

SCHEDULE 2

Article 6

MODIFICATIONS WITH WHICH THE PROVISIONS OF THE
COMMUNICATIONS ACT 2003 EXTEND TO THE ISLE OF MAN

1. In section 1 (functions and general powers of OFCOM)—
 - (a) in subsection (5)(c), omit the word “or” and after the words “Northern Ireland” insert “or the Isle of Man”; and
 - (b) omit subsection (6).
2. 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 Act 1984 (An Act of Tynwald).”.
3. In section 3 (general duties of OFCOM)—
 - (a) omit subsection (2)(b);
 - (b) in subsection (2)(c), after the words “United Kingdom”, insert “and the Isle of Man”;
 - (c) omit subsection (4)(e);
 - (d) in subsection (4)(l), after the words “United Kingdom” insert “and the Isle of Man” wherever they occur; and
 - (e) in subsection (14), in the definition of “citizens”, after the words “United Kingdom” insert “and the Isle of Man”.
4. In section 5 (directions in respect of networks and spectrum functions)—
 - (a) in subsection (3)(b), after the words “United Kingdom”, insert “and the Isle of Man”;
 - (b) in subsection (6)(b), after the words “United Kingdom”, insert “and the Isle of Man”; and
 - (c) omit subsection (7).
5. In section 7 (duty to carry out impact assessments), in subsection (2)(c), after the words “or in a part of the United Kingdom”, insert “or in the Isle of Man”.
6. In section 13 (functions of the Content Board)—
 - (a) in subsection (3)(b), at the end, add the words “and the Isle of Man”; and
 - (b) in subsection (4), after the words “United Kingdom”, insert “and the Isle of Man”.
7. In section 14, omit subsections (1) to (3) and (6)(a).
8. In section 15(2)(a), omit the words “(3) or”.
9. In section 31 (transitional functions and abilities 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 “and (5)”.
10. In section 152, in subsections (3), (4) and (5), after the words “United Kingdom” wherever they occur, insert “and the Isle of Man”.
11. In section 153(2), after the words “United Kingdom”, insert “and the Isle of Man”.
12. In section 156 (directions with respect to the radio spectrum), after subsection (5) insert—

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“(6) Before making an order under this section which relates to the management of radio spectrum in the Isle of Man, the Secretary of State shall consult the appropriate authorities in the Isle of Man.”.

13. In section 157 (procedure for directions under s.156), omit subsections (4) to (7).

14. In section 159 (grant of recognised spectrum access), after the words “United Kingdom” wherever they occur, insert “or the Isle of Man”.

15. In section 169—

(a) for subsection (1) substitute—

“(1) In the Wireless Telegraphy Act 1949 (c. 54), after section 1 (licensing of wireless telegraphy) insert—”;

(b) before the substituted section 1E of the Wireless telegraphy Act 1949 insert—

“Procedures for the grant of licences providing a telecommunications service

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) The procedures must include provision for time-limits for dealing with the grant of licences, requirements which must be met for the grant of a licence, and particulars of the terms, provisions and limitations to which licences which may be issued are to be subject.

(3) The time limits fixed for the purposes of subsection (2) in relation to any application made after the coming into force of this subsection must require a decision on the application to be made, notified to the applicant and published—

(a) in the case of an application for a licence relating to a frequency allocated in accordance with the United Kingdom Plan for Frequency Authorisation, not more than six weeks after the day of the receipt of the application; and

(b) in any other case, as soon as possible after the receipt of the application.

(4) The period of six weeks specified in subsection (3)(a) may be extended by OFCOM where it appears to them necessary to do so—

(a) for the purpose of enabling the requirements of any international agreement relating to frequencies or to orbital positions or to satellite Co-ordination to be complied with; or

(b) in a case where a determination falls to be made as to which of a number of applicants is the more or most suitable to be licensed, for the purpose of securing that the procedure for the making of that determination is fair, reasonable, open and transparent.

(5) That period shall not be extended by virtue of subsection (4)(b) by more than eight months.

(6) 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.

(7) Where OFCOM propose to refuse a licence they shall give to the person applying for the licence the reasons for the proposed refusal and shall specify a period of not less than one month within which representations with respect to the proposed refusal may be made.

(8) In imposing terms, provisions or limitations of a wireless telegraphy licence, OFCOM shall impose only those that they are satisfied are—

- (a) objectively justifiable in relation to the networks and services to which they relate;
 - (b) not such as to discriminate unduly against particular persons or against a particular description of persons;
 - (c) proportionate to what they are intended to achieve; and
 - (d) in relation to what they are intended to achieve.”;
- (c) omit subsection (2).
- 16.** In section 174 (procedure for prosecution of wireless telegraphy offences), omit subsection (7).
- 17.** In section 178 (procedure for an offence relating to apparatus use)—
- (a) in subsection (1), omit the inserted subsections (2C) and (2D) of section 11 of the Wireless Telegraphy Act 1949; and
 - (b) in subsection (2), omit the inserted subsections (2C) and (2D) of section 12 of that Act.
- 18.** In section 179 (modification of penalties for certain wireless telegraphy offences), omit subsection (3).
- 19.** In section 185, omit subsections (1), (2)(c), (7) and (8).
- 20.** In section 187 (legal proceedings about referred disputes), in subsection (3) omit “or sisted” and “sist”.
- 21.** In section 190 (resolution of referred disputes), omit subsections (2) and (4)(a).
- 22.** In section 192 (appeals against decisions by OFCOM, the Secretary of State etc.), omit subsections (1)(b) and (c), (d)(ii) and (d)(iii).
- 23.** In section 195 (decisions of tribunal)—
- (a) for the word “Tribunal”, wherever it occurs, substitute the “Isle of Man High Court of Justice”;
 - (b) omit subsection (7); and
 - (c) for subsection (8) substitute—
“**(8)** The power of the Isle of Man High Court of Justice to make rules under section 25 of the High Court Act 1991 (An Act of Tynwald) shall include power to make rules for the purposes of appeals under section 192.”.
- 24.** In section 196 (appeals from tribunals)—
- (a) for the word “Tribunal” wherever it occurs, substitute “Isle of Man High Court of Justice”;
 - (b) for subsection (2)(a) substitute—
“(a) lies to the Isle of Man Staff of Government Division;”;
 - (c) in subsection (4), for the word “Court” substitute “Isle of Man Staff of Government Division”.
- 25.** 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).
- 26.** In section 211—
- (a) in subsection 2(a), after the words “United Kingdom, insert “or the Isle of Man”;
 - (b) omit subsection (2)(b), (c) and (d);

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- (c) in subsection (2)(e), after the words “United Kingdom” insert “or the Isle of Man”;
 - (d) in subsection (3)(a), after the words “United Kingdom” insert “or the Isle of Man”; and
 - (e) omit subsection (3)(b).
- 27.** In section 214(8)(a), (b) and (c), after the words “United Kingdom” insert “or the Isle of Man”.
- 28.** In section 218(6)(b), after the words “United Kingdom” in both places where they occur insert “or the Isle of Man”.
- 29.** In section 219(5), after the words “United Kingdom” insert “and the Isle of Man”.
- 30.** In section 229(2), after the words “United Kingdom” insert “and the Isle of Man”.
- 31.** In section 231(9)(a), (b) and (c), after the words “United Kingdom” wherever they occur insert “or the Isle of Man”.
- 32.** In section 245 (regulation 1) independent radio services)—
- (a) in subsection (1)(a), after the words “United Kingdom” insert “or the Isle of Man”;
 - (b) omit subsection (1)(b);
 - (c) in subsection (2), omit paragraphs (b) to (f);
 - (d) in subsection (3), omit “local service or restricted service”;
 - (e) in subsection (4), omit paragraphs (b) and (c);
 - (f) omit subsections (5) and (7).
- 33.** In section 253—
- (a) in subsection (1), omit the words “or pre-transfer local licence”;
 - (b) in subsection (13), omit the definition of “pre-transfer local licence”.
- 34.** 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 Isle of Man”;
 - (b) in subsection (11), omit paragraph (b); and
 - (c) in subsection (12), omit paragraph (b).
- 35.** In section 271 (power to amend public service remits)—
- (a) in subsection (1)(b), after the words “United Kingdom” insert “and the Isle of Man”; and
 - (b) in subsection (4)(a), after the words “United Kingdom” add “and the Isle of Man”.
- 36.** In section 280, in subsections (1) and (8)(b), after the words “United Kingdom” add “and the Isle of Man”.
- 37.** In section 286 (regional programme-making for Channels 3 and 5)—
- (a) in subsection (1)(a), after the words “United Kingdom” where they first occur, insert “or the Isle of Man”;
 - (b) in subsection (3)(a), after the words “United Kingdom” where they first occur, insert “or the Isle of Man”; and
 - (c) in subsection (7), in the definition of “regional programme”, after the words “United Kingdom”, add “or the Isle of Man”.
- 38.** In section 287 (regional programmes on Channel 3)—
- (a) in subsection (4)(a), after the words “United Kingdom” insert “or the Isle of Man”; and

- (b) in subsection (8)(b) in the definition of “regional programme”, after “United Kingdom” add “or the Isle of Man”.
- 39.** In section 288 (regional programme-making for Channel 4), in subsection (1)(a), after the words “United Kingdom” where they first occur, insert “or the Isle of Man”.
- 40.** In section 289 (regional matters in the public teletext service), in subsection (1), after the words “United Kingdom” add “or the Isle of Man”.
- 41.** In section 290 (proposals for arrangements), in subsection (4)(c), after the words “United Kingdom” add “and the Isle of Man”.
- 42.** In section 291 (obligation as to making and continuance of approved arrangements), omit subsections (3) and (4).
- 43.** In section 296(4)(b), after the words “United Kingdom” add “and the Isle of Man”.
- 44.** In section 303 (care relating to provision for the deaf and visually impaired)—
- (a) in subsection (12), omit paragraphs (a), (d) and (e) and in paragraph(c) omit the words “but not an electronic programme guide”; and
 - (b) in subsection (13), omit the definition of “electronic programme guide”.
- 45.** In section 310 (code of practice for electronic programme guides)—
- (a) omit subsection 4(e);
 - (b) in subsection (7)(a), after the words “United Kingdom” insert “or for the Isle of Man” and after the word “locality” in the second place where it occurs add, “or the Isle of Man”; and
 - (c) in subsection (7)(c), after the words “United Kingdom” add “and the Isle of Man”.
- 46.** In section 312 (character and coverage of sound broadcasting services)—
- (a) in subsection (3), in the new section 106(1A) of the 1990 Act, omit paragraphs (c) and (d);
 - (b) omit the inserted section 106(1B) of the 1990 Act; and
 - (c) in subsection (5), in the inserted subsection (7) of section 106 of the 1990 Act, omit paragraphs (b) and (c) (7) and the words from “but” to the end.
- 47.** In section 315 (variations of radio multiplex licences affecting service characteristics), omit the inserted subsection (6B) of section 54 of the 1996 Act.
- 48.** In section 320 (special impartiality requirements)—
- (a) omit subsection (1)(c); and
 - (b) for subsection (7) substitute—

“(7) In this section “national radio service” means a sound broadcasting service which is a national service within the meaning of section 245.”.
- 49.** In section 321 (objectives for advertisements and sponsorships), in subsection (3)—
- (a) in paragraphs (a), (b) and (c), after the words “United Kingdom” insert “, the Isle of Man”;
 - (b) in paragraph (d), after the words “United Kingdom” wherever they occur insert “or the Isle of Man”;
 - (c) in paragraph (f), after the words “United Kingdom” insert “or the Isle of Man”;
 - (d) in paragraph (g), after the words “United Kingdom” insert “, the Isle of Man.
- 50.** In section 351 (changes of control of Channel 3 services), in subsection (5)(a) and (b), after the words “United Kingdom” insert “or the Isle of Man”.

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51. In section 353 (change of control of Channel 5), in subsection (5)(a), (b) and (c), after the words “United Kingdom” wherever they occur insert “or the Isle of Man”.

52. In section 358 (annual factual and statistical report), in subsection (2), after the words “United Kingdom” insert “and the Isle of Man”.

53. In section 362 (interpretation of Part 3)—

(a) in subsection (1), omit the following definitions—

- (i) “digital sound programme licence” and “digital sound programme service”;
- (ii) “local digital sound programme licence”;
- (iii) “local digital sound programme service”;
- (iv) “local sound broadcasting service”;
- (v) “radio licensable content service”;
- (vi) “restricted television service”;
- (vii) “S4C” and “S4C Digital”;
- (viii) “S4C Company”;
- (ix) “television licensable content service”; and
- (x) “the Television without Frontiers Directive”;

and, in the definition of “television programme service”, omit paragraphs (b) and (d);

(b) omit subsections (2)(c) and (e);

(c) in subsection (3), omit paragraph (c) and for the words “the BBC, C4C or the Welsh Authority over decisions by a BBC company, C4 company or S4C company” substitute “the BBC or C4C over decisions by a BBC company or C4 company”; and

(d) in subsection (5), after the words “United Kingdom” insert “or the Isle of Man” and, in paragraph (a), after the words “or in that part of it” insert “or in the Isle of Man”.

54. In section 366 (powers to enforce TV licensing)—

(a) in subsection (1), omit the words “, a Sheriff in Scotland or a lay magistrate in Northern Ireland”; and

(b) omit subsection (12).

55. In section 394 (service of notifications and other documents)—

(a) omit subsection (2)(d);

(b) in subsection (8), for the words “United Kingdom” wherever they occur substitute “Isle of Man”; and

(c) in subsection (10), for “section 395” substitute “the Electronic Transactions Act 2000 (An Act of Tynwald)”.

56. In section 398 (repeal of certain provisions of the Telecommunications Act 1984), omit subsections (2) and (4).

57. In section 400 (destination of licence fees)—

(a) in subsection (1)—

(i) omit paragraph (b);

(ii) in paragraph (c), after the word “under” insert “section 3 or 3A of”;

(b) in subsection (2), after “Consolidated fund”, insert “or to the Treasury of the Isle of Man”;

(c) in subsection (3)—

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- (i) after the words “Consolidated fund” where they first occur, insert “or to the Treasury of the Isle of Man”;
 - (ii) in paragraph (a), after the words “Northern Ireland” insert “or the Isle of Man”;
 - (iii) in paragraph (b) after the words “United Kingdom” insert “or the Isle of Man” and omit “and”;
 - (iv) after paragraph (b) insert the following paragraph—
 - “(bb) in the case of an amount received in respect of matters appearing to OFCOM to have a connection with the Isle of Man but no connection with Northern Ireland or the rest of the United Kingdom, is a reference to the payment of the amount to the Treasury of the Isle of Man for its general revenue; and”;
 - (v) in paragraph (c) after the word “Funds” insert “and to the Treasury of the Isle of Man for its general revenue”;
 - (d) in subsection (4)(b), after the word “respectively” insert “and to the Treasury of the Isle of Man”;
 - (e) in subsection (5), after the words “Auditor General” insert “and the Treasury of the Isle of Man”;
 - (f) after subsection (6), insert the following subsection—
 - “(6A) The Treasury of the Isle of Man must examine, certify and report on the accounts and bring copies of it together with its report before Tynwald.”;
 - (g) after subsection (8), insert the following subsection—
 - “(9) Any fines imposed for offences committed in the Isle of Man under this Act shall be paid to the Treasury of the Isle of Man for its general revenue.”.
- 58.** In section 403 (regulations and orders made by OFCOM), omit subsection (8).
- 59.** In section 404 (criminal liability of company directors), omit subsection (2).
- 60.** In section 405(1) (general interpretation)—
- (a) in the definition of “enactment”, after the words “comprised in”, insert “an Act of Tynwald,”;
 - (b) in the definition of “the enactments relating to the management of the radio spectrum”, omit paragraph (d);
 - (c) in the definition of “pre-commencement regulator”, omit paragraph (b);
 - (d) in the definition of “subordinate legislation”, omit paragraph (b); and
 - (e) omit the definition of “the Welsh Authority”.
- 61.** In section 406 (minor and consequential amendments, transitionals and repeals), omit subsection (4)(a), (b) and (c) and omit subsections (5), (8) and (9).
- 62.** In section 408 (transitional provision for anticipatory carrying out of functions)—
- (a) in subsection (1), omit the words “the Director General of Telecommunications”;
 - (b) in subsection (2), omit the words “the Director General of Telecommunications or”;
 - (c) omit subsection (3)(a);
 - (d) in subsection (5), omit the words “the Director General of Telecommunications or” and in paragraph (a), omit the words “that Director or”; and
 - (e) omit subsection (7)(b) and (d).

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- 63.** For section 410 (application of enactments to the territorial sea and other waters) substitute—
- “**410.** The provisions of this Act as extended to the Isle of Man including any amendments or repeals of any other enactments, shall apply in the Isle of Man and the territorial sea adjacent thereto.”.
- 64.** In section 411 (short title, commencement and extent), omit subsections 2 to 8.
- 65.** In Schedule 1 (functions transferred to OFCOM)—
- (a) omit paragraphs 1(1)(b) and (c) and (3); and
 - (b) omit paragraphs 6 and 7.
- 66.** In Schedule 2 (transfer schemes)—
- (a) for paragraph 4(7)(a) and (b), substitute “where the claimant requires the matter to be determined in the Isle of Man, by an arbitrator appointed by the Lieutenant-Governor of the Isle of Man”;
 - (b) omit paragraph 5.
- 67.** In Schedule 8 (decisions not subject to appeal), omit paragraphs 3 to 12, 17 to 20, 24, 25, 31, 35 and 36.
- 68.** In Schedule 10, in paragraph 3(e) after the words “United Kingdom” insert “and in the Isle of Man”.
- 69.** In Schedule 13 (financial penalties under the Broadcasting Acts), omit paragraph 4.
- 70.** In Schedule 14 (media ownership rules)—
- (a) in paragraph 3(1), after the words “United Kingdom” insert “or the Isle of Man”;
 - (b) in paragraph 3(4), after the words “United Kingdom” wherever they occur insert “and the Isle of Man”;
 - (c) in paragraph 5, after the words “United Kingdom” insert “or the Isle of Man”;
 - (d) omit paragraph 8; and
 - (e) omit paragraphs 11 to 14.
- 71.** In Schedule 15 (amendments of Broadcasting Acts)—
- (a) in paragraph 1(3), omit “IV” and “section 235 of the Communications Act 2003”;
 - (b) omit paragraph 1(4);
 - (c) in paragraph 5(2), omit “(aa)” and “(cc)”;
 - (d) in paragraph 18(2), omit “Part 5 of the Broadcasting Act 1996”;
 - (e) omit paragraph 19;
 - (f) omit paragraph 27;
 - (g) omit paragraph 31(2);
 - (h) in paragraph 36(2), omit the new section 89(1)(aa) and (ab) of the 1990 Act;
 - (i) omit paragraph 37;
 - (j) omit paragraphs 45 to 48;
 - (k) omit paragraph 51;
 - (l) omit paragraphs 61 to 63;
 - (m) omit paragraph 65;
 - (n) omit paragraph 71 and 73;

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- (o) in paragraph 74(4), in the new subsection (4A) of section 1 of the 1996 Act, insert before the words “the United Kingdom” wherever they occur, “the Isle of Man,”;
 - (p) in paragraph 75, in the new subsection (2) of section 2 of the 1996 Act, omit paragraph (d);
 - (q) in paragraph 76(4), in the new subsection (8) of section 3 of the 1996 Act, omit paragraph (b);
 - (r) in paragraph 93, in the new subsection (3A) of section 24 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);
 - (s) in paragraph 94(2) after the words “subsections (1) to (4)” insert “and (7)”;
 - (t) omit paragraph 97;
 - (u) in paragraph 98(3), in the amendment to section 33(1)(a)(ii) of the 1996 Act, omit the words “S4C digital” and “the public television services of the Welsh Authority (within the meaning of Part 2 of Schedule 12 to the Communications Act 2003)”;
 - (v) omit paragraph 100(c);
 - (w) in paragraph 102, in sub-paragraph (3), for the words “subsections (2), (5) and (6)” substitute “subsections (2), (5), (6) and (8)” and omit sub-paragraph (6);
 - (x) omit paragraph 108;
 - (y) in paragraph 109, omit sub-paragraphs (3) and (4);
 - (z) in paragraph 110, in sub-paragraph (3), in the new section 51(2)(f), for the words “that area or locality” substitute “the Isle of Man”;
 - (aa) omit paragraph 111;
 - (bb) in paragraph 117, omit sub-paragraph (4);
 - (cc) after paragraph 121, insert the following new paragraph—

“121A. In section 63(2A), for “Authority”, substitute “OFCOM”.”;
 - (dd) after paragraph 125, insert the following new paragraph—

“125A. In section 71(1)(c), for “the Authority” substitute “OFCOM”.”; and
 - (ee) omit paragraph 133.
- 72.** In Schedule 17 (minor and consequential amendments)—
- (a) omit paragraphs 1 to 5 and 7 and 8;
 - (b) in paragraph 14—
 - (i) omit sub-paragraph (2);
 - (ii) omit sub-paragraph (3)(b);
 - (iii) in sub-paragraph (5), omit “(3A)”;
 - (iv) omit sub-paragraph (8)(b);
 - (c) omit paragraphs 19 to 31;
 - (d) in paragraph 32, in the subsection inserted in sections 4 and 5 of the Marine, etc., Broadcasting (Offences) Act 1967 (c. 4), omit “section 46 of the Consumer Protection Act 1987 (meaning of supply)” and substitute “Section 61 of the Consumer Protection Act 1991 (meaning of supply) (An Act of Tynwald)”;
 - (e) omit paragraphs 40 to 91;
 - (f) omit paragraphs 92 to 144;
 - (g) after paragraph 147 insert the following new paragraph—

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- “**147A.** In section 3(5A) of that Act (sums payable to the Treasury of the Isle of Man) for “the Secretary of State” wherever occurring, substitute, “OFCOM”.”; and
- (h) omit paragraphs 152 to 170, 173 to 175.
- 73.** In Schedule 18 (transitional provisions)—
- (a) omit paragraphs 3, 4, 7, 8 to 20, 22 to 29, 38 and 40;
 - (b) omit paragraph 43(3);
 - (c) omit paragraph 44(3);
 - (d) in paragraph 44(4), omit the words ““pre-transfer local licence” and”;
 - (e) omit paragraph 45;
 - (f) omit paragraph 50(2)(c), (d) and (e);
 - (g) omit paragraphs 56 to 63; and
 - (h) in paragraph 64, omit the definition of “the abolition of licensing”.
- 74.** In Schedule 19 (repeals) omit all entries except those relating to—
- the Wireless Telegraphy Act 1949 (c. 54),
 - the Marine, etc., Broadcasting (Offences) Act 1967 (c. 41),
 - the Wireless Telegraphy Act 1967 (c. 72),
 - the Telecommunications Act 1984 (c. 12),
 - the Broadcasting Act 1990 (c. 42) (except sections 11 and 95),
 - the Broadcasting Act 1996 (c. 55),
 - the Wireless Telegraphy Act 1998 (c. 6), and
 - the Office of Communications Act 2002 (c. 11).