
STATUTORY INSTRUMENTS

1991 No. 1709

BROADCASTING

The Broadcasting Act 1990 (Guernsey) (No. 2) Order 1991

Made - - - - - *24th July 1991*

Coming into force - - - - - *1st August 1991*

At the Court at Buckingham Palace, the 24th day of July 1991

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 174 and 204(6) of the Broadcasting Act 1990⁽¹⁾, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Broadcasting Act 1990 (Guernsey) (No. 2) Order 1991 and shall come into force on 1st August 1991.

2. In this Order "Guernsey" means the Bailiwick of Guernsey.

3.—(1) The following provisions of the Broadcasting Act 1990 shall extend, with the modifications specified in the Schedule to this Order, to Guernsey—

- (a) in Part I (independent television services), sections 1 to 13, 23 to 35, 37 to 45, 48 to 55, 65 and 67 to 71;
- (b) Part III (independent radio services), except Chapter III;
- (c) Part V (Broadcasting Complaints Commission), except section 149;
- (d) Part VI (Broadcasting Standards Council);
- (e) Part VIII (provisions relating to wireless telegraphy), except section 174;
- (f) in Part X (miscellaneous and general), sections 177, 178, 181, 182, 185, 186, 195 to 197, 199, 201 and 203; and
- (g) Schedules 1 to 3, 5, 7, 8, 13, 14, 16 and 21.

(2) For the purpose of construing those provisions as so extended as part of the law of Guernsey, unless a contrary intention appears—

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- (a) any reference to an enactment which extends to Guernsey shall be construed as a reference to that enactment as it has effect in Guernsey, and
- (b) any reference to a licensable programme service, to a licensable sound programme service or to a local delivery service shall be construed as a reference only to a service of the kind in question which is provided in the United Kingdom under the Broadcasting Act 1990 as it has effect in the United Kingdom.

G. I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 3

MODIFICATIONS WITH WHICH PROVISIONS OF THE BROADCASTING ACT 1990 EXTEND TO GUERNSEY

1. In section 2 (function of Commission)—
 - (a) in subsection (1)(a) and (b) after the words “United Kingdom” insert “or the Bailiwick of Guernsey”;
 - (b) in subsections (2)(a) and (5) after the words “United Kingdom” insert “and the Bailiwick of Guernsey”; and
 - (c) omit subsection (3).
2. In section 3 (general provisions about licences), in subsection (8) after “1984” insert “or section 7 of the Telecommunications (Guernsey) Law, 1972”.
3. In section 8 (advertisements)—
 - (a) in subsection (2)(a) after the words “government department” insert “or the States of Guernsey”; and
 - (b) for subsection (4) substitute—

“(4) Subsection (2) above has effect as if any regulations under section 8(4) of the Broadcasting Act 1990 for the time being in force in the United Kingdom had extended to the Bailiwick of Guernsey.”.
4. In section 9 (control of advertisements)—
 - (a) in subsection (4)(a) after the words “Secretary of State” insert “and the States Broadcasting Committee”; and
 - (b) in subsection (4)(b) for the word “he” substitute “the Secretary of State”.
5. In section 10 (government control over licensed services), omit subsection (6).
6. In section 13 (prohibition on providing television services without a licence)—
 - (a) for subsection (2) substitute—

“(2) Subsection (1) above has effect as if any order under section 13(2) of the Broadcasting Act 1990 for the time being in force in the United Kingdom had extended to the Bailiwick of Guernsey.”;
 - (b) omit subsection (4);
 - (c) in subsection (5) for the words “the Crown” substitute “Her Majesty’s Procureur”; and
 - (d) omit subsection (6).
7. In section 24 (provision of Channel 4), in subsection (3) for the words “England, Scotland and Northern Ireland” substitute “England, Scotland, Northern Ireland and the Bailiwick of Guernsey”.
8. In section 26 (revenue deficits of Corporation)—
 - (a) for subsection (10) substitute—

“(10) Subsections (2) and (4) above have effect as if any order under section 26(10) of the Broadcasting Act 1990 for the time being in force in the United Kingdom had extended to the Bailiwick of Guernsey.”;and
 - (b) omit subsection (11).
9. In section 28 (Channel 5), in subsections (1) and (2) after the words “United Kingdom” insert “and the Bailiwick of Guernsey”.

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10. In section 29 (application of certain provisions to Channel 5), in subsection (2)(a) after the words “United Kingdom” insert “and the Bailiwick of Guernsey”.
11. In section 34 (schools programmes), in subsection (2)(c) after the words “United Kingdom” insert “and the Bailiwick of Guernsey”.
12. In section 39 (networking arrangements), in subsection (1) after the words “United Kingdom” insert “and the Bailiwick of Guernsey”.
13. In section 43 (satellite services), in subsection (4)–
 - (a) after the definition of “allocated frequency” insert–

““the United Kingdom” includes the Bailiwick of Guernsey;” ; and
 - (b) for the definition of “prescribed country” substitute–

““prescribed country” means any country specified in an order made for the purposes of section 43(4) of the Broadcasting Act 1990 for the time being in force in the United Kingdom.”
14. In section 45 (licensing of non-domestic satellite services)–
 - (a) for subsection (8) substitute–

“(8) Subsection (6) above has effect as if any order under section 45(8) of the Broadcasting Act 1990 for the time being in force in the United Kingdom had extended to the Bailiwick of Guernsey.”; and
 - (b) omit subsection (9).
15. In section 48 (additional services), in subsection (6) for the words “Telecommunications Act 1984” substitute “Telecommunications (Guernsey) Law, 1972”.
16. In section 51 (procedure for awarding licences), in subsection (7) for the words “Director General of Telecommunications” substitute “States Telecommunications Board”.
17. In section 53 (duration of licences, etc.), in subsection (7)(a) after the word “Commission” insert “for the benefit of the States of Guernsey”.
18. In section 65 (assignment of frequencies), omit subsection (3).
19. In section 68 (receipts of Commission), after subsection (1)(c) insert–
 - (d) if the licence is for the provision of a service for the Bailiwick of Guernsey, be paid to the Treasurer of the States of Guernsey; or
 - (e) if the licence is for the provision of a service for an area consisting of–
 - (i) the Bailiwick of Guernsey and the whole or part of the United Kingdom, or
 - (ii) the Bailiwick of Guernsey and the Bailiwick of Jersey, or
 - (iii) both those Bailiwicks 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 (d) above.”.
20. In section 71 (interpretation of Part I), in subsection (1) omit the definition of “S4C”.
21. In section 84 (function of Radio Authority)–
 - (a) in subsection (1) after the words “United Kingdom”, wherever occurring, insert “or the Bailiwick of Guernsey”;
 - (b) in subsection (2)(a)(i) and (ii) and where first occurring in (b)(ii), after the words “United Kingdom” insert “and the Bailiwick of Guernsey”; and

- (c) in subsection (2)(a)(iii) and (b)(i), in the second place in which they occur in (b)(ii), and in subsection (3), after the words “United Kingdom” insert “or the Bailiwick of Guernsey”.
- 22.** In section 85 (licensing functions)–
- (a) in subsection (2) after the words “United Kingdom” insert “and the Bailiwick of Guernsey”;
- (b) omit subsection (4);
- (c) for subsection (5) substitute–
- “(5) Subsection (2)(a) above and section 98(1)(b)(iii) below have effect as if any order under section 85(5) of the Broadcasting Act 1990 for the time being in force in the United Kingdom had extended to the Bailiwick of Guernsey.”; and
- (d) omit subsection (7).
- 23.** In section 86 (licences under Part III), in subsection (9) after “1984” insert “or section 7 of the Telecommunications (Guernsey) Law, 1972”.
- 24.** In section 92 (advertisements)–
- (a) in subsection (2) after the words “government department” insert “or the States of Guernsey”; and
- (b) for subsection (4) substitute–
- “(4) Subsection (2) above has effect as if any regulations under section 92(4) of the Broadcasting Act 1990 for the time being in force in the United Kingdom had extended to the Bailiwick of Guernsey.”.
- 25.** In section 93 (control of advertisements)–
- (a) in subsection (4)(a) after the words “Secretary of State” insert “and the States Broadcasting Committee”; and
- (b) in subsection (4)(b) for the word “he” substitute “the Secretary of State”.
- 26.** In section 94 (government control) omit subsection (6).
- 27.** In section 97 (prohibition on unlicensed radio services)–
- (a) for subsection (2) substitute–
- “(2) Subsection (1) above has effect as if any order under section 97(2) of the Broadcasting Act 1990 for the time being in force in the United Kingdom had extended to the Bailiwick of Guernsey.”;
- (b) omit subsection (4);
- (c) in subsection (5) for the words “the Crown” substitute “Her Majesty’s Procureur”; and
- (d) omit subsection (6).
- 28.** In section 98 (applications for national licences), in subsections (1) and (2) after the words “United Kingdom” insert “and the Bailiwick of Guernsey”.
- 29.** In section 104 (applications for other licences), in subsection (1) after the words “United Kingdom” insert “or the Bailiwick of Guernsey”.
- 30.** In section 105 (special requirements relating to grant of local licences), in paragraph (d) after the word “locality” insert “and the views of the States of Guernsey in relation to the application”.
- 31.** In section 110 (financial penalty, etc.), for subsection (7) substitute–

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“(7) Subsection (3) above has effect as if any order under section 110(7) of the Broadcasting Act 1990 for the time being in force in the United Kingdom had extended to the Bailiwick of Guernsey.”

32. In section 114 (additional services), in subsection (6) for the words after “section 4(1)” substitute “of the Telecommunications (Guernsey) Law, 1972”.

33. In section 117 (procedure), in subsection (7) for the words “Director General of Telecommunications” substitute “States Telecommunications Board”.

34. In section 122 (receipts of Authority), after subsection (1)(c) insert–

“(d) if the licence is for the provision of a service for any area, locality, institution or event in the Bailiwick of Guernsey, be paid to the Treasurer of the States of Guernsey; or

(e) if the licence is for the provision of a service for an area consisting of–

(i) the Bailiwick of Guernsey and the whole or part of the United Kingdom, or

(ii) the Bailiwick of Guernsey and the Bailiwick of Jersey, or

(iii) both those Bailiwicks and the whole or part of the United Kingdom,

as respects such proportion of the amount as the Authority consider appropriate, be paid as mentioned in paragraph (d) above.”

35. In section 143 (function of BCC), omit subsection (2)(b).

36. In section 144 (complaints), in subsection (4)(b) and (c) after the words “United Kingdom” insert “or the Bailiwick of Guernsey”.

37. In section 150 (interpretation of Part V), in the definition of “broadcasting body” omit the words “or the Welsh Authority”.

38. In section 152 (preparation of code), omit subsection (2)(b).

39. In section 153 (monitoring of standards), in subsection (4) after the words “United Kingdom” insert “and the Bailiwick of Guernsey”.

40. In section 154 (complaints relating to broadcasting standards), in subsection (5)(a) and (b) after the words “United Kingdom” insert “or the Bailiwick of Guernsey”.

41. In section 172 (amendment of Wireless Telegraphy Act 1949(2), in the subsection (3) substituted by subsection (4) for section 14(3) of the 1949 Act–

(a) for paragraph (d) substitute–

“(d) any offence under this Act which is an offence under the Wireless Telegraphy Apparatus (Bailiwick of Guernsey) Law, 1990;” and

(b) for the words “Secretary of State” substitute “Crown for the benefit of the Crown revenues in the Bailiwick of Guernsey”.

42. In section 177 (unacceptable foreign satellite services)–

(a) omit subsections (1) to (5); and

(b) in subsection (6) omit the words “this section and”, and after the words “the United Kingdom”–

(i) where first occurring, insert “and the Bailiwick of Guernsey”, and

(ii) in the second place in which they occur, insert “or the Bailiwick of Guernsey”.

43. In section 178 (offence of supporting proscribed foreign satellite service)–

(2) 1949 c. 54.

- (a) in subsection (1) for the words “for the purposes of this section by virtue of an order under section 177” substitute “in the United Kingdom for the purposes of section 178 of the Broadcasting Act 1990 by virtue of an order under section 177 of that Act”; and
 - (b) in subsection (2) for the words “United Kingdom” substitute “Bailiwick of Guernsey”.
- 44.** In section 181 (apparatus deemed to be for wireless telegraphy), in subsection (3)(a) and (b) after the words “United Kingdom” insert “or the Bailiwick of Guernsey”.
- 45.** In section 182 (events not to be shown on pay-per-view terms)–
- (a) in subsection (3)(a) for the words after “list” substitute “for the time being having effect in the United Kingdom for the purposes of section 182 of the Broadcasting Act 1990”; and
 - (b) in subsection (7) for the words “England, Scotland, Wales and Northern Ireland” substitute “England, Scotland, Wales, Northern Ireland and the Bailiwick of Guernsey”.
- 46.** In section 196 (entry and search of premises)–
- (a) in subsection (1) for the words “a justice of the peace” substitute “the Bailiff (as regards the Bailiwick of Guernsey), the Chairman of the Court of Alderney (as regards Alderney) or the Seneschal of the Court of Sark (as regards Sark)” and after the words “to enter and search” insert “with officers of police (whether or not named in the warrant)”; and
 - (b) omit subsections (5) and (6).
- 47.** In section 197 (disclosure) omit subsection (5).
- 48.** In section 199 (notices), in subsection (4)–
- (a) for the words “section 7 of the Interpretation Act 1978” substitute “section 11 of the Interpretation (Guernsey) Law, 1948”; and
 - (b) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”.
- 49.** In section 201 (programme services), in subsection (1)(c)(i) and (ii) after the words “United Kingdom” insert “or the Bailiwick of Guernsey”.
- 50.** In Schedule 1 (Independent Television Commission) omit paragraphs 2 to 9 and 12 to 16.
- 51.** In Schedule 2 (restrictions on the holding of licences)–
- (a) in Part I omit paragraph 4;
 - (b) in Part II, in paragraph 3(1)(a) after the words “local authority” insert “or the States of Guernsey or Alderney”;
 - (c) in Part III–
 - (i) after paragraph 1(4) insert–

“(5) This Part has effect as if any order under paragraph 2(2) or (3), 4, 5(3), 6(8) or (10) or 10 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 Guernsey.”,
 - (ii) omit paragraphs 2(2) and (3), 4, 5(3), 6(8) and (10) and 10, and
 - (iii) after paragraph 6(7) insert–

“(7A) As respects participation by the holder of a licence to provide for an area which includes the Bailiwick of Guernsey–

 - (a) a regional Channel 3 service, or
 - (b) a local radio service,

in a body incorporated in the Bailiwick of Guernsey which is the holder of a licence to provide for an area which is to a significant extent the same as that area a service falling within the other of those two categories, the States Broadcasting Committee

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may by order vary the percentage for the time being specified in sub-paragraph (7) above.”.

(d) in Part IV–

(i) in paragraph 1(1) and (2) after the words “United Kingdom”, wherever occurring, insert “and the Bailiwick of Guernsey”,

(ii) in paragraph 2(2) omit the words after “Channel 3 service”,

(iii) after paragraph 1(5) insert–

“(6) This Part has effect as if any order under paragraph 2(5) or 3(5) of Part IV of Schedule 2 to the Broadcasting Act 1990 for the time being in force in the United Kingdom had extended to the Bailiwick of Guernsey.”,

(iv) omit paragraph 2(5),

(v) after paragraph 2(6) insert–

“(7) As respects participation by the proprietor of a local newspaper in a body incorporated in the Bailiwick of Guernsey which is the holder of a licence to provide–

(a) a regional Channel 3 service for an area which includes the Bailiwick of Guernsey, or

(b) a relevant local radio service,

the States Broadcasting Committee may by order vary the percentage for the time being specified in sub-paragraph (1) or, as the case may be, sub-paragraph (4) above.”,

(vi) omit paragraph 3(5), and

(vii) after paragraph 3(6) insert–

“(7) As respects participation by the holder of a licence to provide–

(a) a regional Channel 3 service for an area which includes the Bailiwick of Guernsey, or

(b) a relevant local radio service,

in a body incorporated in the Bailiwick of Guernsey which runs a local newspaper, the States Broadcasting Committee may by order vary the percentage for the time being specified in sub-paragraph (1) or, as the case may be, sub-paragraph (4) above.”; and

(e) omit Part V.

52. In Schedule 3 (Channel Four Television Corporation) omit paragraphs 2 to 9, 12 and 13.

53. In Schedule 7 (qualifying revenue)–

(a) in Part I–

(i) in paragraphs 1(1) and 2(1) omit the words “or Part II”, and

(ii) in paragraph 2(2) omit the words after “arbitration”; and

(b) in Part II, in paragraph 2(2) omit the words after “arbitration”.

54. In Schedule 8 (Radio Authority) omit paragraphs 2 to 9 and 12 to 16.

55. In Schedule 13 (Broadcasting Complaints Commission) omit paragraphs 2 to 9 and 12.

56. In Schedule 14 (Broadcasting Standards Council) omit paragraphs 2 to 10 and 13.

57. In Schedule 16 (amendments to Marine, Broadcasting (Offences) Act 1967(3)–

(3) 1967 c. 41.

- (a) for paragraph 1(2) substitute—
 - “(2) In subsection (1)(a), for “external waters or in tidal waters in the Bailiwick of Guernsey” substitute “any waters to which this section applies.”;
- (b) in the subsection (3) inserted by paragraph 1(3) after section 2(2) of the 1967 Act for the words “United Kingdom” substitute “Bailiwick of Guernsey”;
- (c) in the section 2A inserted by paragraph 2 after section 2 of the 1967 Act—
 - (i) in subsection (1)(a) for the words after “prescribed” substitute “for the purposes of section 2A of the Marine, &c., Broadcasting Act 1967 by any order for the time being in force in relation to the United Kingdom”,
 - (ii) in subsection (1)(b) for the words “United Kingdom” substitute “Bailiwick of Guernsey”,
 - (iii) in subsection (4) after the words “United Kingdom” insert “and the Bailiwick of Guernsey”, and
 - (iv) omit subsection (5);
- (d) in the section 3A inserted by paragraph 4 after section 3 of the 1967 Act, in subsection (1) for the words “United Kingdom” substitute “Bailiwick of Guernsey”;
- (e) for paragraph 7(2) substitute—
 - “(2) For subsection (1) substitute—
 - “(1) A person guilty of an offence under this Act shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both.”;
- (f) in the section 7A inserted by paragraph 8 after section 7 of the 1967 Act—
 - (i) for subsection (1)(b) substitute—
 - “(b) officers of police;”,
 - (ii) for subsection (1)(d) substitute—
 - “(d) officers of customs and excise; and”,
 - (iii) in subsection (2)(a) for the words “United Kingdom”, where first occurring, substitute “Bailiwick of Guernsey”, and
 - (iv) in subsection (6) for the words “United Kingdom” substitute “Bailiwick of Guernsey”; and
- (g) after paragraph 8 insert—
 - “**9.** In section 9(1) (interpretation) insert the following definition—
 - ““officer of police” means—
 - (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
 - (b) in relation to Alderney, a member of the said police force and a member of any police force which may be established by the states of Alderney; and
 - (c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey.”.

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58. In Schedule 21 (repeals) omit all entries except those relating to the Wireless Telegraphy Act 1949⁽⁴⁾, the Wireless Telegraphy (Blind Persons) Act 1955⁽⁵⁾ and section 79(2) of the Telecommunications Act 1984⁽⁶⁾.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to Guernsey, with the modifications specified in the Schedule, provisions of the Broadcasting Act 1990 relating to independent television and independent radio services, the Broadcasting Complaints Commission and the Broadcasting Standards Council, provisions amending the Marine, Broadcasting (Offences) Act 1967, and a number of the miscellaneous and general provisions in Part X of the 1990 Act.

⁽⁴⁾ 1949 c. 54.
⁽⁵⁾ 1955 c. 7.
⁽⁶⁾ 1984 c. 12.