

SCHEDULE 1

Article 2

Modifications with which provisions of the Wireless Telegraphy Act 2006 extend to Jersey

1. In section 1 (general functions)—
 - (a) in subsection (2), after “United Kingdom” insert “on behalf of Jersey”;
 - (b) after subsection (2), insert—

“(2A) Before requiring OFCOM to do or undertake anything under subsection (2) in respect of Jersey, the Secretary of State shall consult with the Minister.”; and
 - (c) in subsections (3) to (5), after “United Kingdom”, wherever these words occur, insert “and Jersey”.
2. In section 5 (directions of the Secretary of State), after subsection (5) insert—

“(6) Before making an order under this section which relates to the management of the radio spectrum in respect of Jersey, the Secretary of State shall consult the Minister.”.
3. In section 6 (procedure for directions), omit subsections (4) to (7).
4. In section 8 (licences and exemptions)—
 - (a) in subsection (2)—
 - (i) in paragraph (b), for “purpose.” substitute “purpose; or”; and
 - (ii) after paragraph (b) insert—

“(c) the installation or use of any television receiver by a person who is a dealer in such receivers where the installation or use is solely for the purpose of doing any one or more of the following in the course of his business as such a dealer, namely, demonstrating, testing or repairing such receivers;” and
 - (b) after subsection (5) insert the following—

“(6) The functions of OFCOM under this section, insofar as they relate to programme making, as defined in the Contracting Out (Functions Relating to Wireless Telegraphy) Order 1996(1), may be exercised by, or by employees of, such person (if any) as may be authorised in that behalf in the United Kingdom by OFCOM under that Order.”.
5. In section 9 (terms, provisions and limitations), omit subsection (6).
6. In section 11 (surrender of licence) in subsection (4)—
 - (a) omit “on summary conviction”; and
 - (b) for “level 3” substitute “level 2”.
7. In section 18 (grant of recognised spectrum access)—
 - (a) in subsection (1)(c), for “at places in the United Kingdom or in the UK territorial sea” substitute “at places in Jersey or in Jersey’s territorial sea”;
 - (b) in subsection (2), for “the United Kingdom” in each place where these words occur substitute “Jersey”; and
 - (c) omit subsection (7).
8. In section 33 (failure to provide information etc.)—
 - (a) in subsection (3), for “level 3” substitute “level 2”; and

(1) S.I. 1996/2290, which has effect by virtue of paragraph 10 of Schedule 8 to the Wireless Telegraphy Act 2006 (c.36) as if made by virtue of section 1(7) of the Communications Act 2007 (c.21).

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- (b) in subsection (5), for “level 5” substitute “level 4”.
- 9.** In section 35 (unauthorised use of wireless telegraphy station)—
- (a) in subsection (2), 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.”;
 - (b) omit subsection (3);
 - (c) in subsection (4), for the words from “on summary conviction” to the end substitute “to a fine not exceeding level 2 on the standard scale.”;
 - (d) in subsection (5), for the words “on summary conviction” to the end substitute “to imprisonment for a term not exceeding one year or to a fine not exceeding level 3 on the standard scale, or to both.”; and
 - (e) omit subsection (6).
- 10.** In section 36 (keeping available for unauthorised use)—
- (a) in subsection (2), 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.”;
 - (b) omit subsection (3);
 - (c) in subsection (4), for the words from “on summary conviction” to the end substitute “to a fine not exceeding level 2 on the standard scale.”;
 - (d) in subsection (5), for the words from “on summary conviction” to the end substitute “to imprisonment for a term not exceeding one year or to a fine not exceeding level 4 on the standard scale, or to both.”; and
 - (e) omit subsection (6).
- 11.** In section 37 (allowing premises to be used for unlawful broadcasting)—
- (a) in subsection (2), 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
 - (b) omit subsection (3).
- 12.** In section 38 (facilitating unauthorised broadcasting)—
- (a) in subsection (6), 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.”;
 - (b) omit subsection (7).
- 13.** In section 41 (procedure for prosecutions), omit subsections (7) and (8).
- 14.** In section 43 (amount of penalty under section 42), omit subsections (4) and (5).
- 15.** In section 44 (relevant amount of gross revenue), for subsection (9)(b) substitute the following—
- “(b) send a copy of the statement and every such revision to the Treasurer of the States of Jersey.”.
- 16.** In section 46 (offences)—
- (a) in subsection (2) for the words from “liable” to the end, substitute “liable to a fine not exceeding level 2 on the standard scale.”; and
 - (b) in subsection (3), for the words from “liable” to the end substitute “liable to a fine not exceeding level 4 on the standard scale”.
- 17.** In section 47 (misleading messages)—

- (a) in subsection (4), 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
 - (b) omit subsection (5).
- 18.** In section 48 (interception and disclosure of messages)—
- (a) in subsection (4), for the words from “liable” to the end substitute “liable to a fine not exceeding level 4 on the standard scale.”; and
 - (b) for subsection (5) substitute—
 - “(5) ”Designated person” means—
 - (a) the Attorney General of Jersey;
 - (b) any person designated for the purposes of this section and section 49 by the Attorney General of Jersey.”.
- 19.** In section 49 (interception authorities)—
- (a) for subsection (2) substitute the following—
 - “(2) Conduct falls within this subsection if it is—
 - (a) conduct that, if engaged in without lawful authority, constitutes an offence under Article 5(1) or (2) of the Regulation of Investigatory Powers (Jersey) Law 2005;
 - (b) conduct that, if engaged in without lawful authority, is actionable under Article 6 of that Law;
 - (c) conduct that is capable of being authorised by an authorisation or notice granted under Chapter 2 of Part 2 of that Law (Communications data); or
 - (d) conduct that is capable of being authorised by an authorisation granted under Part 3 of that Law (surveillance etc.).”;
 - (b) in subsection (4), for “the United Kingdom” substitute “Jersey”;
 - (c) for subsection (7) substitute the following —
 - “(7) An interception authority must be in writing under the hand of the Attorney General of Jersey.
 - (d) omit subsection (9);
 - (e) in subsection (10)—
 - (i) for “Part 1” substitute “Part 2”;
 - (ii) for “Act 2000 (c.23)” substitute “(Jersey) Law 2005”;
 - (iii) for “Part 2” substitute “Part 3”;
 - (iv) for “Act” substitute “Law”.
 - (f) in subsection (11), for “Part 1 or 2” substitute “Part 2 or 3” and for “Act 2000” substitute “(Jersey) Law 2005”; and
 - (g) for subsection (12) substitute the following —
 - “(12) In this section “crime” has the meaning given by Article 1(1) of the Regulation of Investigatory Powers (Jersey) Law 2005.”.
- 20.** In section 50 (apparatus on foreign registered ships)—
- (a) in subsection (1), for “the United Kingdom and UK territorial sea” substitute “Jersey and Jersey’s territorial sea”;
 - (b) for subsection (3), substitute the following —

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- “(3) Any Regulations made under subsection (2) above, which specify a penalty for an offence against those Regulations by reference to a level on the standard scale, shall have effect in relation to Jersey as if for each such reference there were substituted a reference to the next lower level in the standard scale as defined in section 115.”;
- (c) in subsection (6)—
- (i) in paragraph (a), for “the United Kingdom” substitute “Jersey”; and
 - (ii) in paragraph (b), for “any of the Channel Islands” substitute “the Bailiwick of Guernsey”.
- 21.** In section 53 (surrender of authority) in subsection (3)—
- (a) omit “on summary conviction”; and
 - (b) for “level 3” substitute “level 2”.
- 22.** In section 54 (regulations about use and sale of apparatus) omit subsection (8).
- 23.** In section 57 (appeal against notice under section 55 or 56 etc.) omit subsections (4) and (5).
- 24.** In section 58 (contravening notice under section 55 or 56)—
- (a) in subsection (2)—
 - (i) omit “on summary conviction”;
 - (ii) in paragraph (a), for “level 5” substitute “level 4”; and
 - (iii) in paragraph (b), for “level 3” substitute “level 2”;
 - (b) omit subsection (3); and
 - (c) in subsection (5)—
 - (i) omit “on summary conviction”;
 - (ii) in paragraph (a), for “level 5” substitute “level 4”; and
 - (iii) in paragraph (b), for “level 3” substitute “level 2”.
- 25.** In section 59 (entry and search of premises etc.)—
- (a) in subsection (1), for “A justice of the peace” substitute “The Bailiff”;
 - (b) in subsections (1)(c), (2), (3), (4) and (6), for the word “justice” in each place where it occurs substitute “Bailiff”;
 - (c) in subsection (5), for “with or without constables” substitute “accompanied by a police officer”;
 - (d) in subsection (7), after “A” insert “police officer accompanying a”;
 - (e) in subsection (8) omit “by the person”; and
 - (f) omit subsection (10).
- 26.** In section 60 (obstruction and failure to assist) in subsection (2)—
- (a) omit “on summary conviction”; and
 - (b) for “level 5” substitute “level 4”.
- 27.** In section 68 (deliberate interference)—
- (a) in subsection (3), for all 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
 - (b) omit subsection (4).

28. In section 77 (broadcasting from ships and aircraft) in subsection (1), for “the United Kingdom” substitute “Jersey”.

29. In section 78 (broadcasting from marine structures) in subsection (1), for “the United Kingdom” substitute “Jersey”.

30. In section 79 (broadcasting from prescribed areas of high seas), for “the United Kingdom” in each place where it occurs substitute “Jersey”.

31. In section 80 (acts connected with broadcasting) in subsection (1), for “British person” substitute “Island person”.

32. In section 81 (management of station) in subsection (1), for the “United Kingdom” substitute “Jersey”.

33. In section 86 (facilitation offences: territorial scope)—

(a) in subsections (2) and (3), for “the United Kingdom” in each place where it occurs substitute “Jersey”; and

(b) in subsection (6), for “a British person” substitute “an Island person”.

34. In section 87 (procuring person to commit offence abroad), for “the United Kingdom” in each place where it occurs, substitute “Jersey”.

35. In section 88 (enforcement officers), for paragraphs (d) and (e) in subsection (1) substitute the following—

“(d) customs officers; and

(e) fisheries officers.”.

36. In section 89 (enforcement powers) in subsection (2)(a)(i), for “United Kingdom” substitute “Jersey”.

37. In section 91 (exercise of powers) in subsection (1), for “the United Kingdom” substitute “Jersey”.

38. For section 93 (penalties and proceedings) substitute the following —

“Penalties and Proceedings

93.—(1) A person who commits an offence under this Part is liable to imprisonment for a term not exceeding two years or to a fine, or to both.

(2) Proceedings for an offence under this Part may only be instituted by or with the consent of the Attorney General of Jersey.”.

39. In section 95 (Part 5: interpretation)—

(a) in subsection (1)—

(i) in the definition of “external waters” for “the United Kingdom” substitute “Jersey” and for “UK” substitute “Jersey’s”;

(ii) in the definition of “high seas” for “UK” substitute “Jersey’s” and for “the United Kingdom” substitute “Jersey”; and

(b) for subsection (2) substitute the following —

“(2) For the purposes of this Part references to an “Island person” are references to—

(a) a British citizen, a British overseas territories citizen, a British National (overseas) or a British Overseas citizen;

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- (b) a person who, under the British Nationality Act 1981 (c.61) is a British subject;
or
 - (c) a British protected person within the meaning given by section 50(1) of that Act, who is ordinarily resident in Jersey.”.
- 40.** In section 97 (powers of entry and search)—
- (a) in subsection (1), for “A justice of the peace” substitute “The Bailiff”;
 - (b) in subsection (2), for “constable or” substitute “police officer, who may be accompanied by”;
 - (c) omit subsections (4) and (5);
 - (d) in subsection (6), for “A person authorised by OFCOM or the Secretary of State to exercise a power conferred by this section” substitute “A police officer”; and
 - (e) omit subsection (9).
- 41.** In section 98 (obstruction and failure to assist) in subsection (2)—
- (a) omit the words “on summary conviction”; and
 - (b) for the words “level 5” substitute “level 4”.
- 42.** In section 99 (powers of seizure)—
- (a) for subsection (1)(a) substitute the following—
 - “(a) any offence under this Act punishable by imprisonment, other than an offence under section 111;”;
 - (b) in subsection (2), for “person authorised by OFCOM to exercise the powers conferred by this subsection” substitute “police officer”;
 - (c) in subsection (3), for “constable” substitute “police officer”;
 - (d) in subsection (4), for “person authorised by OFCOM to exercise a power conferred by this section” substitute “police officer”; and
 - (e) in subsection (6), for “constable” substitute “police officer”.
- 43.** In section 100 (obstruction) in subsection (2)—
- (a) omit “on summary conviction”; and
 - (b) for “level 5” substitute “level 4”.
- 44.** In section 101 (detention and disposal of property) in subsection (1) omit “ by a person authorised by OFCOM”.
- 45.** In section 107 (proceedings and enforcement)—
- (a) in subsection (1)—
 - (i) for “UK” substitute “Jersey’s”; and
 - (ii) for “the United Kingdom” substitute “Jersey”.
 - (b) for subsection (2) substitute the following—
 - “(2) For the purposes of enforcement of any provision falling within subsection (3), a member of the Honorary Police of a parish has in any area of the sea within the seaward limits of Jersey’s territorial sea all the powers protections and privileges which he has in that parish.”; and
 - (c) omit subsection (4).
- 46.** In section 108 (civil proceedings)—

- (a) in subsection (2), for “the Crown” substitute “the Attorney General of Jersey”; and
 - (b) omit subsection (3).
- 47.** In section 110 (criminal liability of company directors, etc.)—
- (a) omit subsection (2);
 - (b) after subsection (3) insert the following —
 - “(4) A person who aids, abets, counsels or procures the commission of an offence under this Act shall also be guilty of an offence and liable in the same manner as a principal offender to the penalty provided for that offence.”.
- 48.** In section 111 (general restrictions)—
- (a) in subsection (3)—
 - (i) in paragraph (b), for “any relevant person” substitute “the Secretary of State”;
 - (ii) omit paragraphs (c) and (d); and
 - (iii) in paragraph (f), after “United Kingdom” insert “on behalf of Jersey”;
 - (b) omit subsection (4);
 - (c) in subsection (6) omit paragraphs (b) to (e), (g), (j), (k), (m) and (n);
 - (d) omit subsection (8);
 - (e) in subsection (10), for all the words from “is liable” to the end substitute “is liable to imprisonment for a term not exceeding two years or to a fine, or to both.”;
 - (f) omit subsection (11); and
 - (g) in subsection (12) omit the definitions of “the Consumer Panel” and “the Welsh Authority”.
- 49.** In section 112 (service of documents)—
- (a) in subsection (6), for “section 7 of the Interpretation Act 1978 (c.30) (service of documents by post)” substitute “Article 7 of the Interpretation (Jersey) Law 1954”;
 - (b) in subsection (7), for “the United Kingdom” in each place where it occurs substitute “Jersey”.
- 50.** In section 115 (general interpretation)—
- (a) in subsection (1)—
 - (i) the following definitions shall be inserted in the appropriate alphabetical order—
 - ““customs officer” means the Agent of the Impôts and a person appointed as a customs officer under Article 14 of the Customs and Excise (Jersey) Law 1999;
 - “fisheries officer” means a person appointed as a fisheries officer under Article 15 of the Sea Fisheries (Jersey) Law 1994 or deemed under that Article to be a fisheries officer;
 - “Island person” has the meaning given by section 95(2);
 - “Jersey” means the Bailiwick of Jersey and the territorial sea adjacent thereto;
 - “Jersey’s territorial sea” means the territorial sea adjacent to Jersey;
 - “the Minister” means the Minister for Economic Development;
 - “Police officer” means a member of the Honorary Police or a member of the States of Jersey Police Force;

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“Standard scale” means the standard scale of fines for the time being in the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993;”;

(ii) omit the definition of “UK territorial sea”;

(iii) for the definition of “electric line” substitute—

““electric line” means any line which is used for carrying electricity for any purpose and includes, unless the context otherwise requires—

(a) any support for such line, that is to say any structure, pole or other thing in, on, by or from which any such line is or may be supported, carried or suspended;

(b) any apparatus connected to any such line for the purpose of carrying electricity; and

(c) any wire, cable, tube, pipe or other similar thing (including its case or coating) which surrounds or supports or is supported, carried or suspended in association with, any such line;”;

(iv) for the definition of “film” substitute—

““film” means a sound recording on any medium from which a moving image may by any means be produced.”;

(v) in the definition of “international obligation of the United Kingdom” after “United Kingdom” insert “on behalf of Jersey” and omit “any Community obligation and”; and

(b) omit subsection (6).

51. In section 116 (“wireless telegraphy”) omit subsection (4).

52. In section 118 (extent) omit subsections (1), (3) and (4).

53. In section 119 (territorial application)—

(a) in subsection (1)(a), for “the United Kingdom or UK territorial sea” substitute “Jersey or Jersey’s territorial sea.”;

(b) in subsection (1)(b)—

(i) for “the United Kingdom” where it first occurs substitute “Jersey”; and

(ii) for “United Kingdom or UK territorial sea” substitute “Jersey or Jersey’s territorial sea”;

(c) in subsection (1)(c)—

(i) for “the United Kingdom or UK territorial sea” in each place where it occurs substitute “Jersey or Jersey’s territorial sea”; and

(ii) for paragraph (ii) substitute—

“(ii) for a ship that is a British ship or an aircraft registered in the United Kingdom

(d) omit subsections (3) and (4).

54. In section 121 (orders and regulations made by the Secretary of State)—

(a) omit subsections (1) and (2); and

(b) after subsection (3) insert—

“(4) Any statutory instrument made by the Secretary of State pursuant to this Act shall not have effect in Jersey until 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 specified in the instrument for its coming into force, whichever is the later.”.

- 55.** In section 122 (orders and regulations made by OFCOM)—
- (a) omit subsections (2) and (3);
 - (b) after subsection (7) insert the following —

“(8) Any statutory instrument made by OFCOM pursuant to this Act shall not have effect in Jersey until 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 specified in the instrument for its coming into force, whichever is the later.”.
- 56.** In section 126 (short title and commencement) omit subsection (2).
- 57.** In Schedule 2 (procedure for grants of recognised spectrum access)—
- (a) in paragraph 6(12)(b), after “United Kingdom” insert “on behalf of Jersey”; and
 - (b) in paragraph 7(4)(c), after “United Kingdom” insert “on behalf of Jersey”.
- 58.** In Schedule 5 (forfeiture on conviction)—
- (a) in paragraph 1(1), for “OFCOM” substitute “the Treasurer of the States of Jersey”;
 - (b) in paragraph 1(4) omit clause (b);
 - (c) in paragraph 1(5) omit clause (c);
 - (d) for paragraph 4 substitute—

“4. Apparatus ordered to be forfeited under paragraph 1 or 2 may be retained, disposed or dealt with by the Treasurer of the States of Jersey in such manner as he may think fit.”.
 - (e) in paragraph 5 for “OFCOM” in each place where it occurs, substitute “The Treasurer of the States of Jersey”; and
 - (f) omit paragraphs 6 and 7.
- 59.** In Schedule 7—
- (a) omit paragraph 1 to 8, 15, 16, 19 to 24, 33, 35, 37 and 38; and
 - (b) for paragraph 31 substitute the following—

“(31) In section 393 (general restrictions on disclosure of information) in subsection (5) after paragraph (l) insert—

“(la) the Wireless Telegraphy Act 2006;”.
- 60.** In Schedule 8 (transitional provisions, savings and transitory modifications)—
- (a) omit paragraphs 5, 9, 10, 16 to 22, 25, 26, 28 and 29; and
 - (b) in paragraph 12 (1) omit “20(2) or” and in paragraph 12(3) omit “20 or”.
- 61.** In Schedule 9 (repeals)—
- (a) in Part 1, omit all the items and entries except those in respect of—

Wireless Telegraphy Act 1949;
Marine *etc.* Broadcasting (Offences) Act 1967;
Wireless Telegraphy Act 1967;
Telecommunications Act 1984;
Broadcasting Act 1990; and

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Communications Act 2003;

(b) Omit Part 2.