

2007 No. 278

BROADCASTING

ELECTRONIC COMMUNICATIONS

WIRELESS TELEGRAPHY

The Wireless Telegraphy (Isle of Man) Order 2007

Made - - - - - *7th February 2007*

Coming into force - - - - - *8th February 2007*

At the Court at Buckingham Palace, the 7th day of February 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 15(6) of the Wireless Telegraphy Act 1967(a), section 204(6) of the Broadcasting Act 1990(b), section 150(4) of the Broadcasting Act 1996(c) and section 411(6) of the Communications Act 2003(d), all as they have effect by virtue of section 118(6) of the Wireless Telegraphy Act 2006(e), and sections 118(3) and (6) and 119(3) of, and paragraph 24 of Schedule 8 to, the Wireless Telegraphy Act 2006, is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Wireless Telegraphy (Isle of Man) Order 2007 and shall come into force on 8th February 2007.

(2) In this Order “the 2006 Act” means the Wireless Telegraphy Act 2006.

(3) Any reference to an Act of Tynwald, or to a provision of such an Act, shall be construed, unless the contrary intention appears, as a reference to that Act or provision as amended or replaced by or under any other such enactment.

Extension of the 2006 Act to the Isle of Man

2. The following provisions of the 2006 Act shall extend to the Isle of Man with the modifications set out in Schedule 1 to this Order—

(a) 1967 c.72.
(b) 1990 c.42.
(c) 1996 c.55.
(d) 2003 c.21.
(e) 2006 c.36.

Part 1 (general provision about radio spectrum);
Part 2 (regulation of radio spectrum), other than sections 30, 49 and 51;
in Part 3 (regulation of apparatus), sections 54 to 61 and 68;
Part 4 (approval of apparatus);
Part 5 (prohibition of broadcasting from sea or air);
in Part 6 (general), sections 97 to 103, 105 to 112, 115 to 119, 121 to 126;
Schedules 1 to 3, 5, 7 and 8.

Modification and revocation of other instruments

3.—(1) The Communications (Isle of Man) Order 2003^(a) is modified as specified in Part 1 of Schedule 2.

(2) The instruments mentioned in Part 2 of Schedule 2 are revoked to the extent specified in that Part.

Christine Cook
Deputy Clerk of the Privy Council

SCHEDULE 1

Article 2

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

Modifications

1. In section 1 (general functions)—

(a) after subsection (2) insert—

“(2A) The Secretary of State shall not require OFCOM under subsection (2) of this section to do as respects the Isle of Man one or more of the things set out in that subsection until he has first consulted the Communications Commission in the Isle of Man.”;

(b) in subsections (3), (4) and (5), after “United Kingdom”, wherever these words occur, insert “and the Isle of Man”.

2. In section 2 (United Kingdom plan for frequency authorisation) after “United Kingdom”, wherever these words occur, insert “and the Isle of Man”.

3. 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 the Isle of Man, the Secretary of State shall consult the Communications Commission in the Isle of Man.”.

4. In section 6 (procedure for directions) omit subsections (4) to (7).

5. In section 8 (licences and exemptions)—

(a) S.I. 2003/3198, amended by S.I. 2004/309; there are other amending instruments but none is relevant.

- (a) in subsection (2)—
 - (i) in paragraph (a) omit “or”;
 - (ii) in paragraph (b) for “purpose” substitute “purpose; or”; and
 - (iii) 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(a), 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.”.
- 6.** In section 9 (terms, provisions and limitations) omit subsection (6).
- 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 the Isle of Man or the Isle of Man territorial sea”;
 - (b) in subsection (2) for “United Kingdom” in each place where these words occur substitute “Isle of Man”; and
 - (c) omit subsection (7).
- 8.** In section 35 (unauthorised use etc of wireless telegraphy station or apparatus)—
- (a) in subsection (2)(a) for “12 months” substitute “6 months”;
 - (b) in subsections (2)(a) and (b), for “imprisonment” substitute “custody”;
 - (c) in subsection (2)(b) for “indictment” substitute “information”;
 - (d) omit subsection (3);
 - (e) in subsection (5), for “imprisonment” substitute “custody”; and
 - (f) omit subsection (6).
- 9.** In section 36 (keeping available for unauthorised use)—
- (a) in subsection (2)(a) for “12 months” substitute “6 months”;
 - (b) in subsection (2)(a) and (b) for “imprisonment” substitute “custody”;
 - (c) in subsection (2)(b) for “indictment” substitute “information”;
 - (d) omit subsection (3);
 - (e) in subsection (5) for “imprisonment” substitute “custody”; and
 - (f) omit subsection (6).
- 10.** In section 37 (allowing premises to be used for unlawful broadcasting)—
- (a) in subsection (2)(a) for “12 months” substitute “6 months”;
 - (b) in subsection (2)(a) and (b) for “imprisonment” substitute “custody”;
 - (c) in subsection (2)(b) for “indictment” substitute “information”; and
 - (d) omit subsection (3).
- 11.** In section 38 (facilitating unauthorised broadcasting)—
- (a) in subsection (6)(a) for “12 months” substitute “6 months”;

(a) 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).

- (b) in subsection (6)(a) and (b) for “imprisonment” substitute “custody”;
 - (c) in subsection (6)(b) for “indictment” substitute “information”; and
 - (d) omit subsection (7).
- 12.** In section 41 (procedure for prosecutions) omit subsections (7) and (8).
- 13.** In section 47 (misleading messages)—
- (a) In subsection (4)(a) for “12 months” substitute “6 months”;
 - (b) in subsection (4)(a) and (b) for “imprisonment” substitute “custody”;
 - (c) in subsection (4)(b) for “indictment” substitute “information”; and
 - (d) omit subsection (5).
- 14.** In section 48 (interception and disclosure of messages) for subsection (5) substitute—
- “(5) ”Designated person” means—
- (a) the Chief Minister; or
 - (b) any person designated for the purposes of this section by regulations made by the Council of Ministers.
- (6) Regulations made under subsection (5)(b) shall not come into operation unless they are approved by Tynwald.”.
- 15.** In section 50 (apparatus on foreign-registered ships)—
- (a) in subsection (1) for “United Kingdom” substitute “Isle of Man” and for “UK territorial sea” substitute “Isle of Man territorial sea”; and
 - (b) in subsection (6)(a), for “United Kingdom” substitute “Isle of Man”.
- 16.** In section 57 (appeal against notice under section 55 or 56 etc.) omit subsections (4) and (5).
- 17.** In section 58 (contravening notice under section 55 or 56)—
- (a) in subsection (2)(a) after “subsection (6)”, insert “to custody for a term not exceeding three months or”;
 - (b) omit subsection (3).
- 18.** In section 59 (entry and search of premises etc.) omit subsection (10).
- 19.** In section 68 (deliberate interference)—
- (a) in subsection (3)(a) for “12 months” substitute “6 months”;
 - (b) in subsection (3)(a) and (b) for “imprisonment” substitute “custody”;
 - (c) in subsection (3)(b) for “indictment” substitute “information”; and
 - (d) omit subsection (4).
- 20.** In section 69 (approval of apparatus)—
- (a) for subsections (2)(d) and (e) substitute the following—
 - “(d) any order made under section 1 of the Radio Equipment Act 1986 (an Act of Tynwald) by the Department of Home Affairs of the Isle of Man Government;
 - (e) any authority given for the purposes of that section.”.
 - (b) after subsection (8) add the following subsection—
 - “(9) An approval given (whether before or after the commencement of the Wireless Telegraphy (Isle of Man) Order 2007) 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.”.
- 21.** In section 70 (approvals: supplementary) omit subsection (3).

- 22.** In section 74 (offences) omit subsection (5).
- 23.** In section 77 (broadcasting from ships and aircraft) in subsection (1) for “United Kingdom” wherever these words occur substitute “Isle of Man”.
- 24.** In section 78 (broadcasting from marine structures etc.) in subsection (1) for the words “United Kingdom” substitute “Isle of Man”.
- 25.** In section 79 (broadcasting from prescribed areas of high seas)—
- (a) in subsection (1)(a), and (b) for the words “United Kingdom” substitute “Isle of Man”;
 - (b) in subsection (4), after the words “United Kingdom” insert “and the Isle of Man”; and
 - (c) in subsection (5), for the words after “this section” substitute, “as it has effect in the United Kingdom by any order for the time being in force in relation to the United Kingdom.”.
- 26.** In section 81 (management of station) in subsection (1), for “United Kingdom” substitute “Isle of Man”.
- 27.** In section 86 (facilitation offences: territorial scope)—
- (a) in subsection (2) for “United Kingdom” substitute “Isle of Man”; and
 - (b) in subsection (3) for “United Kingdom” substitute “Isle of Man”.
- 28.** In section 87 (procuring person to commit offences abroad), for “United Kingdom”, wherever these words occur, substitute “Isle of Man”.
- 29.** In section 88 (enforcement officers)—
- (a) in subsection (1)(b), for “police officers” substitute “constables”; and
 - (b) in subsection (1)(d) for “officers of Revenue and Customs” substitute “persons authorised in writing by the Isle of Man Treasury to be officers of customs and excise.”.
- 30.** In section 89 (enforcement powers) in subsection (2)(a)(i) for “United Kingdom” substitute “Isle of Man”.
- 31.** In section 91 (exercise of powers), in subsection (1) for “United Kingdom” substitute “Isle of Man”.
- 32.** In section 93 (penalties and proceedings)—
- (a) in subsection (1)(a) for “12 months” substitute “6 months”;
 - (b) in subsection (1)(a) and (b) for “imprisonment” substitute “custody”;
 - (c) in subsection (1)(b) for “indictment” substitute “information”;
 - (d) omit subsection (2);
 - (e) in subsection (3) for “England and Wales” substitute “Isle of Man”;
 - (f) in subsection (3)(b) for “the Secretary of State or the Director of Public Prosecutions” substitute “Her Majesty’s Attorney General for the Isle of Man”; and
 - (g) omit subsections (4) and (5).
- 33.** In section 95 (Part 5: interpretation), in subsection (1), in the definitions of “external waters” and “the high seas”, for “United Kingdom” substitute “Isle of Man” and for “UK” substitute “the Isle of Man”.
- 34.** In section 97 (powers of entry and search)—
- (a) in subsection (3) for “three months” substitute “one month”; and
 - (b) omit subsections (4) and (9).
- 35.** In section 99 (powers of seizure)—

- (a) in subsection (1)(a), for “indictable offence”, substitute “offence triable on information”; and
- (b) omit paragraphs (d) and (e) of subsection (1).

36. In section 101 (detention and disposal of property)—

- (a) in subsection (1) after “seized” insert “in the Isle of Man”;
- (b) in subsection (2)(a) omit “; or”;
- (c) omit subsection (2)(b); and
- (d) in subsection (3)(b) after “Schedule 5” omit “or condemned as forfeited under Schedule 6”.

37. In section 105 (offences relating to ships or aircraft), in subsection (1) omit “48”.

38. In section 107 (proceedings and enforcement)—

- (a) in subsection (1)(a) for “UK” substitute “Isle of Man”;
- (b) after subsection (1)(b), for “United Kingdom”, substitute “Isle of Man”;
- (c) after subsection (1) insert a new subsection as follows—
 - “(2) Provided that where the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured are less than 24 nautical miles from the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured the seaward limit of the territorial sea adjacent to the Isle of Man shall be the median line.”;
- (d) omit subsections (2) to (4).

39. In section 108 (civil proceedings), omit subsection (3).

40. For section 109 (fines in Scotland) substitute—

“Fines in the Isle of Man

109. Fines imposed in respect of offences committed in the Isle of Man are to be paid to the Treasury of the Isle of Man Government for the credit of its general revenue.”.

41. In section 110 (criminal liability of company directors etc.), omit subsection (2).

42. In section 111 (general restrictions)—

- (a) omit subsections (3)(b) to (d);
- (b) in subsection (3)(f) after “United Kingdom” insert “on behalf of the Isle of Man”;
- (c) in subsection (6) omit the words “and (5)”;
- (d) omit subsections (4), (5), (6)(b) to (g), (j), (k), (m) and (n);
- (e) in subsection (7)(a) for “15, 26 and 390” substitute “15 or 26”;
- (f) omit subsection (8);
- (g) in subsection (10)(b) for “indictment” substitute “information” and for “imprisonment” substitute “custody”;
- (h) omit subsection (11); and
- (i) in subsection (12) omit the definitions of “Consumer Panel” and “Welsh Authority”.

43. In section 112 (service of documents)—

- (a) in subsection (3) after the word “secretary” insert “, registered agent”;
- (b) in subsection (7), for “United Kingdom”, wherever these words occur, substitute “Isle of Man”; and
- (c) in subsection (9), for “section 113” substitute “the Electronic Transactions Act 2000 (An Act of Tynwald)”.

44. In section 115 (general interpretation)—

- (a) in subsection (1)—
 - (i) in the definition of “artistic work” for “the Copyright, Designs and Patents Act 1988 (c.48)” substitute “Copyright Act 1991 (an Act of Tynwald)”;
 - (ii) after the definition of “communications provider” insert—

““constable” means a constable appointed under section 2 or 5(1) or (2) of the Police Act 1993 (an Act of Tynwald);”.
 - (iii) after the definition of “contravention” insert—

““custody” has the meaning given to it by section 1 of the Custody Act 1995 (an Act of Tynwald);”;
 - (iv) in the definition of “the enactments relating to the management of the radio spectrum” after “the Communications Act 2003” add “with the exception of paragraph (d) of that definition”;
 - (v) in the definition of “film”, for “section 5B(1) of the Copyright, Designs and Patents Act 1988 (c.48)” substitute “section 5(1) of the Copyright Act 1991 (an Act of Tynwald)”;
 - (vi) in the definition of “literary, dramatic or musical work” for the words “Part 1 of the Copyright, Designs and Patents Act 1988” substitute “section 3 of the Copyright Act 1991 (an Act of Tynwald)”;
 - (vii) in the definition of “sound recording” for “section 5A(1) of the Copyright, Designs and Patents Act 1988”, substitute “section 5(1) of the Copyright Act 1991 (an Act of Tynwald)”;
 - (viii) after the definition of “speech” insert—

““summary conviction” means a conviction subject to, and in accordance with the provisions of the Summary Jurisdiction Act 1989 (an Act of Tynwald), and any Act whether passed before or after that Act, amending the same;”;
 - (ix) for the definition of “UK territorial sea” substitute—

““Isle of Man territorial sea” means the territorial sea adjacent to the Isle of Man;”;
- (b) in subsection (6) for “Section 46 of the Consumer Protection Act 1987 (c.43)” substitute “Section 61 of the Consumer Protection Act 1991 (an Act of Tynwald)”.

45. In section 118 (extent) omit subsections (1), (3), (4), (5), (6)(c) and (d).

46. In section 119 (territorial application)—

- (a) for “United Kingdom”, wherever these words occur, substitute “Isle of Man”;
- (b) for “UK territorial sea” wherever these words occur substitute “Isle of Man territorial sea”;
- (c) in subsection (2)(a) for “49” substitute “48”; and
- (d) omit subsections (3) and (4).

47. In Schedule 5 (forfeiture on conviction)—

- (a) omit paragraphs 1(4)(b) and 2;
- (b) from paragraphs 3, 4 and 5(1) omit “or 2” wherever it appears;
- (c) in paragraph 4, after “as they think fit” insert “and the proceeds shall be paid to the Treasury of the Isle of Man Government for the credit of its general revenue”;
- (d) omit paragraph 6; and
- (e) in paragraph 7—
 - (i) for “The following provisions” substitute “Section 16 of the Criminal Law Act 1981 (an Act of Tynwald)”;
 - (ii) for “do” substitute “does”; and

(iii) after “Part 2, 3 or 5” insert a full stop and omit the following sub-paragraphs.

48. In Schedule 7 (consequential amendments) —

- (a) omit paragraphs 1 to 8;
- (b) in paragraph 10 for “subsection (8)(a)” substitute “subsection (8)”;
- (c) omit paragraphs 14 to 16, 18 to 24 and 26;
- (d) in paragraph 32(a), before “the Wireless Telegraphy Act 1998 (c.6)” insert “section 3 or 3A of”;
- (e) omit paragraphs 33 and 35;
- (f) in paragraph 36, in the wording inserted into Schedule 8 (decisions not subject to civil approval)—
 - (i) in paragraph 40(a), omit “30”;
 - (ii) in paragraph 40(b) omit “or 62”;
 - (iii) omit paragraph 46;
- (g) omit paragraphs 37 and 38.

49. In Schedule 8 (transitional provisions, savings, and transitory modifications)—

- (a) in Part 1 omit paragraphs 9, 16 to 20, 22, 24 and 25; and
- (b) omit Part 2.

SCHEDULE 2

Article 3

PART 1

Modifications of the Communications (Isle of Man) Order 2003

1. In Article 6(1) of the Order—

- (a) for “sections 392 to 394” substitute “sections 392, 393(1)(a), (c) and (d), (2) to (4), (5)(c) to (k), (m) to (p), (6) to (12) and 394(1), (2)(a), (b), (d) to (f), (3) to (10)”;
- (b) for “sections 402 to 406” substitute “sections 402(1), (2)(a) and (c), (3), 403, 404(1) to (3), (4)(a), (d) and (e), 405 and 406”;
- (c) for “Schedules 1, 2, 5, 8 to 10, 13 to 15 and 17 to 19” substitute “Schedule 1 paragraphs 3 to 14, Schedule 2, Schedule 8 paragraphs 1 to 12, Schedule 9, 10, 13 to 15, Schedule 17 paragraphs 1 to 5, 19 to 31, 39 to 63, 70 to 72(1), (3) to (7), 73 to 144 and 152 to 175, and Schedule 18 paragraphs 1 to 5, 7 to 19, 22 to 54, 56 to 62 and 64”.

2. In Schedule 2 of the Order—

- (a) for paragraph 67 substitute “In Schedule 8 (decisions not subject to appeal), omit paragraphs 3 to 12.”;
- (b) for paragraph 72(a) substitute “omit paragraphs 1 to 5”;
- (c) for paragraph 72(e) substitute “paragraphs 40 to 63 and 70 to 72(1), 72(3) to (7), 73 to 91”;
- (d) in paragraph 73(a) substitute “omit paragraphs 3, 4, 7, 8 to 19, 22 to 29, 38 and 40”;
- (e) for paragraph 73(g) substitute “omit paragraphs 56 to 62; and”.

PART 2
Revocations

<i>Revocations</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Wireless Telegraphy (Isle of Man) Order 1952	S.I. 1952/1899	The whole of the Order
The Marine, &c., Broadcasting (Offences) (Isle of Man) Order 1967	S.I. 1967/1276	The whole of the Order
The Wireless Telegraphy (Isle of Man) Order 1981	S.I. 1981/1113	The whole of the Order
The Wireless Telegraphy (Isle of Man) Order 1995	S.I. 1995/268	The whole of the Order
The Wireless Telegraphy (Isle of Man) (Amendment) Order 1997	S.I. 1997/285	The whole of the Order
The Wireless Telegraphy (Isle of Man) Order 1998	S.I. 1998/1510	The whole of the Order
The Communications (Isle of Man) Order 2003	S.I. 2003/3198	In Article 6(1) of the Order references to sections 152 to 167, 169 to 179, 183 and 184. In Schedule 2 to the Order— (a) paragraphs 10 to 18; (b) paragraph 65(a); (c) paragraph 72(b); (d) paragraph 72(d); (e) paragraph 72(g); and (f) in paragraph 74 (Schedule 19), the first three Acts listed
The Broadcasting and Communications (Isle of Man) Order 2004	S.I. 2004/309	In the Schedule in Part 2 (Amendments of the Communications (Isle of Man) Order 2003) paragraph (a) only

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Isle of Man provisions of the Wireless Telegraphy Act 2006 (“the Act”), which consolidates all the provisions relating to wireless telegraphy formerly contained in a number of Acts of Parliament. The relevant Acts of Parliament which apply to the Isle of Man are—

The Wireless Telegraphy Act 1949 (c.54)

The Marine, &c., Broadcasting (Offences) Act 1967 (c.41)

The Wireless Telegraphy Act 1967 (c.72)

The Telecommunications Act 1984 (c.12)

The Broadcasting Act 1990 (c.42)

The Wireless Telegraphy Act 1998 (c.6)

The Communications Act 2003 (c.21)

The Order sets out the provisions of the Act which are to extend to the Isle of Man. The modifications which are to apply are set out in Schedule 1 to the Order. Schedule 2 sets out modifications to, and revocations of, previous Orders in Council.

The Order will come into effect on 8th February 2007.

2007 No. 278

BROADCASTING

ELECTRONIC COMMUNICATIONS

WIRELESS TELEGRAPHY

The Wireless Telegraphy (Isle of Man) Order 2007

£3.00

© Crown copyright 2007

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.

E0153 2/2007 170153T 19585