
STATUTORY INSTRUMENTS

1994 No. 1064

TELEGRAPHSTELECOMMUNICATIONSBROADCASTING

The Wireless Telegraphy (Guernsey) Order 1994

Made - - - - *13th April 1994*

Coming into force - - *1st June 1994*

Her Majesty, in pursuance of section 20(3) of the Wireless Telegraphy Act 1949(1), section 10 of the Marine, &c., Broadcasting (Offences) Act 1967(2), section 108 of the Telecommunications Act 1984(3) and section 204(6) of the Broadcasting Act 1990(4), 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 (Guernsey) Order 1994 and shall come into force on 1st June 1994.

2. In this Order, the expression “Guernsey” means the Bailiwick of Guernsey.

3.—(1) Part VI and sections 102, 106(4) and (5), 109(6) and 110(1) of, Schedule 3 to and Part IV of Schedule 7 to, the Telecommunications Act 1984(5) shall extend to Guernsey subject to the exceptions, adaptations and modifications specified in Part I of the Schedule to this Order.

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

4. Paragraph (e) and the words “, 16” in paragraph (g) of article 3(1) of, and paragraphs 41 and 57 of the Schedule to, the Broadcasting Act 1990 (Guernsey) (No. 2) Order 1991(6) are hereby revoked.

N. H. Nicholls
Clerk of the Privy Council

(1) 1949 c. 54, extended to the Channel Islands by S.I. 1952/1900; section 20(3) was extended by section 174 of the Broadcasting Act 1990 (c. 42).
(2) 1967 c. 41, extended to Guernsey by S.I. 1967/1274; section 10 was extended by section 174 of the Broadcasting Act 1990.
(3) 1984 c. 12.
(4) 1990 c. 42, extended in part to Guernsey by S.I. 1991/191 and 1991/1709.
(5) Section 79 was amended by section 173(4), (5) and (6) of the Broadcasting Act 1990 and section 78 was repealed by regulation 2 of the Electromagnetic Compatibility Regulations 1992 (S.I. 1992/2372).
(6) S.I. 1991/1709.

SCHEDULE

Article 3

PART I

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS
IN THE EXTENSION OF PROVISIONS OF THE
TELECOMMUNICATIONS ACT 1984 TO GUERNSEY

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 Guernsey.
2. For any reference to a constable there shall be substituted a reference to an officer of police.
3. Section 74 shall be omitted.
4. In section 75—
 - (a) subsection (1) shall be omitted;
 - (b) in subsection (2), the words from “for the purpose of” to the end shall be omitted, and
 - (c) in subsection (3), for “comes into force” there shall be substituted “is extended to Guernsey”.
5. Section 76(3) shall be omitted.
6. Section 77 shall be omitted.
7. In section 79(6)(b) the words “or 81” shall be omitted.
- 8.—(1) In section 80(1) the words “and section 81 below” shall be omitted.
(2) In section 80(2), for the words from “a justice” to “relevant petty sessions areas)” there shall be substituted “the Magistrates Court (referred to below in this section as “the court””.
- (3) In section 80(4)—
 - (a) for the words from the beginning to “is made” there shall be substituted the words “Where an application is made under this section, the court”;
 - (b) for “to him” there shall be substituted “to it”, and
 - (c) for “a magistrates court acting for the relevant petty sessions area” there shall be substituted “the court”.
- (4) In section 80(6)—
 - (a) for “a magistrates court” there shall be substituted “the court”, and
 - (b) for “Secretary of State” there shall be substituted “Crown for the benefit of the Crown revenues in Guernsey”.
- (5) In section 80(8), for “Crown Court” there shall be substituted “Royal Court sitting as an Ordinary Court”.
- (6) In section 80(9)(b), the words from “(whether” to “High Court)” shall be omitted.
- (7) In section 80(10), for “a magistrates court” there shall be substituted “the court”.
- (8) In section 80(11), for “Secretary of State” there shall be substituted “Receiver-General of the Crown revenues in Guernsey”.
- (9) Section 80(12) to (14) shall be omitted.
9. Section 81 shall be omitted.

10.—(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(7)—

(a) in subsection (3A)—

(i) for “Secretary of State” there shall be substituted “Crown for the benefit of the Crown Revenues in Guernsey”, and

(ii) for “section 7 of the Wireless Telegraphy Act 1967” there shall be substituted “the Wireless Telegraphy Apparatus (Bailiwick of Guernsey) Law 1994”;

(b) in subsection (3B), for “by the Secretary of State in such manner as he thinks fit” there shall be substituted “in such manner as the Receiver-General of the Crown revenues in Guernsey thinks fit”;

(c) subsection (3C) shall be omitted, and

(d) in subsections (3D) and (3E), for “the Secretary of State” there shall be substituted “an officer of police”.

11. In section 83(1)(b) and (2)(b), the words “or 81” shall be omitted.

12. 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)”.

13. In section 91(1)—

(a) the words “or 81” shall be omitted, and

(b) the words “whether by way of case stated or otherwise and” shall be omitted.

14. In section 92—

(a) in subsection (1) there shall be inserted, in the appropriate place, the following definition:

““officer of police” means—

(a) in relation to the Islands of 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 the Island of Alderney, a member of the said salaried police force, 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 by the Court of Alderney under section 15 of the Government of Alderney Law 1987;

(c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey;”;

(b) after subsection (1) there shall be inserted the following subsection:

“(1A) References in this Part to section 7 of the 1967 Act shall be construed as references to the Wireless Telegraphy Apparatus (Bailiwick of Guernsey) Law 1994.”.

15. After section 92 there shall be inserted the following section:

“**92A.** Any order of the Secretary of State under section 85 or 86 above, and any rules made by him under paragraph 6 of Schedule 2 to the 1949 Act shall have effect in Guernsey if registered by the Royal Court of Guernsey and as from the date of such registration.”

(7) 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 2 of Part II of this Schedule).

16. In section 106(4), after the words “country or territory outside the United Kingdom” there shall be inserted “and the Bailiwick of Guernsey”.

17. Section 109(6) shall have effect only so far as it relates to Part IV of Schedule 7.

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, subsection (1A)(e) and (f) shall be omitted.

(3) For the subsections which paragraph 2 adds at the end of the said section 14 there shall be substituted the following subsection:

“(8) In this section “officer of police” means—

- (a) in relation to the Islands of 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 the Island of Alderney, a member of the said salaried police force, 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 by the Court of Alderney under section 15 of the Government of Alderney Law 1987;
- (c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey.”.

(4) Paragraph 3 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 Guernsey.

PART II

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF PROVISIONS OF THE BROADCASTING ACT 1990 TO GUERNSEY

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 Guernsey.

2. In section 172, in the subsection (3) which subsection (4) substitutes for section 14(3) of the Wireless Telegraphy Act 1949~~(8)~~—

(a) paragraph (b) shall be omitted;

(b) for paragraph (d) there shall be substituted:

“(d) any offence under this Act which is an offence under the Wireless Telegraphy Apparatus (Bailiwick of Guernsey) Law 1994;”;

(c) for the words “Secretary of State” there shall be substituted “Crown for the benefit of the Crown revenues in the Bailiwick of Guernsey”.

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

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

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

- “(2) In subsection (1)(a), for “external waters or in tidal waters in the Bailiwick of Guernsey” substitute “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 “Bailiwick of Guernsey”;
- (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 “prescribed” there shall be substituted “for the purposes of this section as it has effect in the United Kingdom by any order for the time being in force in relation to the United Kingdom”,
 - (ii) in subsection (1)(b) for the words “United Kingdom” there shall be substituted “Bailiwick of Guernsey”,
 - (iii) in subsection (4) after the words “United Kingdom” there shall be inserted “and the Bailiwick of Guernsey”, 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 “Bailiwick of Guernsey”;
- (e) for paragraph 7(2) there shall be substituted—
- “(2) For subsection (1) there shall be substituted—
- “(1) A person guilty of an offence under this Act shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both.”;
- (f) 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) officers of police;”, - (i) for subsection (1)(d) there shall be substituted—
 - “(d) officers of customs and excise; and”, - (iii) in subsection (2)(a) for the words “United Kingdom”, where first occurring, there shall be substituted “Bailiwick of Guernsey”, and
 - (iv) in subsection (6) for the words “United Kingdom” there shall be substituted “Bailiwick of Guernsey”; and
- (g) after paragraph 8 there shall be inserted—
- “**9.** In section 9(1) (interpretation) there shall be inserted, in the appropriate place, the following definition—
- ““officer of police” means—
- (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
 - (b) in relation to Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney; and

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- (c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey.”.”.
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Guernsey 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; article 4 of the Order revokes that part of the Broadcasting Act 1990 (Guernsey) (No. 2) Order 1991 which extended the provisions of that Act specified in article 3(2) of the Order to the Bailiwick of Guernsey. The provisions extended by this Order include amendments to the Wireless Telegraphy Act 1949 and the Marine, &c., Broadcasting (Offences) Act 1967.