

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) 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(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.”.
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).

(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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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”;
 - (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”.

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- 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)”;

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- (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”;

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- (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.