



Jersey

# **COMMUNICATIONS (JERSEY) ORDER 2020**

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**APPENDIX**



Jersey

# COMMUNICATIONS (JERSEY) ORDER 2020

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Jersey

L.4/2020

## COMMUNICATIONS (JERSEY) ORDER 2020

*Made by Her Majesty in Council**20th May 2020**Registered by the Royal Court**29th May 2020**Coming into force**1st June 2020*

**HER MAJESTY**, in exercise of the powers conferred by section 411(6) of the Communications Act 2003 and section 119(7) and (8) of the Digital Economy Act 2017, is pleased, by and with the advice of Her Privy Council, to order as follows –

### **1 Citation, commencement and interpretation**

- (1) This Order may be cited as the Communications (Jersey) Order 2020.
- (2) This Order comes into force on 1st June 2020.
- (3) In this Order –
  - “the 2003 Act” means the Communications Act 2003;
  - “the 2017 Act” means the Digital Economy Act 2017.

### **2 Extension of amendments to the 2003 Act to Jersey**

The amendments of the 2003 Act made by section 89 of the 2017 Act extend to Jersey.

**RICHARD TILBROOK**

*Clerk of the Privy Council*

**SCHEDULE**

(Article 2)

**DIGITAL ECONOMY ACT 2017****2017 CHAPTER 30****TABLE OF CONTENTS****PARTS 1–5**

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89	TV licence fee concessions by reference to age					
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## ELIZABETH II



## DIGITAL ECONOMY ACT 2017

## 2017 CHAPTER 30

**AN ACT** to make provision about electronic communications infrastructure and services; to provide for restricting access to online pornography; to make provision about protection of intellectual property in connection with electronic communications; to make provision about data-sharing; to make provision in connection with section 68 of the Telecommunications Act 1984; to make provision about functions of OFCOM in relation to the BBC; to provide for determination by the BBC of age-related TV licence fee concessions; to make provision about the regulation of direct marketing; to make other provision about OFCOM and its functions; to make provision about internet filters; to make provision about preventing or restricting the use of communication devices in connection with drug dealing offences; to confer power to create an offence of breaching limits on ticket sales; to make provision about the payment of charges to the Information Commissioner; to make provision about payment systems and securities settlement systems; to make provision about qualifications in information technology; and for connected purposes.

[27th April 2017]

**BE IT ENACTED** by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows –

## PARTS 1–5

\* \* \* \* \*

## PART 6

## MISCELLANEOUS

82–88 \* \* \* \* \*

**89 TV licence fee concessions by reference to age**

- (1) The Communications Act 2003 is amended as follows.
- (2) Section 365 (TV licence fees) is amended as follows.
- (3) After subsection (1) insert –
 

“(1A) Liability to pay a sum under regulations under subsection (1) is subject to any concession applying in accordance with a determination by the BBC under section 365A.”
- (4) In subsection (4)(a) after “concession” insert “provided for by the regulations”.

- (5) In subsection (5) for “The reference to a concession in subsection (4)” substitute “A reference in this section or section 365A to a concession”.
- (6) After subsection (5) insert –
  - “(5A) Regulations under this section may not provide for a concession that requires the person to whom the TV licence is issued, or another person, to be of or above a specified age, unless –
    - (a) the age specified is below 65, and
    - (b) the requirement is not satisfied if the person concerned is 65 or over at the end of the month in which the licence is issued.
  - (5B) Subsection (5A) does not apply to –
    - (a) the concession provided for by regulation 3(d) of and Schedule 4 to the Communications (Television Licensing) Regulations 2004 (S.I. 2004/692) (accommodation for residential care), or
    - (b) a concession in substantially the same form.”
- (7) After section 365 insert –

**“365A TV licence fee concessions by reference to age**

- (1) For the purposes of section 365(1A) the BBC may determine that a concession in specified terms is to apply.
- (2) Any concession under this section must include a requirement that the person to whom the TV licence is issued, or another person, is of or above a specified age, which must be 65 or higher, at or before the end of the month in which the licence is issued.
- (3) A determination under this section –
  - (a) may in particular provide for a concession to apply, subject to subsection (2), in circumstances where a concession has ceased to have effect by virtue of section 365(5A), but
  - (b) may not provide for a concession to apply in the same circumstances as a concession within section 365(5B).
- (4) A determination under this section may include provision for the means by which an entitlement to a concession must be established.
- (5) A determination under this section –
  - (a) may make different provision for different cases (including different provision in respect of different areas);
  - (b) may include transitional provision.
- (6) A determination under this section –
  - (a) must be in writing;
  - (b) must be published in whatever way the BBC considers appropriate.
- (7) The BBC –
  - (a) may vary a determination by a further determination under this section;
  - (b) may determine that a concession is to cease to apply (and accordingly revoke a determination under this section).
- (8) Before making, varying or revoking a determination the BBC must consult any persons it considers appropriate.”

**90–116** \* \* \* \* \*

**PART 7**

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**SCHEDULES 1–9**

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