1998, and
Office of Communications Act 2002;
- (b) in the entries for the Wireless Telegraphy Act 1949, omit those for sections 1(1A) and 1F;
- (c) omit the entries for the Telecommunications Act 1984, except those relating to sections 91 and 92(4);
- (d) in the entries for the Broadcasting Act 1990, omit those for—
Chapter 4 of Part 1,
Sections 56(1)(b), 57, 60(1) to (3) and (6), 61A, and 62,
Part 2,
Sections 134, 183, 187(1) and (2), 188(2), 189 to 191,
Paragraph 4 of Part 1 of Schedule 4
Paragraphs 2(1) and 13(2) of Schedule 6,
Schedule 12
Paragraphs 1(d) and 1(5) of Part 2 of Schedule 18,
Schedule 19,
Schedule 20, and
Schedule 22;
- (e) in the entries for the Broadcasting Act 1996, omit those for—
Section 1(1A) and (2), 21, 29(2), 90, 91, 95(3) to (7), 127,
Paragraphs 4, 8, 10, 16, 18, and 20 to 27(a) of Schedule 10.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Jersey provisions of the Office of Communications Act 2002, which establishes a single regulator (OFCOM) for communications and media and provisions of the Communications Act 2003 which confer on OFCOM certain regulatory functions in respect of wireless telegraphy and broadcast media.

The modifications with which those provisions of the two Acts that are extended, will apply in the Bailiwick of Jersey are set out in Schedule 1 and 2, respectively, to the Order.

The provisions of the 2003 Act extended include amendments of the Wireless Telegraphy Act 1949, the Marine, &c, Broadcasting Act 1967, the Telecommunications Act 1984, the Broadcasting Act 1990, the Broadcasting Act 1996 and the Wireless Telegraphy Act 1998, as those Acts have been extended to the Bailiwick of Jersey.

The Order will come into effect on 29 December 2003.

2003 No. 3197

**ELECTRONIC COMMUNICATIONS
BROADCASTING**

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