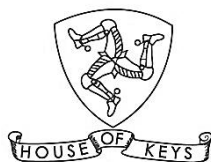


HOUSE OF KEYS

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ORDER PAPER

Claare Obbyr

DOUGLAS

Tuesday 26th February 2019

10.00 am

1. Questions for Oral Answer

1. The Hon. Member for Onchan (Ms Edge) to ask the Chief Minister –

How many external reviews of Departments, Boards and Offices have taken place in the last five years?

2. The Hon. Member for Onchan (Mr Callister) to ask the Chief Minister –

If he will make a statement on his Gas Regulatory Review Committee Report, published on 18th February 2019?

3. The Hon. Member for Onchan (Ms Edge) to ask the Minister for Education, Sport and Culture –

Who is responsible for Health and Safety in Schools?

4. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Education, Sport and Culture –

When the Department last reviewed the school day and school holiday patterns?

5. The Hon. Member for Onchan (Mr Callister) to ask the Minister for Education, Sport and Culture –

What action he has taken to ensure that the Department's consultation on the Education Bill 2019 is fair and impartial with regard to home educators?

6. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Environment, Food and Agriculture –

How many people have applied to have their conservatory roofs changed from glass to slates or tiles; and how many of these applications were refused in each of the last three years?

7. The Hon. Member for Onchan (Mr Callister) to ask the Minister for Environment, Food and Agriculture –

If he will make a statement on the Department's decision to increase the planning appeal fee from £175 to £276 with effect from 1st April 2019?

8. The Hon. Member for Onchan (Mr Callister) to ask the Minister for Environment, Food and Agriculture –

What his Department is doing to remove Japanese Knotweed from our island?

9. The Hon. Member for Onchan (Mr Callister) to ask the Minister for Health and Social Care –

When he knew that parts of the Integrated Care Vision were almost a direct copy of the Wigan Council Integrated Health and Care Strategy?

10. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Infrastructure –

When he intends to bring a Housing Strategy before Tynwald?

11. The Hon. Member for Onchan (Mr Callister) to ask the Chairman of the Post Office –

If she will make a statement on the Isle of Man Post Office's decision to cancel the Santander Bank Plc contract with effect from 22nd April 2019?

12. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Environment, Food and Agriculture –

Whether he has considered evaluating the benefits of a bottle return scheme on the Island?

2. Questions for Written Answer

1. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for the Treasury –

How many women born in the 1950s were sent letters from the then Director of IOM Social Security in 2009, enclosing a leaflet advising the pension age for women would be gradually rising from 60 to 65; and whether these women have been sent updates relating to subsequent changes or advice about how to deal with these changes?

2. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for the Treasury –

What action he has been taken to contact the people who failed to respond to Social Security letters regarding state retirement pension; and whether these individuals are still receiving their pension payments?

3. The Hon. Member for Onchan (Mr Callister) to ask the Minister for the Treasury –

When his Department will give Manx Gas six months' formal notice in respect of terminating the Agreement for the Regulation of the Gas Market in the Isle of Man, dated 24th April 2015, in accordance with section 15.1 of the Agreement?

4. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Education, Sport and Culture –

If he will publish the Ofsted report (2002) which reviewed the operations of the Department of Education?

5. The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Education, Sport and Culture –

What recommendations made in the Ofsted Report (2002) were implemented; and what reasons were given for not implementing the other recommendations?

6. The Hon. Member for Onchan (Ms Edge) to ask the Minister for Education, Sport and Culture –

How much each school and college has spent on employee costs, broken down by: (a) type of employee and (b) percentage of whole budget assigned to salaries, for each of the last five years?

7. The Hon. Member for Garff (Mrs Caine) to ask the Minister for Education, Sport and Culture –

What the budget is for providing lunch in primary schools and how this compares with the budget for school meals previously provided by DHSC?

8. The Hon. Member for Onchan (Mr Callister) to ask the Minister for Environment, Food and Agriculture –

What the total cost has been for removing storm damaged trees from carriageways in the island in each year since 2012?

9. The Hon. Member for Onchan (Mr Callister) to ask the Minister for Environment, Food and Agriculture –

If he will make a statement on the two reports received and the recommendations approved by Tynwald on 19th May 2015 relating to sustainable development and mitigating climate challenges?

10. The Hon. Member for Onchan (Mr Callister) to ask the Minister for Environment, Food and Agriculture –

Who is responsible for removing Japanese Knotweed once it has been identified?

11. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs –

What the average percentage of prisoners that were on remand awaiting trial was in each year since 2011?

12. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs –

How many and what the average percentage of low level crimes, as defined in the Criminal Justice Strategy and processed in the summary courts, resulted in minimal sanctions or fines of less than £200, in each year since 2011?

13. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs –

How many different forms and systems would be used during one person's journey through the criminal justice system; and how this compares to 2009?

14. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs –

What the average length of time for the most serious cases, using the Criminal Justice Strategy definition, was from first court hearing to judgement in each year since 2011?

15. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs –

What the average length of time for cases to proceed through the court system, from first court hearing to judgement, was in each year since 2011?

16. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs –

What was the average time taken for an offence to reach Court, from the time the offender was entered into the Criminal Justice System, was in each year since 2011?

17. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs –

How many offences were dealt with in the Courts, in each year since 2011?

18. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Home Affairs –

What the SMART Objectives and key performance indicators are agreed by the Criminal Justice Board, that underpin the Criminal Justice Strategy; and when they were first agreed?

19. The Hon. Member for Onchan (Mr Callister) to ask the Minister for Infrastructure –

When Flybe Customers will be able to use their app at Ronaldsway Airport?

20. The Hon. Member for Onchan (Mr Callister) to ask the Minister for Infrastructure –

What the total cost has been to his Department for removing storm damaged trees from carriageways in the island in each year since 2012?

21. The Hon. Member for Onchan (Mr Callister) to ask the Chairman of the Manx Utilities Authority –

How much has been paid in wayleave payments to agriculture landowners each year since 2012 in order to allow MUA Cables and Posts to be installed and other works?

22. The Hon. Member for Onchan (Mr Callister) to ask the Chairman of the Office of Fair Trading –

When his Board will give Manx Gas six months' formal notice in respect of terminating the Agreement for the Regulation of the Gas Market in the Isle of Man, dated 24th April 2015, in accordance with section 15.1 of the Agreement?

3. Bill for Second Reading

- 3.1 Charities Registration and Regulation Bill 2018

Mr Thomas

4. Bill for Third Reading

- 4.1 Income Tax Legislation (Amendment) Bill 2019

Mr Cannan

5. Consideration of Clauses

- 5.1 Highways (Amendment) Bill 2019

Mr Harmer

- 5.2 Communications Bill 2018

Mr Malarkey

Tabled Amendments

Clause 8

Mrs Caine

Clause 50

Mr Harmer

Clause 108

Mr Hooper

New Clause 1

Mr Hooper

Amendments to Schedule 1

Mrs Caine

Substitution of Schedule

Mr Harmer

Unless the House otherwise determines, the above business will be considered in the order shown.

Roger Phillips
Secretary of the House

COMMUNICATIONS BILL 2018

**CONSIDERATION OF CLAUSES —
CONCATENATED LIST OF AMENDMENTS**

AMENDMENTS TO CLAUSE 8

Mrs Caine to move —

1. Page 31, line 15 for “Statutory Board” substitute «body corporate».
2. Page 31, line 25 after “about the” insert «constitution and».

AMENDMENT OF CLAUSE 50

Mr Harmer to move —

3. Page 52, line 15 at the beginning insert “In this Act”.

AMENDMENTS TO CLAUSE 108

Mr Hooper to move —

4. Page 89, after line 20 insert —
«(2) In proceedings for an offence under subsection (1), in respect of a message or other matter which is menacing in character, it is a defence for the accused to show that the menaces were a lawful means of reinforcing a legitimate demand and proportionate in all the circumstances.»
Renumber the subsequent subsections of the Clause, and adjust cross-references accordingly.
5. Page 89, for lines 23 and 24 substitute —
«(a) sends, by means of a public electronic communications system a message which is false and which he or she knows or believes to be false;».

NEW CLAUSE 1

Mr Hooper to move—

6. Page 90, after the end of line 5 insert the following New Clause as clause 109—

«109 **Causing harm by sending message by means of electronic communications system**

- (1) A person commits an offence if—
 - (a) the person sends by means of an electronic communications network a message or other matter with the intention that it should cause harm to another;
 - (b) sending the message or other matter would cause harm to an ordinary reasonable person in the position of the intended recipient; and
 - (c) sending the message or other matter causes harm to the intended recipient.
- (2) In determining whether a message or other would cause harm, the court may take into account any factors it considers relevant, including—
 - (a) the extremity of the language used;
 - (b) the age and characteristics of the recipient;
 - (c) whether the message or other matter was sent anonymously;
 - (d) whether the message or other matter was sent more than once;
 - (e) the extent of circulation of the message or other matter;
 - (f) whether the message or other matter is true or false;
 - (g) the context in which the message or other matter was sent.

Maximum penalty for an offence under this section—

(on information)— 2 years' custody or a fine;

(summary) — 12 months' custody or a level 5 fine.».

Renumber the subsequent clauses of the Bill and adjust cross-references accordingly.

AMENDMENTS TO SCHEDULE 1

Mrs Caine to move—

7. Page 125, for the heading to the Schedule substitute “Constitution and Functions of the Communications Commission”
8. Page 125, before paragraph 1 insert—

«1 Constitution of the Commission

[GC 74/89 as amended and drafting]

- (1) The Commission shall comprise not less than 4 and not more than 6 members, appointed by the Council of Ministers.
- (2) The Council of Ministers shall appoint one of the members appointed under subparagraph (1) to be the Chair of the Commission.
- (3) The appointments under subparagraphs (1) and (2) shall be subject to the approval of Tynwald.
- (4) None of the members appointed under subparagraph (1) may be a member of Tynwald.
- (5) In appointing members, the Council of Ministers must have regard to the need for the Commission to include members who are appropriately qualified, by experience or otherwise, to participate in the exercise of the Commission's functions.
- (6) The *Statutory Boards Act 1987* applies to the Commission, with the exception of paragraph 7 of Schedule 2 to that Act, but the Commission is not a Statutory Board for the purposes of the *Payment of Members' Expenses Act 1989*.
- (7) The Council of Ministers may by order amend—
 - (a) the minimum and maximum number of members specified in subparagraph (1); and
 - (b) subparagraphs (5) and (6).
- (8) An order under subparagraph (7) may include such consequential, incidental, supplemental, transitional and transitory provisions as appear to the Council of Ministers to be necessary or expedient, including, for the sake of clarity, consequential amendments to this Act and the *Statutory Boards Act 1987*.

Tynwald procedure for an order under subparagraph (7) or subparagraphs (7) and (8) – approval required.
- (9) On the coming into operation of this paragraph for all purposes—
 - (a) the entry relating to the Commission in Schedule 1 to the *Statutory Boards Act 1987* is repealed; and
 - (b) the following cease to have effect, namely—
 - (i) the *Telecommunications Commission Order 1989*;
 - (ii) the *Communications Commission (Amendment) Order 1999*; and
 - (iii) the *Communications Commission (Amendment) Order 2012*.».

In consequence of this amendment, renumber the subsequent paragraphs of the Schedule as paragraphs 2 to 5 respectively. Adjust cross-references accordingly.

SUBSTITUTION OF SCHEDULE

Mr Harmer to move —

9. For pages 202-218 substitute the following—

«SCHEDULE 9

[Section 152]

CONSEQUENTIAL AMENDMENTS AND REPEALS

Anti-Terrorism and Crime Act 2003

1. In Schedule 10 (extension of existing disclosure powers) —
- (a) the entry relating to section 31(2) and 39(2) of the Telecommunications Act 1984 is repealed; and
 - (b) at the end insert—

“Communications Act 2018

Section 112(2).

Section 146(1)(b)”

Broadcasting (Amendment) Act 2007

2. The whole Act is repealed.

Building Control Act 1991

3. In section 28 (directions under s 27: supplemental provisions) —
- (a) in subsection (6) —
 - (i) for “telecommunication apparatus” substitute “electronic communications apparatus”;
 - (ii) for “telecommunications code system” substitute “electronic communications code network”;
 - (b) in subsection (9) —
 - (i) at the appropriate point in the alphabetical list insert the following —

““conduit system” has the same meaning as in the electronic communications code;

“electronic communications apparatus” has the same meaning as in the Communications Act 2018;

“electronic communications code” has the same meaning as in the *Communications Act 2018*;

“electronic communications code network” means so much of an electronic communications network or conduit system provided by an electronic communication code operator as is not excluded from the application of the electronic communications code by a designation under section 89 of the *Communications Act 2018*;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a designation under section 89 of the *Communications Act 2018*;

“electronic communications network” has the same meaning as in the *Communications Act 2018*;

(ii) omit the words “telecommunication apparatus” and “telecommunications code system” have the same meanings as in the *Telecommunications Act 1984*.”

4. In paragraph 6(a)(xv) of Schedule 1 (building regulations), for “telecommunications services” substitute “electronic communications services”.

Children and Young Persons Act 2001

5. In section 80 (identification of child or young person in media), for subsection (7) substitute –

“(7) In this section “relevant programme” means a programme included in a programme service (within the meaning of the *Communications Act 2018*).”

6. In section 93 (advertisements about surrogacy) –

- (a) in subsection (3), for “a telecommunication system” substitute “an electronic communications network”;
- (b) in subsection (4), for “a telecommunication system” substitute “an electronic communications network”;
- (c) in subsection (5), for “a telecommunication system” substitute “an electronic communications network”;
- (d) for subsection (7) substitute –

“(7) In this section “electronic communications network” has the same meaning as in the *Communications Act 2018*.”

Coastline Management Act 2005

7. In section 4(2)(e), for “telecommunications” substitute “electronic communications”.

Collective Investment Schemes Act 2008

8. In section 26(1) (interpretation), in paragraph (f) of the definition of “advertisement”, for “telecommunications” substitute “electronic communications”

Construction Contracts Act 2004

9. In section 2(1)(b) (meaning of ‘construction operations’), for “telecommunications apparatus” substitute “electronic communications apparatus”.

Consumer Protection Act 1991

10. In section 21(2) (defences), for “(within the meaning of Part 1 of the Broadcasting Act 1993)” substitute “(within the meaning of the *Communications Act 2018*)”.

11. For section 34(3)(d) substitute —

“(d) the *Communications Act 2018*.”

12. For section 41(2)(b) (complaints to the board) substitute —

“(b) the Competition and Markets Authority is or would be required to consider under the Consumer Protection from Unfair Trading Regulations 2008 (a statutory instrument made under the European Communities Act 1972 (of Parliament) and having effect in the United Kingdom;”.

13. In section 44A (complaints to the Communications Commission) —

- (a) in subsection (1), for “licensed service (within the meaning of Part 1 of the Broadcasting Act 1993)” substitute “licensed service (within the meaning of the *Communications Act 2018*)”; and
- (b) in subsection (3), for “the power conferred on it by section 5(5) of the Broadcasting Act 1993 (directions about advertisements)” substitute “any power conferred on it by the *Communications Act 2018*”.

14. In section 53(1), in paragraph (a) of the definition of “telephone call”, for “a telecommunication system” substitute “an electronic communications network”.

15. In section 57A(2)(e) (contracts to which this Part applies), for “a telecommunications operator” substitute “an electronic communications operator”.

Consumer Protection (Trade Descriptions) Act 1970

16. In section 39(2) (interpretation), omit “or in a programme included in a cable programme service (within the meaning of Part 1 of the *Broadcasting Act 1993*)”.

Control of Employment Act 2014

17. In paragraph 10(1) of Part 2 of Schedule 1 (exemptions), in the definition of “programme service”, for “Part I of the *Broadcasting Act 1993*” substitute “the *Communications Act 2018*”.

Copyright Act 1991

18. In section 69 (recording for purposes of supervision and control of broadcasts) —

(a) in subsection (1), after “programmes broadcast by them” insert “or included in any on-demand programme service”;

(b) in subsection (2) —

(i) at the end of paragraph (b), omit “or”;

(ii) at the end of paragraph (c), for “.” Substitute “; or”; and

(iii) after paragraph (c), insert —

“(d) paragraph 18(1) of Schedule 4 to the *Communications Act 2018*.”

(c) for subsection (3) substitute —

“(3) Copyright is not infringed by —

(a) the use by the Office of Communications (“OFCOM”), in connection with the performance of any of their functions under the said Act of 1990 or the said Act of 1996, of any recording, script or transcript which is provided to them under or by virtue of any provision of those Acts;

(b) the use by OFCOM, in connection with any complaint made to them under the said Act of 1996 of any recording or transcript which is provided to them in accordance with section 115(4) or (6) or 116(5) of that Act; or

(c) the making or use of recordings by the Communications Commission for the purpose of maintaining supervision over the programmes included in licensed services within the meaning of the *Communications Act 2018*, or by the licence holder in pursuance of a condition included in a licence under the *Communications Act 2018* for that purpose.”

(d) after subsection 3, insert —

“(4) Copyright is not infringed by the use by an appropriate regulatory authority designated under paragraph 18(1) of Schedule 4 to the *Communications Act 2018*, in connection with the performance of any of its functions under that Act, of any recording, script or transcript which is provided to it under or by virtue of any provision of that Act.

- (5) In this section “on-demand programme service” has the same meaning as in the Communications Act 2018 (see paragraph 1 of Schedule 4 to that Act).”.

Criminal Justice Act 1996

19. In section 2(1) (powers for local authorities to provide closed circuit television)—
- (a) in paragraph (b), for “a telecommunications system which, under Part II of the Telecommunications Act 1984” substitute “an electronic communications network which under the *Communications Act 2018*”;
 - (b) in paragraph (c), for “telecommunications system” substitute “electronic communications network”.

Criminal Justice Act 2001

20. Section 23 (amends *Telecommunications Act 1984*) is repealed.

Defamation Act 1954

21. In section 1 (broadcast statements), for “(within the meaning of Part 1 of the *Broadcasting Act 1993*)” substitute “(within the meaning of the *Communications Act 2018*)”.

Douglas Head Act 2000

22. In section 1(3)(c) (rights and restrictions affecting the 1870 deed land), for “telecommunication apparatus” substitute “electronic communications apparatus”.

Electricity Act 1996

23. In section 3A(1)(d) (accounts) for “telecommunication services” substitute ““electronic communications services””.
24. In section 15A (power to lay gas pipes etc)—
- (a) in subsection (1)(b)(iii) for “telecommunication apparatus” substitute “electronic communications apparatus”; and
 - (b) in subsection (8) —
 - (i) after the definition of “the compulsory purchase plan” insert —

““**electronic communications apparatus**” has the meaning given by the *Communications Act 2018*,” and
 - (ii) omit the definition of “telecommunication apparatus”.

25. In section 20 (interpretation) in the definition of “works” for “telecommunications” substitute “electronic communications”.

26. In Schedule 2 (further provisions with respect to transmission) —

- (a) in paragraph 2(1)(d)—
 - (i) for “telecommunication apparatus” substitute “electronic communications apparatus”;
 - (ii) for “a telecommunication system” substitute “an electronic communications network”;
 - (iii) for “telecommunications code” substitute “electronic communications code”;
- (b) in paragraph 3(1)(d), for “any public telecommunications operator” substitute “any provider of a public electronic communications network”;
- (c) in paragraph 4—
 - (i) in sub-paragraph (1), for “telecommunication apparatus” substitute “electronic communications apparatus”;
 - (ii) in sub-paragraph (1)(a), for “telecommunications code” substitute “electronic communications code”;
 - (iii) in sub-paragraph (2), for “telecommunications apparatus” substitute “electronic communications apparatus”;
 - (iv) in sub-paragraph (3), for “telecommunications code” substitute “electronic communications code” and for “telecommunication apparatus” substitute “electronic communications apparatus”;
 - (v) in sub-paragraph (4), for “telecommunications code” substitute “electronic communications code”.
- (d) in paragraph 11—
 - (i) omit the definitions of “public telecommunications operator”, “telecommunication apparatus”, “telecommunications system” and “the telecommunications code”;
 - (ii) after the definition of “public gas supplier” insert

“**public electronic communications network**”, “**electronic communications apparatus**” and “**electronic communications network**” have the meaning given by the *Communications Act 2018* and “**the electronic communications code**” means the code contained in Schedule 5 to that Act;”.

Electronic Transactions Act 2000

- 27. In section 10(6) (liability of service providers), in the definition of “service provider”, for “telecommunication system” substitute “electronic communications network”.
- 28. In section 12 (interpretation) —

- (a) in the definition of “electronic communication”, for “telecommunication system” substitute “electronic communications network”;
- (b) after the definition of “electronic communication” insert —
 | ““electronic communications network” has the same meaning as in the
 | *Communications Act 2018*.”
- (c) omit the definition of “telecommunication system”.

Employment Act 2006

29. In paragraph 5(7) of Part II of Schedule 3 (proceedings of tribunal), for the reference to “within the meaning of the *Broadcasting Act 1993*” substitute “within the meaning of the *Communications Act 2018*”.

Employment Agencies Act 1975

30. For section 12(4)(c) (interpretation) substitute —
 | “(c) providing a programme service (within the meaning of the
 | *Communications Act 2018*);”.

Fair Trading Act 1996

31. In section 25(2)(a) (general restrictions on the disclosure of information) —
- (a) for sub-paragraph (iii) substitute —
 | “(iii) the *Communications Act 2018*,”
 - (b) omit sub-paragraph (vi).

Financial Services Act 2008

32. In section 48(1) (interpretation), in paragraph (f) of the definition of “advertisement”, for “telecommunications” substitute “electronic communications”.

Gaming Betting and Lotteries Act 1988

33. In section 7(7) (restrictions on advertisements relating to gaming), in the definition of “advertisement”, for “a telecommunication system” substitute “an electronic communications network”.
34. In section 14 (restriction on bookmaking) for “telecommunication” substitute “electronic communication”.
35. In section 15(2)(b) (betting office licences) for “telecommunication” substitute “electronic communication”.
36. In section 32(3)(h) (exemption of society lotteries), for “(within the meaning of the *Broadcasting Act 1993*)” substitute “(within the meaning of the *Communications Act 2018*)”.
37. In section 48(1) (interpretation) —

- (a) after the definition of “controlled machine” insert —
- “**“electronic communication”** has the same meaning as in the *Communications Act 2018*;
- “**“electronic communications network”** has the same meaning as in the *Communications Act 2018*.”
- (b) omit the definition of “telecommunication system”.

Gas and Electricity Act 2003

38. In section 1(1)(b)(ii) (power of authority to supply gas), for “telecommunication apparatus” substitute “electronic communications apparatus”.
39. For section 4 and its heading substitute —

“Electronic communications

4 Power of Authority to provide electronic communications networks and services and maintain apparatus

- (1) The Authority may —
- (a) with the consent of the Department, provide electronic communications networks and electronic communications services; and
- (b) for that purpose install, repair, maintain or remove electronic communications apparatus.
- (2) Nothing in this section affects the *Communications Act 2018*.
- (3) In this section “electronic communications apparatus”, “electronic communications network” and “electronic communications service” have the same meanings as they have in the *Communications Act 2018*.”

Harbours Act 2010

40. In section 23(8) (removal of obstructions), for “relevant public telecommunications operator” substitute “relevant public electronic communications provider”.
41. In section 83(1) (interpretation) —
- (a) omit the definitions of “public telecommunication system”, “relevant public telecommunications operator” and “telecommunication apparatus”;
- (b) at the appropriate point in the alphabetical list insert the following —
- “**“electronic communications apparatus”** has the same meaning as in the *Communications Act 2018*;

“**public electronic communications network**” has the same meaning as in the *Communications Act 2018*, and “**provider**”, in relation to a public electronic communications network, means the person authorised by the relevant licence under that Act to provide the network;

“**relevant public electronic communications provider**” means the provider of a public electronic communications network, for the purposes of which any electronic communications apparatus is kept installed in the harbour or the approaches to the harbour or on part of the foreshore in the harbour;”

Highways Act 1986

42. In section 119 (interpretation) —

(a) at the appropriate point in the alphabetical list insert the following —

““**conduit system**” has the same meaning as in the electronic communications code and references to providing a conduit system must be construed in accordance with paragraph 1(4) of that code;

“**electronic communications code**” has the same meaning as in the *Communications Act 2018*;

“**electronic communications code network**” means so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a designation under section 89 of the *Communications Act 2018*;

“**electronic communications code operator**” means a person in whose case the electronic communications code is applied by a designation under section 89 of the *Communications Act 2018*;

“**operator**”, in relation to an electronic communications code network, means the electronic communications code operator providing that network;”

(b) in the definition of “**statutory undertakers**” for the words “and includes the operator of a telecommunications code system (within the meaning of the *Telecommunications Act 1984*);” substitute «and includes the operator of an electronic communications code network;».

43. In Schedule 4 (the road works code) —

(a) in paragraph 1(1) —

(i) in the definition of “apparatus”, for “telecommunication apparatus” substitute “electronic communications apparatus”;

- (ii) in the definition of “service apparatus”, for paragraph (b) substitute –
- “(b) any electronic communications apparatus placed or intended to be placed underground for the purpose of providing a service by means of an electronic communications network to or from any premises, as distinct from electronic communications apparatus placed for the general purposes of any such network;”
- (b) for paragraph 1(3) substitute –
- “(3) References in this Schedule to any matter connected with electronic communications shall be construed in accordance with the *Communications Act 2018*.”
- (c) for paragraph 1(6) substitute –
- “(6) Nothing in this Schedule authorises any alteration to be made by undertakers or any other person, except in pursuance of the electronic communications code, to any electronic communications apparatus kept installed for the purposes of an electronic communications code network.”
- (d) for paragraph 4(9) substitute –
- “(9) In this paragraph “relevant operator” means the operator of any electronic communications code network for the purposes of which any electronic communications apparatus is kept installed in, under, along or across the highway or bridge in question.”
- (e) for paragraph 5(2) substitute –
- “(2) Where paragraph 24 of the electronic communications code would otherwise apply to the alteration under this paragraph of any electronic communications apparatus installed for the purposes of an operator’s network, paragraph 24 of that code shall apply instead of sub-paragraph (3) to (13).”

Income Tax Act 1989

44. In section 53(2)(b) (meaning of “construction operations”), for “telecommunication apparatus” substitute “electronic communications apparatus”.

Insurance Act 2008

- 45.. In section 54(1) (interpretation), in the definition of “advertisement”, for “telecommunications” substitute “electronic communications”.

Interception of Communications Act 1988

46. In section 1 (prohibition on interception)–

- (a) in subsection (1) for “public telecommunication system” substitute “public electronic communications network”; and
 - (b) in subsection (3)(a) for “public telecommunication services” substitute “public electronic communications services”.
- 47. In section 2(1) (warrants for interception) for “public telecommunication system” substitute “public electronic communications network”.
- 48. In section 3(3)(a) (scope of warrants) for “public telecommunication system” substitute “public electronic communications network”.
- 49. In section 8(2) (the tribunal) for “public telecommunication system” substitute “public electronic communications network”.
- 50. In section 9(3) (the commissioner) for “public telecommunications system” substitute “public electronic communications network”.
- 51. In section 10 (exclusion of evidence)—
 - (a) for subsection (2)(c) substitute —
 - “(c) any provider of a public electronic communications network and any person engaged in the running of a public electronic communications network;”; and
 - (b) in subsection (4)(a) for “section 31 of the Telecommunications Act 1984” substitute “section 112 of the *Communications Act 2018*”.
- 52. In section 11(1) (interpretation)—
 - (a) in the definition of “address”, for “telecommunication address” substitute “electronic communications address”;
 - (b) omit the definitions of “public telecommunications operator”, “public telecommunication system”, “public telecommunication services” and “telecommunication service”;
 - (c) after the definition of “Post Office” insert the following definitions—
 - “**public electronic communications network**” has the same meaning as in the *Communications Act 2018*;
 - “**public electronic communications services**” has the same meaning as in the *Communications Act 2018*;
- 53. In section 11(2) (interpretation)—
 - (a) for “public telecommunication system” substitute “public electronic communications network”;
 - (b) for “by means of such a system” (wherever occurring) substitute “by means of such a network”.
- 54. Section 12(1) and Schedule 2 (which together amended section 31 of the Telecommunications Act 1984) are repealed.
- 55. In paragraph 3(1) of Schedule 1 (the tribunal), for “public telecommunication system” substitute “public electronic communications network”.

Interpretation Act 2015

56. In section 61(6) (email or other electronic service by agreement), in the definition of “electronic communication”, for “a telecommunication system” substitute “an electronic communications network”.

Land Registration Act 1982

57. For paragraph 11A of Schedule 5 (burdens which affect registered land without registration) substitute—
- “11A. A right falling within paragraph 2(1) of Schedule [5] (the electronic communications code) to the *Communications Act 2018*.”

Licensing Act 1995

58. In section 28(5) (music and dancing), for “(within the meaning of Part 1 of the *Broadcasting Act 1993*)” substitute “(within the meaning of the *Communications Act 2018*)”.
59. In section 55(6) (music and dancing), for “(within the meaning of Part 1 of the *Broadcasting Act 1993*)” substitute “(within the meaning of the *Communications Act 2018*)”.

Local Government Act 1985

60. In section 72 (interpretation) —
- (a) after the definition of “director of public health” insert —
- ““**electronic communications network**” has the same meaning as in the *Communications Act 2018*;”
- (b) for paragraph (c) of the definition of “statutory undertakers”, substitute —
- “(c) an electronic communications network; or”
- (c) omit the definition of “telecommunication system”.

Merchant Shipping (Miscellaneous Provisions) Act 1996

61. In section 1(5) (shipping documents etc to which this Part applies) for “a telecommunication system” substitute “an electronic communications network”.
62. In section 5(1) (Part 1: interpretation etc)—
- (a) after the definition of “the contract of carriage” insert—
- ““electronic communications network” has the same meaning as in the *Communications Act 2018*;” and
- (b) omit the definition of “telecommunications system”.

Online Gambling Regulation Act 2001

63. In section 1(1) (meaning of “online gambling” etc) for “a telecommunication” wherever occurring substitute “an electronic communication”.

64. In section 3(1)(a) (exclusion of certain activities), for “a telecommunication” substitute “an electronic communication”.

65. In section 25 (interpretation: general) –

(a) after the definition of “designated official” insert—

““electronic communication” means a communication sent, transmitted or received by means of an electronic communications network;

“electronic communications network” has the same meaning as in the *Communications Act 2018* save that it does not include a network which is, or if it were on the Island would be, exempt from licensing under that Act;” and

(b) omit the definitions of “telecommunication” and “telecommunication system”.

Organised and International Crime Act 2010

66. Section 16 (*Telecommunications Act 1984* amended) is repealed.

Performers Protection Act 1996

67. In paragraph 17 (recordings for purposes of supervision and control of broadcasts and cable programmes) of Schedule 1 –

(a) in sub-paragraph (1), after “programmes broadcast by them” insert “or included in any on-demand programme service provided by them”;

(b) in sub-paragraph (2) –

(i) at the end of paragraph (b), omit “or”;

(ii) at the end of paragraph (c), for “.” substitute “; or”; and

(iii) after paragraph (c), insert –

“(d) paragraph 1 of Schedule 4 to the *Communications Act 2018*.”

(c) for sub-paragraph (3) substitute –

“(3) The rights conferred by this Act are not infringed by –

(a) the use by the Office of Communications (“OFCOM”), in connection with the performance of any of their functions under the said Act of 1990 or the said Act of 1996, of any recording, script or transcript which is provided to them under or by virtue of any provision of those Acts;

(b) the use by OFCOM, in connection with any complaint made to them under the said Act of 1996 of any recording or transcript which is provided to them in accordance with section 115(4) or (6) or 116(5) of that Act; or

(c) the making or use of recordings by the Communications Commission for the purpose of maintaining supervision over the programmes included in licensed services within

the meaning of the *Communications Act 2018*, or by the licence holder in pursuance of a condition included in a licence under the *Communications Act 2018* for that purpose.”

(d) after sub-paragraph (3), insert —

“(4) The rights conferred by this Act are not infringed by the use by the appropriate regulatory authority designated under paragraph 1 of Schedule 4 to the *Communications Act 2018*, in connection with the performance of any of its functions under that Act, of any recording, script or transcript which is provided to it under or by virtue of any provision of that Act.

(5) In this paragraph “on-demand programme service” has the same meaning as in the *Communications Act 2018* (see paragraph 1 of Schedule 4 to that Act).”.

Post Office Act 1993

68. In section 10(5) (exclusive privilege with respect to conveyance of letters), in paragraph (c) of the definition of “letter”, for “telecommunication system” substitute “electronic communications network”.

69. In section 58 (interpretation) —

(a) omit the definition of “public telecommunications operator”;

(b) omit the definition of “telecommunication system”;

(c) after the definition of “the Department” insert —

““**electronic communications network**” has the same meaning as in the *Communications Act 2018*;”

(d) in paragraph (a) of the definition of “telepost service”, for “a telecommunication system” substitute “an electronic communications network”;

(e) in paragraphs (b) and (c) of the definition of “telepost service” for “system” wherever occurring substitute “network”.

Public Health Act 1990

70. For section 14(2)(c) (noise in streets) substitute —

“(c) if the loudspeaker forms part of a public electronic communications network (within the meaning of the *Communications Act 2018*);”

Race Relations Act 2004

71. In section 4(6) (discriminatory adverts), for “telecommunications” substitute “electronic communications”.

Radio Masts Regulation Act 1988

72. In section 1(1) (prohibition on erection, use, etc of radio masts), for “Telecommunications Commission” substitute “Communications Commission”.

Regulation of Surveillance etc. Act 2006

73. In section 3(5) (“surveillance” and “covert surveillance”), for “telecommunication system” substitute “electronic communications network”.

Rehabilitation of Offenders Act 2001

74. In section 3(7) (spent convictions: offence to publish or broadcast), for “telecommunications system” substitute “electronic communications network”.

Retirement Benefits Schemes Act 2000

75. In section 54 (interpretation – general), in the definition of “advertisement”, for “telecommunications” substitute “electronic communications”.

Sexual Offences Act 1992

76. In paragraph 9(2) of Schedule 2 (anonymity in rape cases), for “relevant programme” substitute –

“**relevant programme**” means a programme included in a programme service (within the meaning of the *Communications Act 2018*);”

Summary Jurisdiction Act 1989

77. In section 114(1) (interpretation), for the definition of “relevant programme” substitute –

“**relevant programme**” means a programme included in a programme service (within the meaning of the *Communications Act 2018*);”

Value Added Tax Act 1996

78. In section 58B(7) (power to provide for use of electronic communications), for the definition of “electronic communications” substitute –

““electronic communications” includes any communications by means of an electronic communications network (within the meaning of the *Communications Act 2018*);”

79. In schedule 10 (exemptions), in note (1) to Group 11 (fund-raising events by charities and other qualifying bodies), for the words “For this purpose “electronic communications” includes any communications by means of a telecommunication system (within the meaning of the *Telecommunications Act 1984*).” substitute –

“For this purpose “electronic communications” includes any communications by means of an electronic communications network (within the meaning of the *Communications Act 2018*).”

Video Recordings Act 1995

80. In section 8(8) (exempted supplies), for “(within the meaning of Part I of the *Broadcasting Act 1993*)” substitute “(within the meaning of the *Communications Act 2018*)”.

Water Act 1991

81. For section 38 (works affecting telecommunications apparatus) substitute —

“38 Works affecting electronic communications apparatus

Paragraph 24 (undertaker’s works) of the electronic communications code contained in Schedule 5 to the *Communications Act 2018* applies to the Authority for the purposes of any works the execution of which is authorised by this Act.”

82. In section 46 (interpretation), at the appropriate point in the alphabetical list insert the following —

“**“conduit system”** has the same meaning as in the electronic communications code;

“**“electronic communications apparatus”** has the same meaning as in the *Communications Act 2018*;

“**“electronic communications code”** has the same meaning as in the *Communications Act 2018*;

“**“electronic communications code network”** means so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a designation under section 89 of the *Communications Act 2018*;

“**“electronic communications code operator”** means a person in whose case the electronic communications code is applied by a designation under section 89 of the *Communications Act 2018*;

“**“electronic communications network”** has the same meaning as in the *Communications Act 2018*.”

83. In Schedule 5 (water supply: miscellaneous provisions) —

- (a) for paragraph 19(2)(a) (installation of meters) substitute —

“(a) any electronic communications apparatus kept installed for the purposes of an electronic communications code network, except in accordance with and subject to the provisions of the electronic communications code;”

- (b) in paragraph 19(3), for “*Telecommunications Act 1984*” substitute “*Communications Act 2018*”.