

2020 No. 274

BROADCASTING

The Communications (Bailiwick of Guernsey) Order 2020

Made - - - - 11th March 2020

Coming into force in accordance with article 1(2) and (3)

At the Court at Buckingham Palace, the 11th day of March 2020

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 411(6) of the Communications Act 2003(a) and section 119(7) and (8) of the Digital Economy Act 2017(b), 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 Communications (Bailiwick of Guernsey) Order 2020.
- (2) This article and article 2 come into force on 1st May 2020.
- (3) Article 3 comes into force on 1st June 2020.
- (4) In this Order—
 - “the 2003 Act” means the Communications Act 2003;
 - “the 2017 Act” means the Digital Economy Act 2017.

Extension of amendments of the 2003 Act to the Bailiwick of Guernsey

2. The amendments of the 2003 Act made by section 88 of the 2017 Act extend to the Bailiwick of Guernsey(c).

3.—(1) The amendments of the 2003 Act made by section 89 of the 2017 Act extend to the Bailiwick of Guernsey(d) with the modifications set out in paragraph (2).

(2) In section 365A(8) of the 2003 Act, inserted by section 89(7) of the 2017 Act, for “must consult any persons it considers appropriate” there is substituted “must consult the Policy and Resources Committee of the States of Guernsey and any other persons it considers appropriate”.

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- (a) 2003 c.21. The 2003 Act was extended to the Bailiwick of Guernsey, with modifications, by S.I. 2003/3195, as amended by S.I. 2006/3325, and by S.I. 2004/307; there are other amending instruments but none is relevant.
- (b) 2017 c.30.
- (c) Section 88 of the 2017 Act amends section 198 of the 2003 Act and inserts new section 198ZA into that Act to broaden the ability of Ofcom to regulate the activities of the BBC and to confer a power for Ofcom to fine a person who does not provide information in connection with Ofcom's regulatory functions in relation to the BBC.
- (d) Section 89 of the 2017 Act amends section 365 of the 2003 Act and inserts new section 365A into that Act to confer on the BBC the function of making provision for a TV licence fee concession by reference to age.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the amendments of the Communications Act 2003 (c. 21) made by sections 88 and 89 of the Digital Economy Act 2017 (c. 30) to the Bailiwick of Guernsey. The amendments in section 88 of the 2017 Act (functions of Ofcom in relation to the BBC) amend section 198 of, and insert section 198ZA into, the 2003 Act and come into force in the Bailiwick of Guernsey on 1st May 2020. The amendments in section 89 of the 2017 Act (TV licence fee concessions by reference to age) amend section 365 of, and insert section 365A into, the 2003 Act; as extended, they place a duty on the BBC to consult the Policy and Resources Committee of the States of Guernsey before making, varying or revoking a determination under the section. The amendments in section 89 of the 2017 Act come into force in the Bailiwick of Guernsey on 1st June 2020. From that date this concession will no longer be determined by regulations but determined independently by the BBC following consultation. The BBC will have the power to make changes to the concession, including changing the eligibility criteria, level of concession and qualifying age (although this may not be lower than 65) or to end the concession. The Secretary of State retains the power to make provision for all other concessions including the current residential care concession or its equivalent.

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