

SCHEDULE 1

Article 2

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

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

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

“(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), for “standard” substitute “uniform”.
7. In Section 18 (grant of recognised spectrum access)—
 - (a) in subsection (1)(c), for “in the United Kingdom or in UK territorial sea” substitute “in Guernsey or in Guernsey’s territorial sea”;
 - (b) in subsection (2), for “the United Kingdom”, in both places where these words occur, substitute “Guernsey”; and
 - (c) omit subsection (7).
8. In section 33 (failure to provide information etc) in subsections (3) and (5), for “standard” substitute “uniform”.
9. In section 35 (unauthorised use etc of wireless telegraphy station or apparatus)—

(1) [S.I. 1996/2290](#), which has effect by virtue of paragraph 10 of Schedule 8 of the Wireless Telegraphy Act 2006 ([c.36](#)) as if made by virtue of section 1(7) of the Communications Act 2003 ([c.21](#)).

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- (a) in subsection (2)(a), for “the statutory maximum” substitute “level 5 on the uniform scale”;
 - (b) omit subsection (3);
 - (c) in subsections (4) and (5), for “standard” substitute “uniform”; and
 - (d) omit subsection (6).
- 10.** In section 36 (keeping available for unauthorised use)—
- (a) in subsection (2)(a), for “the statutory maximum” substitute “level 5 on the uniform scale”;
 - (b) omit subsection (3);
 - (c) in subsections (4) and (5), for “standard” substitute “uniform”; and
 - (d) omit subsection (6).
- 11.** In section 37 (allowing premises to be used for unlawful broadcasting)—
- (a) in subsection (2)(a), for “the statutory maximum” substitute “level 5 on the uniform scale”; and
 - (b) omit subsection (3).
- 12.** In section 38 (facilitating unauthorised broadcasting)—
- (a) in subsection (6), for “the statutory maximum” substitute “level 5 on the uniform scale”; and
 - (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—
- “(b) send a copy of the statement and every such revision to the Treasurer of the States of Guernsey.”.
- 16.** In section 45 (regulations), omit subsections (9) and (10).
- 17.** In section 46 (offences) in subsections (2) and (3), for “standard” substitute “uniform”.
- 18.** In subsection 47 (misleading messages)—
- (a) in subsection (4)(a), for “statutory maximum” substitute “level 5 on the uniform scale”; and
 - (b) omit subsection (5).
- 19.** In section 48 (interception and disclosure of messages)—
- (a) in subsection (4), for “standard” substitute “uniform”;
 - (b) for subsection (5) substitute—
 - “(5) ”Designated person” means—
 - (a) Her Majesty’s Procureur; or
 - (b) any person designated for the purposes of this section and section 49 by Her Majesty’s Procureur.”.
- 20.** In section 49 (interception authorities)—
- (a) in subsection (2)(a), for “Act 2000 (c.23)” substitute “(Bailiwick of Guernsey) Law 2003”;
 - (b) in subsection (2)(b) for “Act” substitute “Law”;
 - (c) in subsection (2)(c) for “Act” substitute “Law”;
 - (d) in subsection (2)(d) for “Part 2 of that Act” substitute “Part II of that Law”;

- (e) in subsection 4(c) for “the United Kingdom” substitute “Guernsey”;
 - (f) for subsection (7) substitute—
 - “(7) An interception authority must be in writing under the hand of Her Majesty’s Procureur.”;
 - (g) omit subsection (9);
 - (h) in subsection (10), for “Act 2000 (c.23)” substitute “(Bailiwick of Guernsey) Law 2003”;
 - (i) in subsection (11), for “Act 2000” substitute “(Bailiwick of Guernsey) Law 2003”; and
 - (j) for subsection (12) substitute—
 - “(12) In this section “crime” has the meaning given by section 67 of the Regulation of Investigatory Powers (Bailiwick of Guernsey) Law 2003.”.
- 21.** In section 50 (apparatus on foreign-registered ships etc)—
- (a) in subsection (1) for “the United Kingdom and UK” substitute “Guernsey and Guernsey’s territorial sea”;
 - (b) in subsection 6(a), for “the United Kingdom” substitute “Guernsey”; and
 - (c) in subsection (6)(b) for “any of the Channel Islands” substitute “Jersey”;
- 22.** In section 53 (surrender of authority) in subsection (3), for “standard” substitute “uniform”.
- 23.** In section 54 (regulations about use and sale etc of apparatus), omit subsection (8).
- 24.** In section 57 (appeal against notice under section 55 or 56 etc), omit subsections (4) and (5).
- 25.** In section 58 (contravening notice under section 55 or 56)—
- (a) in subsections (2) and (5), for “standard” substitute “uniform”; and
 - (b) omit subsection (3).
- 26.** In section 59 (entry and search of premises etc)—
- (a) in subsection (1), for “A justice of the peace” substitute “The Bailiff”;
 - (b) in subsection (1)(c) and subsections (2) to (4) and (6), for “justice” 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).
- 27.** In section 60 (obstruction and failure to assist) in subsection (2), for “standard” substitute “uniform”.
- 28.** In section 68 (deliberate interference)—
- (a) in subsection (3), for “the statutory maximum” substitute “level 5 on the uniform scale”; and
 - (b) omit subsection (4).
- 29.** In section 69 (approval of apparatus) in subsection (2), omit paragraphs (d) and (e).
- 30.** In section 72 (information etc on or with apparatus), omit subsections (5) and (6).
- 31.** In section 73 (information etc in advertisements), omit subsections (4) and (5).
- 32.** In section 74 (offences)—
- (a) in subsection (4), for “standard” substitute “uniform”; and

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- (b) omit subsection (5).
- 33.** In section 77 (broadcasting from ships and aircraft) in subsection (1), for “the United Kingdom” substitute “Guernsey”.
- 34.** In section 78 (broadcasting from marine structures etc) in subsection (1), for “the United Kingdom” substitute “Guernsey”.
- 35.** In section 79 (broadcasting from prescribed areas of high seas), for “the United Kingdom” wherever these words occur, substitute “Guernsey”.
- 36.** In section 81 (management of station) in subsection (1), for “the United Kingdom” substitute “Guernsey”.
- 37.** In section 86 (facilitation offences: territorial scope) in subsections (2) and (3), for “the United Kingdom” substitute “Guernsey”.
- 38.** In section 87 (procuring person to commit offence abroad), for “the United Kingdom” wherever these words occur, substitute “Guernsey”.
- 39.** In section 88 (enforcement officers), for subsection (1)(d) and (e) substitute—
- “(d) officers of Guernsey Customs and Excise; and
 - (e) sea fisheries officers of the States of Guernsey.”
- 40.** In section 89 (enforcement powers) in subsection (2)(a)(i), for “United Kingdom” substitute “Guernsey”.
- 41.** In section 91 (exercise of powers) in subsection (1), for “the United Kingdom” substitute “Guernsey”.
- 42.** In section 93 (penalties and proceedings)—
- (a) in subsection (1)(a), for “the statutory maximum” substitute “level 5 on the uniform scale”;
 - (b) omit subsection (2); and
 - (c) for subsection (3), substitute—
- “(3) Proceedings in Guernsey for an offence under this Part may be brought only by Her Majesty’s Procureur.”
- 43.** In section 95 (Part 5:interpretation) in subsection (1)—
- (a) in the definition of “external waters”, for “the United Kingdom” substitute “Guernsey” and for “UK” substitute “Guernsey’s”;
 - (b) in the definition of “the high seas”, for “UK” substitute “Guernsey’s” and for “the United Kingdom” substitute “Guernsey”.
- 44.** In subsection 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) in subsection (6), for “person authorised by OFCOM or the Secretary of State to exercise a power conferred by this section” substitute “police officer”; and
 - (d) omit subsections (4), (5) and (9).
- 45.** In section 98 (obstruction and failure to assist) in subsection (2), for “standard” substitute “uniform”.
- 46.** In section 99 (powers of seizure)—

- (a) in subsection (2), for “person authorised by OFCOM” substitute “police officer”;
 - (b) in subsection (3), for “constable or a person authorised by OFCOM to exercise the power conferred by this subsection” substitute “police officer”;
 - (c) in subsection (4), for “person authorised by OFCOM to exercise a power conferred by this section” substitute “police officer”; and
 - (d) in subsection (6), for “constable” substitute “police officer”.
- 47.** In section 100 (obstruction) in subsection (2), for “standard” substitute “uniform”.
- 48.** In section 101 (detention and disposal of property) in subsection (1), omit “by a person authorised by OFCOM”.
- 49.** In section 107 (proceedings and enforcement)—
- (a) in subsection (1)(a), for “UK” substitute “Guernsey”;
 - (b) in subsection (2)—
 - (i) for “member of a police force” substitute “police officer”; and
 - (ii) for “UK” substitute “Guernsey”; and
 - (c) omit subsection (4).
- 50.** In section 108 (civil proceedings) –
- (a) in subsection (2), for “the Crown” substitute “Her Majesty’s Procureur”; and
 - (b) omit subsection (3).
- 51.** In section 110 (criminal liability of company directors etc)—
- (a) omit subsection (2); and
 - (b) after subsection (3) insert—

“(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.”.
- 52.** 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 Guernsey”;
 - (b) omit subsections (4), (8) and (11);
 - (c) in subsection (6), omit paragraphs (b) to (e), (g), (j), (k) (m) and (n);
 - (d) in subsection (10)(a), for “the statutory maximum” substitute “level 5 on the uniform scale”; and
 - (e) in subsection (12), omit the definitions of “the Consumer Panel” and “the Welsh Authority”.
- 53.** In section 112 (service of documents) in subsection (7), for “the United Kingdom”, wherever these words occur, substitute “Guernsey”.
- 54.** In section 115 (general interpretation)—
- (a) before the definition of “artistic work” insert ““appropriate authority of Guernsey” means the Minister for the Home Department or such other person designated by the Minister;”;

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- (b) after the definition of “grant of recognised spectrum access” insert ““Guernsey” means the Bailiwick of Guernsey and the territorial sea adjacent thereto”;
 - (c) “Guernsey’s territorial sea” means the territorial sea adjacent to Guernsey;
 - (d) after the definition of “OFCOM” insert—
 - ““police officer” means—
 - (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
 - (b) in relation to Alderney, a member of the salaried police force of the Island of Guernsey, a member of any police force which may be established by the States of Alderney and, within the limits of his jurisdiction, a special constable appointed pursuant to section 47 of the Government of Alderney Law 2004; and
 - (c) in relation to Sark, the Constable, the Vingtenier and a member of the salaried police force of the Island of Guernsey;”
 - (e) omit the definition of “UK territorial sea”
 - (f) after the definition of “supply” insert—
 - ““uniform scale” means the scale of fines designated by the Uniform Scale of Fines (Bailiwick of Guernsey) Law 1989;”;
 - (g) omit subsection (6).
- 55.** In section 116 (“wireless telegraphy”), omit subsection (4).
- 56.** In section 118 (extent), omit subsections (1), (3) and (4).
- 57.** In section 119 (territorial application)—
- (a) in subsection (1)(a), for “the United Kingdom or UK territorial sea” substitute “Guernsey or Guernsey’s territorial sea;”.
 - (b) in subsection (1)(b)—
 - (i) for “the United Kingdom”, where these words first occur, substitute “Guernsey”; and
 - (ii) for “the United Kingdom or UK territorial sea” substitute “Guernsey or Guernsey’s territorial sea”;
 - (c) in subsection (1)(c), for “the United Kingdom or UK territorial sea”, in both places where these words occur, substitute “Guernsey or Guernsey’s territorial sea”; and
 - (d) omit subsections (3) and (4).
- 58.** In section 121 (orders and regulations made by the Secretary of State), after subsection (3) insert—
- “(4) Any statutory instrument made by the Secretary of State pursuant to this Act shall not have effect in Guernsey until it is registered in the Royal Court of Guernsey 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 of coming into force specified in the instrument, whichever is the later.”.
- 59.** In section 122 (orders and regulations made by OFCOM), after subsection (7) insert—
- “(8) Any statutory instrument made by OFCOM pursuant to this Act shall not have effect in Guernsey until it is registered in the Royal Court of Guernsey 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 of coming into force specified in the instrument, whichever is the later.”.

- 60.** In section 126 (short title and commencement), omit subsection (2).
- 61.** In Schedule 2 (procedure for grants of recognised spectrum access) –
- (a) in paragraph 6(12)(b), after “United Kingdom” insert “on behalf of Guernsey”; and
 - (b) in paragraph 7(4)(c), after “United Kingdom” insert “on behalf of Guernsey”.
- 62.** In Schedule 5 (forfeiture on conviction)—
- (a) in paragraph 1(1), for “OFCOM” substitute “the Treasurer of the States of Guernsey”;
 - (b) in paragraph 1(4), omit sub-paragraph (b);
 - (c) in paragraph 1(5), omit sub-paragraph (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 Guernsey in such manner as he may think fit.”;
 - (e) in the heading to paragraph 5 and in paragraph 5 for “OFCOM”, in each place where the word occurs, substitute “the Treasurer of the States of Guernsey”; and
 - (f) omit paragraphs 6 and 7.
- 63.** In Schedule 7 (consequential amendments)—
- (a) omit paragraphs 1, 3 to 8, 15, 16, 19 to 24, 37 and 38; and
 - (b) for paragraph 31 substitute the following—
 - “(31) In section 393 (general restrictions on disclosure of information) in subsections (5) after paragraph (1) insert—
 - “(a) the Wireless Telegraphy Act 2006;”
- 64.** In Schedule 8 (transitional provisions, savings and transitory modifications), omit paragraphs 5, 9, 10, 16, 18 to 22, 25, 26, 28 and 29.
- 65.** In Schedule 9 (repeals) omit all 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;
 - Communications Act 2003.