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STATUTORY INSTRUMENTS

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**1991 No. 191**

**BROADCASTING**

**The Broadcasting Act 1990 (Guernsey) Order 1991**

*Made* - - - - *5th February 1991*

*Coming into force* - - *13th February 1991*

Her Majesty, in exercise of the powers conferred upon Her by section 204(6) of the Broadcasting Act 1990<sup>(1)</sup>, 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 Broadcasting Act 1990 (Guernsey) Order 1991 and shall come into force on 13th February 1991.

2. In this Order—

“the Act” means the Broadcasting Act 1990; and

“Guernsey” means the Bailiwick of Guernsey.

3.—(1) The following provisions of the Act shall extend, with the modifications specified in the Schedule to this Order, to Guernsey—

- (a) in Part I (independent television services), sections 14 to 22 and 66;
- (b) in Part IV (transfer of undertakings), sections 127, 129 to 131 and 141;
- (c) in Part X (miscellaneous and general), sections 202 and 204; and
- (d) Schedules 9 and 11.

(2) From 1st April 1991 the following provisions of the Act shall extend to Guernsey—

- (a) section 180, except subsection (4); and
- (b) Part I of Schedule 18.

(3) For the purpose of construing provisions of the Act, as extended by this Order, as part of the law of Guernsey, any reference to an enactment which extends to Guernsey shall, unless a contrary intention appears, be construed as a reference to that enactment as it has effect in Guernsey.

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**Status:** *This is the original version (as it was originally made). UK  
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*G. I. de Deney*  
Clerk of the Privy Council

SCHEDULE

Article 3

MODIFICATIONS WITH WHICH PROVISIONS OF THE  
BROADCASTING ACT 1990 EXTEND TO GUERNSEY

1. In section 14 (establishment of Channel 3)—
  - (a) in subsection (2) after the words “United Kingdom” insert “and the Bailiwick of Guernsey”; and
  - (b) omit subsection (7).

(2) In section 15 (applications for Channel 3 licences), in subsection (1)(b)(i) and (iv) after the words “United Kingdom” insert “and the Bailiwick of Guernsey”.
3. In section 16 (procedure)—
  - (a) in subsection (4) after the words “take into account” insert “the views in that behalf of the States of Guernsey and”;
  - (b) omit subsections (5)(a) and (7); and
  - (c) for subsection (6) substitute—

“(6) Subsection (2)(h) above has effect as if any order under section 16(5) or (6) of the Broadcasting Act 1990 for the time being in force in the United Kingdom had extended to the Bailiwick of Guernsey.”.
4. In section 20 (duration and renewal of Channel 3 licences), in subsection (6)(a) after the word “Commission” insert “for the benefit of the States of Guernsey”.
5. In section 66 (transmission requirements)—
  - (a) in subsections (1) and (2) for the words “as the Secretary of State may by order specify” substitute “as may be specified in any order under section 66(1), (2) or (3) of the Broadcasting Act 1990 for the time being in force in the United Kingdom”;
  - (b) omit subsection (3);
  - (c) in subsection (6)(b) for the words “England, Scotland and Northern Ireland” substitute “England, Scotland, Northern Ireland and the Bailiwick of Guernsey”; and
  - (d) omit subsections (7) and (8).
6. In section 127 (division of assets, and dissolution, of IBA), in subsection (3) for the words “are dissolved by order made by the Secretary of State” substitute “cease to exist in the United Kingdom”.
7. In section 129 (transitional arrangements) omit subsections (1)(b) and (c), (2)(b), (7)(iii) and (9).
8. In section 130 (variation of programme contracts)—
  - (a) in subsection (1) omit the words “Subject to subsections (2) and (4)”;
  - (b) omit subsections (2) to (4);
  - (c) in subsections (5) and (9) omit the words “or (3)”;
  - (d) in subsection (8) for the words “section 129(8) and (9) apply” substitute “section 129(8) applies”.
9. In section 131 (supplementary provisions) omit the words “to (4)” wherever occurring.
10. In section 202 (general interpretation), in subsection (5)(a) and (b) for the words “United Kingdom” substitute “Bailiwick of Guernsey”.
11. In section 204 (short title, etc.) omit subsections (2) to (6).

12. In Schedule 9 (division of assets of IBA) omit paragraphs 4(4), 5(5)(b) and 9 to 11.
13. In Schedule 11 (transitional provisions relating to IBA's broadcasting services)—
- (a) in Part I omit the definition of "S4C";
  - (b) in Part II—
    - (i) in paragraph 1(2) after the words "United Kingdom" insert "and the Bailiwick of Guernsey",
    - (ii) omit paragraphs 1(3) to (9), 2, 3(2) to (5) and 4 to 11,
    - (iii) in paragraph 3(1) for the words "England, Scotland and Northern Ireland" substitute "England, Scotland, Northern Ireland and the Bailiwick of Guernsey",
    - (iv) in paragraph 12(1)(a) for the words "in accordance with this Part of this Schedule" substitute "in the United Kingdom in accordance with Part II of Schedule 11 to the Broadcasting Act 1990", and
    - (v) omit paragraph 12(3) and (4); and
  - (c) omit Parts III, IV and V.

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#### EXPLANATORY NOTE

*(This note is not part of the Order)*

his Order extends to Guernsey—

- (a) from 13th February 1991, with the modifications set out in the Schedule, the provisions of the Broadcasting Act 1990 mentioned in article 3(1) (which concern broadcasting on Channel 3 and related transitional arrangements), and
- (b) from 1st April 1991, the provisions mentioned in article 3(2) (which amend the Wireless Telegraphy Act 1949 (c. 54)).