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STATUTORY INSTRUMENTS

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**1995 No. 268**

**TELEGRAPHS  
TELECOMMUNICATIONS**

**The Wireless Telegraphy (Isle of Man) Order 1995**

*Made* - - - - *8th February 1995*

*Coming into force* - - *8th March 1995*

At the Court at Buckingham Palace, the 8th day of February 1995

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 20(3) of the Wireless Telegraphy Act 1949<sup>(1)</sup>, section 10 of the Marine, &c., Broadcasting (Offences) Act 1967<sup>(2)</sup>, sections 13(4) and 15(6) of the Wireless Telegraphy Act 1967<sup>(3)</sup>, section 108 of the Telecommunications Act 1984<sup>(4)</sup> and section 204(6) of the Broadcasting Act 1990<sup>(5)</sup>, 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 Wireless Telegraphy (Isle of Man) Order 1995 and shall come into force on 8th March 1995.

2. The Wireless Telegraphy (Isle of Man) Order 1981<sup>(6)</sup> shall be varied as follows, that is to say—

- (a) in article 2 for “7, 9 to 12” there shall be substituted “9, 10, 12”; and
- (b) in the Schedule, paragraphs 1 and 3 are hereby revoked.

3.—(1) Part VI and sections 102, 106(4) and (5) and 109(6) of, Schedule 3 to and Part IV of Schedule 7 to the Telecommunications Act 1984<sup>(7)</sup> shall extend to the Isle of Man subject to the exceptions, adaptations and modifications specified in Part I of the Schedule to this Order.

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(1) 1949 c. 54, extended to the Isle of Man by S.I. 1952/1899; section 20(3) was extended by section 174 of the Broadcasting Act 1990 (c. 42).

(2) 1967 c. 41, extended to the Isle of Man by S.I. 1967/1276; section 10 was extended by section 174 of the Broadcasting Act 1990.

(3) 1967 c. 72, extended in part to the Isle of Man by S.I. 1981/1113 and amended and revoked in part by the Telecommunications Act 1984 (c. 12), section 77 and Schedule 7, Part IV.

(4) 1984 c. 12, extended in part to the Isle of Man by S.I. 1984/861.

(5) 1990 c. 42, extended in part to the Isle of Man by S.I. 1992/192 and S.I. 1991/998.

(6) S.I. 1981/1113.

(7) Section 79 was amended by section 173(4), (5) and (6) of the Broadcasting Act 1990 and section 78 was repealed by regulation 2 of the Electromagnetic Compatibility Regulations 1992 (S.I. 1992/2372).

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(2) Sections 168 to 173 of and Schedule 16 to the Broadcasting Act 1990 shall extend to the Isle of Man with the exceptions, adaptations and modifications specified in Part II of the Schedule to this Order.

*N. H. Nicholls*  
Clerk of the Privy Council

## SCHEDULE

Article 3

### PART I

#### EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF PROVISIONS OF THE TELECOMMUNICATIONS ACT 1984 TO THE ISLE OF MAN

1. Any reference to an Act of Parliament (including the Telecommunications Act 1984), or to a provision thereof, shall be construed, unless the contrary intention appears, as a reference to that Act or provision as it has effect in the Isle of Man.

2. Any reference to an enactment of Tynwald shall be construed, unless the contrary intention appears, as a reference to it as amended or replaced by or under any other such enactment.

3.—(1) Section 74 shall be modified in accordance with the following provisions of this paragraph.

(2) In the section 3A which section 74 inserts in the Wireless Telegraphy Act 1949—

- (a) in subsection (1), for “section 7 of the Telecommunications Act 1984” there shall be substituted “section 5 of the Telecommunications Act 1984 of Tynwald”;
- (b) in subsection (2), for “section 8” there shall be substituted “section 6”;
- (c) in subsection (5), after “Telecommunications Act 1984” there shall be inserted “of Tynwald”;
- (d) in subsection (7), there shall be added at the end the words “and the Isle of Man”; and
- (e) in subsection (8)—
  - (i) after “the Telecommunications Act 1984” there shall be inserted “or the Telecommunications Act 1984 of Tynwald”; and
  - (ii) for “that Act” wherever those words occur there shall be substituted “the Telecommunications Act 1984”.

4.—(1) Section 75 shall be modified in accordance with the following provisions of this paragraph.

(2) In subsection (1), for “indictment” there shall be substituted “information”.

(3) In subsection (2)(a)—

- (a) for “Great Britain” in the first place where those words occur, there shall be substituted “the Isle of Man”; and
- (b) for “both in Great Britain and in Northern Ireland” there shall be substituted “in the Isle of Man”.

(4) In subsection (3), for “comes into force” there shall be substituted “is extended to the Isle of Man”.

5. In section 76—

- (a) in subsection (1)(a), for “indictable offence” there shall be substituted “offence triable on information”; and
- (b) subsection (3) shall be omitted.

6. Section 77 shall be omitted.

7. In section 79—

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- (a) in subsection (1)(a), for “indictable offence” there shall be substituted “offence triable on information”;
  - (b) in subsection (1), the words “and (c) any offence under section 7 of the 1967 Act” shall be omitted; and
  - (c) in subsection (6), the words “and (b) any proceedings for forfeiture under section 80 or 81 below” shall be omitted.
- 8.** Sections 80 and 81 shall be omitted.
- 9.—(1)** Section 82 shall be modified in accordance with the following provisions of this paragraph.
- (2) In the subsections which section 82 substitutes for section 14(3) of the Wireless Telegraphy Act 1949, subsections (3A) and (3C) shall be omitted<sup>(8)</sup>.
- 10.** In section 83—
- (a) In subsection (1)(b), the words “or proceedings for forfeiture of that property under section 80 or 81 above” shall be omitted; and
  - (b) in subsection (2)(b), the words “or under section 80 or 81 above” shall be omitted.
- 11.** In section 84—
- (a) in subsection (1)(d), for “section 7 of the 1967 Act” there shall be substituted “section 1 of the Radio Equipment Act 1986 (an Act of Tynwald)”;
  - (b) at the end there shall be added the following subsection:  
“(10) An approval given (whether before or after the commencement of the Wireless Telegraphy (Isle of Man) Order 1995) under this section as it has effect in the United Kingdom shall have effect as if given for the corresponding purpose under this section as it has effect in the Isle of Man.”
- 12.** For section 85(5)(b) there shall be substituted—
- “(b) “supply” has the same meaning as it has in Part II of the Consumer Protection Act 1991 (an Act of Tynwald).”
- 13.** In section 88, after “the Director” there shall be inserted “General of Telecommunications appointed under section 1 of this Act (as that section has effect in the United Kingdom)”.
- 14.** In section 91—
- (a) in subsection (1), the words “or for the forfeiture of any apparatus under section 80 or 81 above” shall be omitted;
  - (b) in subsection (2), the words “or section 80(9)(b) above” shall be omitted; and
  - (c) in subsection (4), the words “and in section 80(9)(b) above” shall be omitted.
- 15.** In section 92—
- (a) in subsection (1), the definition of “the 1967 Act” shall be omitted; and
  - (b) subsection (4) shall be omitted.
- 16.** In section 106(4), after the words “country or territory outside the United Kingdom” there shall be inserted “and the Isle of Man”.
- 17.** Section 109(6) shall have effect only so far as it relates to Part IV of Schedule 7.

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<sup>(8)</sup> Subsection (3) as substituted by section 82 is no longer in force having been replaced by the subsection (3) subsequently substituted by section 172 of the Broadcasting Act 1990 (see paragraph 4 of Part II of this Schedule).

**18.**—(1) Schedule 3 shall be modified in accordance with the following provisions of this paragraph.

(2) In the subsections which paragraph 1 substitutes for section 14(1) of the Wireless Telegraphy Act 1949—

- (a) in subsection (1), for “indictment” there shall be substituted “information”; and
- (b) in subsection (1A), paragraphs (e) and (f) shall be omitted.

(3) Paragraph 2 shall be omitted.

(4) In paragraph 3—

- (a) in sub-paragraph (a), for “section 43 of the Powers of Criminal Courts Act 1973 (which gives the convicting court in England and Wales” there shall be substituted “section 16 of the Criminal Law Act 1981 (an Act of Tynwald) (which gives the convicting court”;
- (b) sub-paragraph (b) shall be omitted.

**19.** Part IV of Schedule 7 shall have effect in relation only to such of the enactments specified there as have effect in the Isle of Man.

## PART II

### EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF PROVISIONS OF THE BROADCASTING ACT 1990 TO THE ISLE OF MAN

**1.** Any reference to an Act of Parliament, or to a provision thereof, shall be construed, unless the contrary intention appears, as a reference to that Act or provision as it has effect in the Isle of Man.

**2.** Any reference to an enactment of Tynwald shall be construed, unless the contrary intention appears, as a reference to it as amended or replaced by or under any other such enactment.

**3.** In section 170, in the section 1C inserted in the Wireless Telegraphy Act 1949—

- (a) in subsection (5), for “Section 46 of the Consumer Protection Act 1987” there shall be substituted “Section 61 of the Consumer Protection Act 1991 (an Act of Tynwald)”;
- (b) in subsection (6), for “Part I of the Copyright, Designs and Patents Act 1988” there shall be substituted “the Copyright Act 1991 (an Act of Tynwald)”.

**4.** In section 172, in the subsection (3) which subsection (4) substitutes for section 14(3) of the Wireless Telegraphy Act 1949(9), paragraphs (b) and (d) shall be omitted.

**5.** In Schedule 16 (amendments to Marine, &c., Broadcasting (Offences) Act 1967) (“the 1967 Act”)—

(a) for paragraph 1(2) there shall be substituted—

“(2) In subsection (1)(a), for “external waters or in tidal waters in the Isle of Man” there shall be substituted “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” there shall be substituted “Isle of Man”;

(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 “this section” there shall be substituted “as it has effect in the United Kingdom by any order for the time being in force in relation to the United Kingdom”;

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(9) Subsection (3) of section 14 had previously been substituted by section 82 of the Telecommunications Act 1984.

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- (ii) in subsection (1)(b) for the words “United Kingdom” there shall be substituted “Isle of Man”,
- (iii) in subsection (4) after the words “United Kingdom” there shall be inserted “and the Isle of Man”, and
- (iv) subsection (5) shall be omitted;
- (d) in the section 3A inserted by paragraph 4 after section 3 of the 1967 Act, in subsection (1) for the words “United Kingdom” there shall be substituted “Isle of Man”; and
- (e) in the section 7A inserted by paragraph 8 after section 7 of the 1967 Act—
  - (i) for subsection (1)(b) there shall be substituted—
    - “(b) constables;”,
  - (ii) for subsection (1)(d) there shall be substituted—
    - “(d) persons authorised in writing by the Isle of Man Treasury to be officers of customs and excise;”,
  - (iii) in subsection (2)(a) for the words “United Kingdom”, where first occurring, there shall be substituted “Isle of Man”, and
  - (iv) in subsection (6) for the words “United Kingdom” there shall be substituted “Isle of Man”.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order extends to the Isle of Man the provisions of the Telecommunications Act 1984 specified in article 3(1) of the Order subject to the exceptions, adaptations and modifications specified in Part I of the Schedule to the Order and the provisions of the Broadcasting Act 1990 specified in article 3(2) of the Order subject to the exceptions, adaptations and modifications specified in Part II of that Schedule. The provisions extended by this Order include amendments to the Wireless Telegraphy Act 1949 and the Marine, &c., Broadcasting (Offences) Act 1967.

Article 2 of the Order also varies the Wireless Telegraphy (Isle of Man) Order 1981 so as to revoke the extension to the Isle of Man of section 7 of the Wireless Telegraphy Act 1967; this is consequent on the enactment of legislation in the Isle of Man equivalent to that section.