



Jersey

**REGULATION OF INVESTIGATORY
POWERS (BRITISH BROADCASTING
CORPORATION) (JERSEY)
REGULATIONS 2008**

Official Consolidated Version

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Contents

Regulation

1	Interpretation	3
2	Application of Part 3 of the Law to the detection of television receivers	3
3	Modification of Part 3 of the Law when applied to the detection of television receivers	3
4	Citation	6

ENDNOTES **7**

Table of Legislation History.....	7
Table of Endnote References.....	7



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THE STATES, in pursuance of Article 42 of the [Regulation of Investigatory Powers \(Jersey\) Law 2005](#), have made the following Regulations –

Commencement [[see endnotes](#)]

1 Interpretation

In these Regulations –

“the detection of television receivers” means the surveillance described in Regulation 2;

“Law” means the [Regulation of Investigatory Powers \(Jersey\) Law 2005](#).

2 Application of Part 3 of the Law to the detection of television receivers

Part 3 of the Law shall apply to surveillance which –

- (a) is carried out by means of apparatus designed or adapted for the purpose of detecting the installation or use, in any residential or other premises, of a television receiver within the meaning of section 368 of the Communications Act 2003 as extended to Jersey by the Broadcasting and Communications (Jersey) Order 2004; and
- (b) is carried out from outside those premises exclusively for that purpose.

3 Modification of Part 3 of the Law when applied to the detection of television receivers

In its application to the detection of television receivers, Part 3 of the Law shall have effect with the following modifications –

- (a) the omission of Articles 34 to 39;
- (b) the insertion after Article 33 of the following Article –

“33A Authorization of detection of television receivers

- (1) Subject to the following provisions of this Part, the persons designated for the purposes of this Article shall each have power to grant authorizations for the detection of television receivers, that is to say, surveillance which –
 - (a) is carried out by means of apparatus designed or adapted for the purpose of detecting the installation or use in any residential or other premises of a television receiver (within the meaning of section 368 of the 2003 Act); and
 - (b) is carried out from outside those premises exclusively for that purpose.
- (2) The persons designated for the purposes of this Article are –
 - (a) any person holding the position of head of sales or head of marketing within the Television Licence Management Unit of the British Broadcasting Corporation; and
 - (b) any person holding a position within that Unit which is more senior than the positions mentioned in sub-paragraph (a).
- (3) A person shall not grant an authorization for the detection of television receivers unless he or she believes –
 - (a) that the authorization is necessary –
 - (i) for the purpose of preventing or detecting crime constituting an offence under section 363 of the 2003 Act, or
 - (ii) for the purpose of assessing or collecting sums payable to the British Broadcasting Corporation under regulations made under section 365 of the 2003 Act; and
 - (b) that the authorized surveillance is proportionate to what is sought to be achieved by carrying it out.
- (4) The conduct that is authorized by an authorization for the detection of television receivers is any conduct that –
 - (a) consists in the carrying out of the detection of television receivers; and
 - (b) is carried out by the persons described in the authorization in the circumstances described in the authorization.
- (5) In this Article “2003 Act” means the Communications Act 2003 as extended to Jersey by the Broadcasting and Communications (Jersey) Order 2004.”;
- (c) the substitution for Article 40 of the following Article –

“40 General rules for grant, renewal and duration of authorizations of detection of television receivers

- (1) An authorization under this Part must be in writing.
- (2) Subject to paragraph (3), an authorization under this Part shall cease to have effect–
 - (a) in the case of an authorization which has not been renewed and in which is specified a period of less than 8 weeks beginning with the

- day on which the grant of the authorization takes effect, at the end of that period;
 - (b) in the case of an authorization which has not been renewed and to which sub-paragraph (a) does not apply, at the end of the period of 8 weeks beginning with the day on which the grant of the authorization takes effect;
 - (c) in the case of an authorization which has been renewed, and in which, when granted, a period of less than 8 weeks beginning with the day on which the grant of the authorization takes effect was specified, at the end of a period of the same length beginning with the day on which the latest renewal takes effect;
 - (d) in the case of an authorization which has been renewed, and to which sub-paragraph (c) does not apply, at the end of the period of 8 weeks beginning with the day on which the latest renewal takes effect.
- (3) An authorization under this Part may be renewed, at any time before the time at which it ceases to have effect, by the person who would be entitled to grant a new authorization in the same terms.
 - (4) Article 33A shall have effect in relation to the renewal of an authorization under this Part as if references to the grant of an authorization included references to its renewal.
 - (5) References in this Article to the time at which, or the day on which, the grant or renewal of an authorization takes effect are references –
 - (a) in the case of the grant of an authorization, to the time at which or, as the case may be, day on which the authorization is granted;
 - (b) in the case of the renewal of an authorization, to the time at which or, as the case may be, day on which the authorization would have ceased to have effect but for the renewal.”;
 - (d) the substitution for Article 41 of the following Article –

“41 Cancellation of authorizations of detection of television receivers

- (1) The person who granted or, as the case may be, last renewed an authorization under this Part shall cancel it if he or she is satisfied that the authorization is one in relation to which the requirements of Article 33A(3)(a) and (b) are no longer satisfied.
- (2) Where any duty imposed by paragraph (1) would otherwise fall on a person who is no longer available to perform it, that duty is to be performed by –
 - (a) the person, if any, appointed for the purpose of this paragraph in accordance with paragraph (3);
 - (b) where no such person has been appointed, the person (if any) holding a position within the British Broadcasting Corporation who has taken over the responsibilities of the person who is no longer available, or most of them.
- (3) The person making an appointment for the purposes of paragraph (2), and the person appointed, must each be –

- (a) a person designated for the purposes of Article 33A; or
- (b) a person holding a more senior position within the British Broadcasting Corporation than was held by the person who is no longer available.”.

4 Citation

These Regulations may be cited as the Regulation of Investigatory Powers (British Broadcasting Corporation) (Jersey) Regulations 2008.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Regulation of Investigatory Powers (British Broadcasting Corporation) (Jersey) Regulations 2008	R&O.68/2008	10 June 2008

Table of Endnote References

There are currently no endnote references