

SCHEDULE 2

Article 3

AMENDMENTS OF THE BROADCASTING ACT 1990 (ISLE OF MAN) (No.2) ORDER 1991

1. In article 2(1)(a), for “to 44” substitute “to 42”.
2. In article 2(1)(b), for “98 to 103” substitute “98 to 103A” and for “106 to 111” substitute “106, 107 to 111A”.
3. In the Schedule—
 - (a) in paragraph 1(a), for “subsection (1)(a) and (b)” substitute “subsection (1)(a), (b), (c) and (d)”;
 - (b) after paragraph 1(a), insert
 - “(aa) in subsection (1), omit the words from “and to regulate” onwards;
 - (ab) after subsection (1) insert—

“(1A) The reference to television programme services in subsection (1)(a) does not include digital programme services (as defined by section 1(4) of the Broadcasting Act 1996) consisting in the provision of television programmes and any ancillary services (as defined by section 24(2) of that Act of 1996) with a view to their being broadcast in digital form for general reception in the Isle of Man only.”;
 - (c) in paragraph 8, after “(provision of Channel 4)” insert “(a)”, and at the end insert—
 - “(b) in subsection (5)(a), after the words “United Kingdom” insert “and the Isle of Man”; and
 - (c) in subsection 6(a), after the words “United Kingdom”, insert “or the Isle of Man”;
 - (d) after paragraph 10, insert—

“(10A) In section 31(2), after the words “United Kingdom” insert “and the Isle of Man”.”;
 - (e) omit paragraph 14;
 - (f) after paragraph 18, insert—

“(18A) In section 66A (enforcement of licences held by BBC companies), in subsection (2), omit paragraphs (c) and (d).”;
 - (g) in paragraph 21 (section 84), at the end, there shall be inserted—
 - “(d) in subsection (3A)—
 - (i) for the words “, a Channel 4 company or an S4C company” substitute “or a Channel 4 company”; and
 - (ii) in paragraph (b), after the words “United Kingdom” insert “or the Isle of Man”; and
 - (e) in subsection (3B), omit paragraph (c).”;
 - (h) in paragraph 44(d), for head (ii) substitute—
 - “(ii) after the first item insert in the first column—

“Any programme service licensed by the Communications Commission under Part I or II of the Broadcasting Act 1996 or under Part I of the Broadcasting Act 1993 (an Act of Tynwald)”;
 - and in the second column—

“The person licensed to provide the service”;

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(i) for paragraph 51 substitute—

“51. In Schedule 2 (restrictions on the holding of licences)—

(a) in Part I—

(i) in paragraph 1(1)—

(aa) for the definition of “local authority” substitute—

““local authority” means the municipal corporation of the borough of Douglas or the commissioners of any district;”;

(bb) omit the definitions of “local delivery licence” and “local delivery service”; and

(cc) for the definitions of “local digital sound programme service” and “national digital sound programme service” substitute—

““national digital sound programme” has the same meaning as in Part II of the 1996 Act;”;

(ii) at the end of paragraph 1, add

“(9) References in this Schedule to the Commission or the Authority shall, where appropriate, be construed in accordance with section 42B(5) of this Act or section 25(7) or 42(8) of the 1996 Act.”;

(iii) in paragraph 3A(1)—

(aa) after the words “United Kingdom” in each place where they occur insert “and the Isle of Man”; and

(bb) in paragraph (d), omit the words “or any local digital sound programme service which is broadcast by means of such a local radio multiplex service”;

(iv) in paragraph 3B(1), omit paragraph (c); and

(v) in paragraph 3B(2), for the words from “digital sound programme service” to “(as the case may be)” substitute “digital programme services or national digital sound programme services shall also be taken to provide a digital programme service or a national digital sound programme service”;

(b) in Part II—

(i) in paragraph 1(2)—

(aa) omit paragraphs (a) to (e);

(bb) for paragraph (g) substitute—

“(g) a licence to provide a television multiplex service or a national radio multiplex service;”;

(cc) in paragraph (j), omit the words “or local”;

(ii) omit paragraph 1(3);

(iii) in paragraph 2(1), omit the words “Subject to sub-paragraph (2),”;

(iv) omit paragraph 2(2) and (3);

(v) in paragraph 3(1), omit the words “other than a licence to provide a restricted service”;

(vi) in paragraph 3(2), after paragraph (c) insert—

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- (d) by a Department or Statutory Board out of moneys provided by Tynwald;”;
- (vii) in paragraph 5A(1), omit the words from “,and (b)” to the end;
- (viii) in paragraph 5A(2), for the words “national, local or restricted” substitute “national”; and
- (ix) omit paragraph 5A(3);
- (c) in Part III—
 - (i) in paragraph 1(2)—
 - (aa) omit paragraphs (d) and (e); and
 - (b) in paragraph (i), at the end insert the words “, other than a digital additional service for the Isle of Man only”;
 - (ii) in paragraph 1(3)—
 - (aa) omit paragraphs (b), (c) and (d); and
 - (bb) in paragraphs (f) and (g), omit the words “or local”;
 - (iii) in paragraph 1(4), for the words “national, local, restricted or satellite” (in both places where they occur) substitute “national”;
 - (iv) in paragraph 2(1)(a) and (2)(a) and (b), omit “(d), (e)”;
 - (v) in paragraph 2(3), after the words “United Kingdom”, in the second place where they occur, insert “or the Isle of Man”; and omit the words from “,or (b)” to the end;
 - (vi) in paragraph 5(6), after the words “United Kingdom” insert “and the Isle of Man”;
 - (vii) in paragraph 6(2), omit paragraphs (b) and (c);
 - (viii) in paragraph 8(1), for the words from “one or more” to “or (b)” substitute “the category specified in paragraph 1(3)(a)”;
 - (ix) in paragraph 8(2)(a), omit “(b)” and the words “or local” (in both places where they occur);
 - (x) in paragraph 9(1)—
 - (aa) omit the words “or local” (in both places where they occur); and
 - (bb) in the Table, omit all but the first entry;
 - (xi) omit paragraph 9(2) and (5);
 - (xii) in paragraph 9(3) and (4), omit the words “or local” and in paragraph 9(7), omit those words in both places where they occur;
 - (xiii) omit paragraph 10(1);
 - (xiv) in paragraph 10(2)—
 - (aa) in paragraph (a), omit the words “and in sub-paragraph (2)”;
 - (bb) omit paragraphs (c), (d) and (f);
 - (xv) omit paragraphs 12, 13, 14 and 15(2);
 - (xvi) in paragraph 16(1)—
 - (aa) in paragraph (a), omit “(d)”;
 - (bb) in paragraph (b), omit “(c) or”;
 - (xvii) in paragraph 16(4)—

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- (aa) omit paragraphs (b) and (c); and
- (bb) omit “45(3)” and the words “, non-domestic satellite services or (as the case may be) satellite radio services”;
- (xviii) in paragraph 17(1)(b), omit “13 or”;
- (xix) omit paragraph 17(2); and
- (xx) in paragraph 17(3), for “2 to 14” substitute “2 to 11”;
- (d) in Part IV—
 - (i) in paragraph 2, after the words “United Kingdom” in each place where they occur, insert “and the Isle of Man”;
 - (ii) in paragraphs 4(1)(b) and 5(4)(b), omit “or local”;
 - (iii) omit paragraphs 6, 7 and 8;
 - (iv) in paragraph 10(1), (2), (3)(b)(i) and (4), omit the words “or a local radio service”;
 - (v) in paragraph 10(5)(b)(i), omit the words “or local radio service”;
 - (vi) in paragraph 13(2), after the words “United Kingdom” insert “and the Isle of Man, and before making a determination under any of those paragraphs which concerns the public interest in the Isle of Man, the relevant authority shall consult the Council of Ministers of the Isle of Man”; and
 - (vii) omit paragraph 15; and
- (e) omit Part V.”.