

2003 No. 3203

BROADCASTING

The Broadcasting (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 pursuance of section 150(4) of the Broadcasting Act 1996(a), and section 204(6) of the Broadcasting Act 1990(b), 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 (Jersey) Order 2003 and shall come into force on 29th December 2003 and shall be deemed to have come into force immediately after the Wireless Telegraphy (Jersey) 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 Bailiwick of Jersey—

- (a) in Part I (digital terrestrial television broadcasting), sections 1 to 20, 22 to 28, 30, 31, 33 to 39;
- (b) in Part II (digital terrestrial sound broadcasting), sections 40 to 72;
- (c) in Part III (amendments of Broadcasting Act 1990), sections 73 to 76, 78, 79, 82 to 89, 92, 93, and 96;
- (d) Part IV (sporting and other events of national interest);
- (e) in Part V (Broadcasting Standards Commission), sections 106 to 126 and 128 to 130;
- (f) in Part VIII (miscellaneous and general), sections 142 to 148; and
- (g) Schedules 1 to 4, 8 and 10 and Part I of Schedule 11.

Amendment of the Broadcasting Act 1990 (Jersey) (No. 2) Order 1991

3. The Schedule to the Broadcasting Act 1990 (Jersey) (No. 2) Order 1991(d) is hereby amended in accordance with Schedule 2 to this Order.

(a) 1996 c. 55, extended in part to Jersey by S.I. 1999/1315.

(b) 1990 c. 42, extended in part to Jersey by S.I. 1991/193, 1710, 1999/1315 and 2003/3196.

(c) S.I. 2003/3196.

(d) S.I. 1991/1710.

Revocations

4. In the Broadcasting Act 1996 (British Broadcasting Corporation—Transmission Network) (Jersey) Order 1997^(a), 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

^(a) S.I. 1997/1757.

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

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 Bailiwick of Jersey.

2. The following provisions, that is—

section 1(4),
section 12(1)(h),
section 13(1),
section 19(2)(b),
section 20,
section 24(3),
section 28 (and the provisions referred to in section 28(3) as enacted),
section 40(5),
section 41(3),
section 54(1),
section 46(1),
section 63(3),
section 98(2),
section 102(3) and (4),

the provisions referred to in section 36(2) as enacted, and
the provisions referred to in section 69(2) as enacted,

shall have effect as if any order made under, respectively—

section 1(5),
section 12(5),
section 13(2),
section 19(8),
section 21(1),
section 24(3)(b),
section 28(3),
section 40(6),
section 41(4),
section 54(3),
section 55(2),
section 63(3),
section 98(3),
section 102(4)(b),
section 36(1), and
section 69(1) as enacted,

and which is for the time being in force in the United Kingdom, had extended to the Bailiwick of Jersey.

3. In section 1—

(a) subsections (5) and (6) shall be omitted; and

(b) in subsection (7)—

(i) in the definition of “broadcast”, paragraph (b) and the word “or” immediately preceding it shall be omitted; and

(ii) in the definition of “for general reception”, there shall be added at the end the words “and the Bailiwick of Jersey.”.

4. In section 2—
 - (a) in subsection (1), paragraph (b) shall be omitted; and
 - (b) subsection (4) shall be omitted.
5. In section 3(8), for the words “section 7 of the Telecommunications Act 1984” there shall be substituted “Part 2 of the Telecommunications (Jersey) Law 2002”.
6. In section 4(4), after the words “such tariff” there shall be inserted “in the Bailiwick of Jersey”.
7. In section 5(1)(b), for “III to V” there shall be substituted “III and IV”.
8. In section 7(1)(c), after the words “United Kingdom” there shall be inserted “and the Bailiwick of Jersey”.
9. In section 8(1), after the words “United Kingdom” there shall be inserted “and the Bailiwick of Jersey”.
10. In section 12, subsections (5) and (6) shall be omitted.
11. In section 13, subsections (2) and (3) shall be omitted.
12. In section 19—
 - (a) in subsection (6), after the words “United Kingdom”, there shall be inserted “(including on behalf of the Bailiwick of Jersey)”; and
 - (b) subsections (8) and (9) shall be omitted.
13. In section 24, subsection (4) shall be omitted.
14. In section 25(5), after the words “United Kingdom” there shall be inserted “and the Bailiwick of Jersey”.
15. In section 28—
 - (a) subsections (3) and (7), and
 - (b) in subsection (6), the words from “Without prejudice” to “cases),” shall be omitted.
16. In section 31, the words “the Welsh authority or” shall be omitted.
17. In section 33—
 - (a) in subsection (1)(a)—
 - (i) after the words “United Kingdom” in each place where they occur there shall be inserted “and the Bailiwick of Jersey”; and
 - (ii) in sub-paragraph (ii), the words “, S4C Digital” shall be omitted;
 - (b) in subsection (3)—
 - (i) in paragraph (c), the words “or II” shall be omitted; and
 - (ii) for paragraph (d) there shall be substituted—

“(d) the Economic Development Committee of the States of Jersey;”.
18. In section 38—
 - (a) in subsection (1), for paragraph (c) and the word “or” immediately preceding it there shall be substituted—

“(bb) if the licence is for the provision of a service for the Bailiwick of Jersey, be paid to the Treasurer of the States of Jersey, or

(c) if the licence is for the provision of a service for an area consisting of—

 - (i) the Bailiwick of Jersey and the whole or part of the United Kingdom,
 - (ii) the Bailiwick of Jersey and the Bailiwick of Guernsey, or
 - (iii) the Bailiwick of Jersey, the Bailiwick of Guernsey and the whole or part of the United Kingdom,

as respects such proportion of the amount as the Commission consider appropriate, be paid as mentioned in paragraph (bb) above.”; and
 - (b) in subsection (5)—
 - (i) after the words “Northern Ireland” there shall be inserted “and the Treasurer of the States of Jersey”;
 - (ii) after the words “Auditor General”, where they first occur, there shall be inserted “and to the Treasurer of the States of Jersey”; and
 - (iii) after the word “Parliament” there shall be inserted “and the Treasurer of the States of Jersey shall lay copies of the account before the States of Jersey”.
19. In section 39(1), the definitions of “S4C”, “on S4C”, “S4C Digital” and “on S4C Digital” shall be omitted.

20. In section 40—
- (a) after the words “United Kingdom” in each place where they occur there shall be inserted “and the Bailiwick of Jersey”;
 - (b) subsections (6) and (7); and
 - (c) in subsection (8), in the definition of “broadcast”, paragraph (b) shall be omitted.
21. In section 41, subsections (4) to (6) shall be omitted.
22. In section 42(7), for the words “section 7 of the Telecommunications Act 1984” there shall be substituted “Part 2 of the Telecommunications (Jersey) Law 2002”.
23. In section 46(1)(c), after the words “United Kingdom” there shall be inserted “and the Bailiwick of Jersey”.
24. In section 47(1), after the words “United Kingdom” there shall be inserted “and the Bailiwick of Jersey”.
25. In section 49(1), the words “and every BBC radio service for Wales, Scotland or Northern Ireland” shall be omitted.
26. In section 50(2)(c), after the words “United Kingdom” there shall be inserted “and the Bailiwick of Jersey”.
27. In section 54, subsections (3) and (4) shall be omitted.
28. In section 55, subsections (2) and (3) shall be omitted.
29. In section 63, subsections (3) and (4) shall be omitted.
30. In section 67(1)(a), after the words “United Kingdom” in each place where they occur there shall be inserted “and the Bailiwick of Jersey”.
31. In section 71—
- (a) in subsection (1), for paragraph (c) and the word “or” immediately preceding it there shall be substituted—
 - “(bb) if the licence is for the provision of a service for the Bailiwick of Jersey, be paid to the Treasurer of the States of Jersey, or
 - (c) if the licence is for the provision of a service for an area consisting of—
 - (i) the Bailiwick of Jersey and the whole or part of the United Kingdom,
 - (ii) the Bailiwick of Jersey and the Bailiwick of Guernsey, or
 - (iii) the Bailiwick of Jersey, the Bailiwick of Guernsey and the whole or part of the United Kingdom,as respects such proportion of the amount as the Commission consider appropriate, be paid as mentioned in paragraph (bb) above.”; and
 - (b) in subsection (5)—
 - (i) after the words “Northern Ireland” there shall be inserted “and the Treasurer of the States of Jersey”;
 - (ii) after the words “Auditor General”, where they first occur, there shall be inserted “and to the Treasurer of the States of Jersey”; and
 - (iii) after the word “Parliament” there shall be inserted “and the Treasurer of the States of Jersey shall lay copies of the account before the States of Jersey”.
32. In section 72(2), after the words “United Kingdom” there shall be inserted “or to an area in the United Kingdom and the Bailiwick of Jersey”.
33. In section 84, subsections (3) and (4) shall be omitted.
34. In section 86, subsection (3) shall be omitted.
35. In section 88(4), for the words “Subsections (8) and (9) are” there shall be substituted “Subsection (8) is”.
36. In section 97—
- (a) in subsection (2), after paragraph (b) there shall be inserted—
 - “(bb) the Economic Development Committee of the States of Jersey,”; and
 - (b) in subsection (4), for the words “Wales or Northern Ireland” there shall be substituted “Wales, Northern Ireland or the Bailiwick of Jersey”.
37. In section 98, subsections (3) and (4) shall be omitted.

38. In section 99—
- (a) in subsection (1), after the words “United Kingdom” in each place where they occur there shall be inserted “and the Bailiwick of Jersey”;
 - (b) in subsection (2), the words “, the Welsh Authority” shall be omitted.
39. In section 100(1), after the words “United Kingdom” in both places where they occur there shall be inserted “and the Bailiwick of Jersey”.
40. In section 101(1), after the words “United Kingdom” in both places where they occur there shall be inserted “and the Bailiwick of Jersey”.
41. In section 102, subsection (5) shall be omitted.
42. In section 103(3), the words “or the Welsh Authority” shall be omitted.
43. In section 104(4), paragraph (b) shall be omitted.
44. In section 107—
- (a) in subsection (4), after paragraph (a) there shall be inserted—
“aa) the Economic Development Committee of the States of Jersey, and”;
 - (b) in subsection (5), paragraph (b) shall be omitted.
45. In section 108—
- (a) in subsection (4), after paragraph (a) there shall be inserted—
“aa) the Economic Development Committee of the States of Jersey, and”;
 - (b) in subsection (5)—
 - (i) paragraph (b); and
 - (ii) paragraph (d) and the word “, and” immediately preceding it, shall be omitted.
46. In section 109, after the words “United Kingdom” there shall be inserted “and the Bailiwick of Jersey”.
47. In section 114(2), after the words “United Kingdom” in both places where they occur there shall be inserted “or the Bailiwick of Jersey”.
48. In section 116(6), the definition of “licensed service” shall be omitted.
49. In section 117, the words from “and of” to “offences” shall be omitted.
50. Section 119(12) shall be omitted.
51. In section 124, subsection (4) shall be omitted.
52. In section 125, subsection (6) shall be omitted.
53. In section 130(1)—
- (a) in the definition of “broadcasting body”, the words “or the Welsh authority” shall be omitted;
 - (b) in the definition of “licensed service”—
 - (i) the words “, subject to” to “125(6),” shall be omitted;
 - (ii) in paragraph (c), after the words “United Kingdom” there shall be inserted “and the Bailiwick of Jersey”;
 - (iii) in paragraph (e), the words “provided by a person other than the Welsh authority” shall be omitted; and
 - (c) the definition of “local delivery service” shall be omitted.
54. In section 142(7)—
- (a) in the definition of “licensed service”—
 - (i) the words “or II” and “or provided under a relevant cable licence” shall be omitted; and
 - (ii) at the end there shall be added “or any service broadcast or transmitted for general reception in the Bailiwick of Jersey, or in the Bailiwick of Jersey and the Bailiwick of Guernsey, only”;
 - (b) the definition of “relevant cable licence” shall be omitted.
55. In section 143(1) and (2), the words “or II” shall be omitted.
56. In section 144—
- (a) in subsection (4), the word “summary” shall be omitted, and for “level 5” there shall be substituted “level 4”;

(b) in subsection (5)(a), the words “or II” shall be omitted; and

(c) at the end there shall be added—

“(6) In subsection (4), “standard scale” means the standard scale of fines for the time being laid down in the Schedule to the Standard Scale of Fines (Jersey) Law 1993.”.

57. In section 146—

(a) in subsection (2), the words from “made by” to “Northern Ireland”, and

(b) subsection (3),

shall be omitted.

58. In section 150, subsections (2) to (4) shall be omitted.

59. In Schedule 3, paragraphs 1, 3 to 11, and 14 shall be omitted.

60. In Schedule 8, paragraph 4 shall be omitted.

61. In Schedule 10—

(a) paragraphs 4, 8, 10, 16, 18 and 20;

(b) in paragraph 21, sub-paragraph (c) and the word “and” immediately preceding it; and

(c) paragraphs 22 to 32,

shall be omitted.

62. In Part I of Schedule 11—

(a) the entries relating to the House of Commons Disqualification Act 1975 and the Northern Ireland Assembly Act 1975 shall be omitted; and

(b) in the repeals of provisions of the Broadcasting Act 1990—

(i) for “Section 45(8) and (9)” there shall be substituted “Section 45(8)”; and

(ii) the entries relating to sections 47 and 72 and Schedules 19 and 20 shall be omitted.

SCHEDULE 2

Article 3

AMENDMENTS OF THE BROADCASTING ACT 1990 (JERSEY) (NO. 2) ORDER 1991

In the Schedule—

(a) in paragraph 1(a) (section 2), for “subsection (1)(a) and (b)” there shall be substituted “subsection (1)(a), (b), (c) and (d)”;

(b) in paragraph 7 (section 24), after the words “(provision of Channel 4)” there shall be inserted “(a)” and at the end there shall be added—

“(b) in subsection (5)(a), after the words “United Kingdom” insert “and the Bailiwick of Jersey”; and

(c) in subsection (6)(a), after the words “United Kingdom” where they first occur insert “, the Bailiwick of Jersey”; and in the second place where they occur, insert “or the Bailiwick of Jersey”;

(c) after paragraph 10, there shall be inserted—

“**10A.** In section 31(2)(a), after the words “United Kingdom” insert “and the Bailiwick of Jersey”.”;

(d) after paragraph 12, there shall be inserted—

“**12A.** In section 42A (restricted services), after the words “United Kingdom” insert “or the Bailiwick of Jersey”.”;

(e) for paragraph 13 there shall be substituted—

“**13.** In section 43 (satellite services)—

(a) in subsection (2)—

(i) for paragraph (a)(ii) substitute—

“(ii) for general reception anywhere in the world,”,

(ii) omit paragraph (b) and the word “or” immediately preceding it;

(b) in subsection (3A), for the words “, a Channel 4 company or an S4C company” substitute “or a Channel 4 company”;

(c) in subsection (4)—

(i) after the definition of “allocated frequency” insert—

“the United Kingdom” includes the Bailiwick of Jersey”;

(ii) omit the definition of “prescribed country”;

(iii) in the definition of “relevant broadcasting body”, omit paragraph (c) and the word “and” immediately preceding it.”;

- (f) after paragraph 18, there shall be inserted—
“18A. In section 66A (enforcement of licences held by BBC companies), in subsection (2) omit paragraph (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 Bailiwick of Jersey”; and
 (e) in subsection (3B), paragraph (c) and the word “and” immediately preceding it shall be omitted;”;
- (h) after paragraph 29, there shall be inserted—
“29A. In section 104B—
 (a) in subsection (2)(b), after the words “United Kingdom” insert “or the Bailiwick of Jersey”;
 (b) for subsection (6) substitute—
 “(6) Subsection (1) has effect as if any order under section 104B(6) of the Broadcasting Act 1990 for the time being in force in the United Kingdom had extended to the Bailiwick of Jersey.”; and
 (c) omit subsection (7).”;
- (i) in paragraph 51 (Schedule 2)—
 (i) for sub-paragraph (a), there shall be substituted—
 “(a) in Part I—
 (i) in paragraph 3A, after the words “United Kingdom” in each place where they occur, insert “and the Bailiwick of Jersey”,
 (ii) omit paragraph 4;”;
 (ii) for sub-paragraph (b) there shall be substituted—
 “(b) in Part II—
 (i) in paragraph 3(1)(a), for the words “the Welsh authority” substitute “the States of Jersey”,
 (ii) in paragraph 5A(1), omit paragraph (b) and the word “and” immediately preceding it, and
 (iii) omit paragraph 5A(3);”;
 (iii) for sub-paragraph (c) there shall be substituted—
 “(c) in Part III—
 (i) after paragraph 1(4), insert—
 “(5) This Part has effect as if any order under paragraph 2(6) or (7), 3(7), 5(5), 6, 7 (1) or (9), 8(1), 10(1) or (2), 11(5), 13, 14(5), 16(1) or (2) of Part III of Schedule 2 to the Broadcasting Act 1990 for the time being in force in the United Kingdom had extended to the Bailiwick of Jersey.”,
 (ii) omit paragraphs 2(6) and (7), 3(7), 6, 7(9) and (10), 10, 11(5), 13, 14(5), 16(1) to (3), and
 (iii) in paragraph 2(3), in paragraph (a), after the words “United Kingdom” insert “or the Bailiwick of Jersey”, and omit paragraph (b) and the word “or” immediately preceding it;”;
 (iv) for sub-paragraph (d) there shall be substituted—
 “(d) in Part IV—
 (i) in paragraph 2, after the words “United Kingdom” in each place where they occur, insert “and the Bailiwick of Jersey”,
 (ii) in paragraph 2, at the end, add—
 “(8) This Part of this Schedule has effect as if any order under paragraph 5(5), 8(1) or 15(1) of Part IV of the Broadcasting Act 1990 which is for the time being in force in the United Kingdom had extended to the Bailiwick of Jersey.”,
 (iii) omit paragraphs 5(5), 8 and 15, and
 (iv) in paragraph 13(2), at the end insert “or the Bailiwick of Jersey and, before making a determination under any of those paragraphs which concerns the public interest in the Bailiwick of Jersey, the relevant authority shall consult the Broadcasting Committee of the States of Jersey”;”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Jersey 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, 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 (Jersey) (No. 2) Order 1991 (S.I. 1991/1710), sets out modifications of the amendments of the Broadcasting Act 1990 made by the 1996 Act.

The Order also makes consequential amendments of the Broadcasting Act 1996 (British Broadcasting Corporation—Transmission Network) (Jersey) Order 1997 (S.I. 1997/1757).

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The Broadcasting (Jersey) Order 2003

£2.50

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1624 12/2003 131624 19585

ISBN 0-11-048320-0



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