

# ORDER IN COUNCIL

**XVIII  
2012**

ratifying a Projet de Loi

ENTITLED

## **The Wireless Telegraphy and Related Matters (Deemed Registration and Validation) (Bailiwick of Guernsey) Law, 2012**

(Registered on the Records of the Island of Guernsey  
on the 5th November, 2012.)

---



---

2012

## ORDER IN COUNCIL



### IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

5<sup>th</sup> day of November, 2012 before John Russell Finch, Esquire, Judge of the Royal Court; present:- Susan Mowbray, Barbara Jean Bartie, David Osmond Le Conte, Stephen Murray Jones, Esquires, Claire Helen Le Pelley, Terry George Snell, David Percy Langley Hodgetts LVO, Esquires, Margaret Ann Spaargaren, Terry John Ferbrache, Esquire, Jurats.

Judge Finch having this day placed before the Court an Order of Her Majesty in Council dated 17<sup>th</sup> October, 2012 approving and ratifying a Projet de Loi entitled “The Wireless Telegraphy and Related Matters (Deemed Registration and Validation) (Bailiwick of Guernsey) Law, 2012”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ORDERED:

1. That the said Order be registered on the records of this Island;  
and
2. That an extract of this present Act, together with a copy of the said Order be sent by Her Majesty’s Greffier to the Greffier of the Court of Alderney and to the Sénéchal of Sark for registration on the records of those Islands respectively.



*At the Court at Buckingham Palace*

THE 17th DAY OF OCTOBER 2012

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolution of 6th March 2012, the States of Deliberation at a meeting on 6th March 2012 approved a *Projet de Loi* entitled the Wireless Telegraphy and Related Matters (Deemed Registration and Validation) (Bailiwick of Guernsey) Law, 2012 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the States of the Island of Alderney at a meeting held on 18th April 2012 considered the *Projet de Loi* when a Resolution was passed agreeing to the application to Alderney. That the Chief Pleas of the Island of Sark at a meeting held on 18th April 2012 considered the *Projet de Loi* when a Resolution was passed agreeing to the application to Sark. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Wireless Telegraphy and Related Matters (Deemed Registration and Validation) (Bailiwick of Guernsey) Law, 2012, and to order that it shall have force of law in the Bailiwick of Guernsey.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it”.

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Bailiwick of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

*Richard Tilbrook*

## **The Wireless Telegraphy and Related Matters (Deemed Registration and Validation) (Bailiwick of Guernsey) Law, 2012**

**WHEREAS** certain statutory instruments made under the provisions of Acts of Parliament which have, or are intended to have, been extended to the Bailiwick of Guernsey do not have effect in the Bailiwick until they have been registered in the Royal Court;

**AND WHEREAS** certain instruments of that type relating to wireless telegraphy and television licensing that were believed to have been registered in the Royal Court, and thereby to have been given effect in the Bailiwick, have not been so registered;

**AND WHEREAS** certain instruments of that type commencing provisions of the Communications Act 2003<sup>a</sup> have not been so registered, thereby casting doubt on the extension to the Bailiwick of the provisions of that Act listed in article 6 of the Communications (Bailiwick of Guernsey) Order 2003<sup>b</sup> (as amended by the modifications set out in Schedule 2 to that Order);

**NOW THEREFORE** the States, in pursuance of their Resolution of 6<sup>th</sup> March, 2012<sup>c</sup>, have approved the following provisions which, subject to the

---

<sup>a</sup> An Act of Parliament (c. 21).

<sup>b</sup> United Kingdom S.I. 2003/3195, registered in the Royal Court on 19 January 2004. Amended by S.I. 2004/715; S.I. 2004/1116; S.I. 2005/856; and S.I. 2006/3325.

<sup>c</sup> Article II of Billet d'État No. V of 2012.

Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

**Deemed registration of certain United Kingdom statutory instruments.**

1. The statutory instruments listed in Column 1 of Schedule 1 are deemed to have been registered in the Royal Court on the corresponding dates listed in Column 2, and the statutory instruments listed in Schedule 2 are deemed to have been registered in the Royal Court on 19 January 2004.

**Validity of certain acts etc.**

2. (1) Nothing done by or on behalf of a person in the purported discharge of functions or duties or in the purported exercise of powers or rights conferred by a statutory instrument listed in Column 1 of Schedule 1, on or after the corresponding date in Column 2, shall be deemed to be, or ever to have been, unlawful or invalid by reason only of the fact that at the time of that purported discharge or exercise, the statutory instrument in question had not been registered in the Royal Court.

(2) Subject to subsection (3), nothing done on or after 19 January 2004 by or on behalf of a person in the purported discharge of functions or duties, or in the purported exercise of powers or rights, arising from the provisions of the Communications Act 2003 ("**the 2003 Act**") as extended to the Bailiwick of Guernsey in modified form by the Communications (Bailiwick of Guernsey) Order 2003 ("**the 2003 Order**"), shall be deemed to be, or ever to have been, unlawful or invalid by reason only of the fact that at the time of that purported discharge or exercise, the statutory instruments listed in Schedule 2 had not been registered in the Royal Court.

(3) No person shall be guilty of an offence under the provisions of the 2003 Act as extended to the Bailiwick of Guernsey in modified form by the

2003 Order where the act or omission in question took place before the coming into force of this Law.

(4) Without prejudice to the generality of subsections (1) and (2), and for the avoidance of doubt, where -

- (a) a charge or tax has been levied or collected by a person acting in the purported discharge of functions or duties or in the purported exercise of powers or rights conferred by a statutory instrument listed in Schedule 1, or arising from the provisions of the 2003 Act as extended to the Bailiwick of Guernsey in modified form by the 2003 Order on the registration in the Royal Court of the statutory instruments listed in Schedule 2, and
- (b) that charge or tax was levied or collected on or after the corresponding date in Column 2 in the case of a statutory instrument listed in Schedule 1, and 19 January 2004 in the case of the statutory instruments listed in Schedule 2,

then it shall not be deemed to have been levied or collected unlawfully or invalidly by reason only of the fact that the statutory instrument or instruments in question had not been registered in the Royal Court at the time of that purported discharge or exercise.

### **Interpretation.**

3. (1) In this Law, unless the context requires otherwise -

**"the Royal Court"** means the Royal Court of Guernsey sitting as a Full Court,

**"the Secretary of State"** includes any one of Her Majesty's Principal Secretaries of State, and

**"statutory instrument"** includes an order or regulations made -

- (a) by the Secretary of State, or
- (b) in exercise of powers conferred on any other office under an Act of Parliament.

(2) The Interpretation (Guernsey) Law, 1948<sup>d</sup> applies to the interpretation of this Law throughout the Bailiwick.

#### **Citation**

4. This Law may be cited as the Wireless Telegraphy and Related Matters (Deemed Registration and Validation) (Bailiwick of Guernsey) Law, 2012.

S. M. SIMMONDS,  
Her Majesty's Deputy Greffier.

---

<sup>d</sup> Ordres en Conseil Vol. XIII, p. 355.

**SCHEDULE 1**

<u>Column 1</u>	<u>Column 2</u>
<b>Wireless telegraphy statutory instruments</b>	
Wireless Telegraphy (Licence Charges) Regulations 2005 [S.I. 2005/1378]	6 June 2005
Wireless Telegraphy (Automotive Short Range Radar) (Exemption) Regulations 2005 [S.I. 2005/353]	7 March 2005
Wireless Telegraphy (Automotive Short Range Radar) (Exemption) (No. 2) Regulations 2005 [S.I. 2005/1585]	4 July 2005
Wireless Telegraphy (Automotive Short Range Radar) (Exemption) (No. 2) (Amendment) Regulations 2008 [S.I. 2008/237]	18 February 2008
Wireless Telegraphy (Radio Frequency Identification Equipment) (Exemption) Regulations 2005 [S.I. 2005/3471]	9 January 2006
Wireless Telegraphy (Radio Frequency Identification Equipment) (Exemption) (Amendment) Regulations 2007 [S.I. 2007/1282]	14 May 2007
Wireless Telegraphy (Inspection and Restrictions on Use of Exempt Stations and Apparatus) Regulations 2005 [S.I. 2005/3481]	9 January 2006
Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) Regulations 2007 [S.I. 2007/2084]	1 October 2007
Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) (Amendment) Regulations 2007 [S.I. 2007/2440]	1 October 2007
Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) Regulations 2009 [S.I. 2009/2517]	5 October 2009
Wireless Telegraphy (Ultra-Wideband Equipment) (Exemption) (Amendment) Regulations 2010 [S.I. 2010/2761]	6 December 2010
Wireless Telegraphy (Licence Charges) (Amendment) (Channel Islands and Isle of	1 December 2003



Man) Regulations 2003 [S.I. 2003/2984]	
The Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2006 [S.I. 2006/2894]	4 December 2006
The Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2007 [S.I. 2007/2326]	1 October 2007
The Wireless Telegraphy (Licence Charges) (Amendment) Regulations 2008 [S.I. 2008/139]	18 February 2008
The Wireless Telegraphy (Licence Charges) (Amendment) (No. 2) Regulations [S.I. 2008/2106]	8 September 2008
Wireless Telegraphy (Exemption) Amendment Regulations 2006 [S.I. 2006/2994]	13 November 2006
Wireless Telegraphy (Exemption) Amendment Regulations 2008 [S.I. 2008/236]	18 February 2008
Wireless Telegraphy (Exemption) Amendment (No. 2) Regulations 2008 [S.I. 2008/2426]	6 October 2008
Wireless Telegraphy (Exemption and Amendment) Regulations 2010 [S.I. 2010/2512]	8 November 2010
<b>Television licensing statutory instruments</b>	
The Communications (Television Licensing) (Amendment) Regulations 2005 [S.I. 2005/606]	14 March 2005
The Communications (Television Licensing) (Amendment) Regulations 2006 [S.I. 2006/619]	21 March 2006
The Communications (Television Licensing) (Amendment) Regulations 2010 [S.I. 2010/640]	23 March 2010

**SCHEDULE 2**

The Communications Act 2003 (Commencement No. 1) Order 2003 [S.I. 2003/1900]

The Office of Communications Act 2002 (Commencement No. 3) and Communications Act 2003 (Commencement No. 2) Order 2003 [S.I. 2003/3142]







**Copies may be purchased from  
Her Majesty's Greffier, Royal Court House, Guernsey.**

**PRICE £2.00**

Printed by Image Group, Caslon Court, Pitronnerie Road, St Peter Port, Guernsey GY1 3NE