



Jersey

**MARINE, &C., BROADCASTING
(OFFENCES) (JERSEY) ORDER
1967**

JERSEY
REVISED EDITION OF THE LAWS
19.240

APPENDIX

Jersey Order in Council 21/1967 Marine, &c., Broadcasting (Offences) (Jersey) Order, 1967

À LA COUR ROYALE DE L'ÎLE DE JERSEY.

L'An 1967, le 15e jour de septembre.

MONSIEUR LE BAILLI ayant présenté à la Cour un Ordre de Sa Très Excellente Majesté en Conseil en date du 23 août 1967, fait en vertu de l'alinéa 10(1) de l'Acte de Parlement intitulé "The Marine, &c., Broadcasting (Offences) Act, 1967", ledit Ordre intitulé : -

"The Marine, &c., Broadcasting (Offences) (Jersey) Order, 1967" ;

Lecture en ayant été donnée :

LA COUR, conformément aux conclusions de l'Avocat Général de la Reine, a ordonné que ledit Ordre soit enregistré sur les records de cette Ile et publié par l'Officier au lieu ordinaire à jour de marché, afin que toutes personnes puissent en avoir connaissance.

P.E. LE COUTEUR,

Greffier Judiciaire.

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1967*

MARINE, &c., BROADCASTING (OFFENCES) (JERSEY) ORDER, 1967.

At the Court at Balmoral.

The 23rd day of August, 1967.

Present,

The Queen's Most Excellent Majesty in Council.

HER MAJESTY, in pursuance of section 10(1) of the Marine, &c., Broadcasting (Offences) Act, 1967, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows : -

1. The Marine, &c., Broadcasting (Offences) Act, 1967 shall extend to the Bailiwick of Jersey with the exceptions, adaptations and modifications specified in the Schedule to this Order.

2. This Order may be cited as the Marine, &c., Broadcasting (Offences) (Jersey) Order, 1967 and shall come into operation on 1st September, 1967.

W.G. AGNEW

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF THE MARINE, &C., BROADCASTING (OFFENCES) ACT, 1967 TO JERSEY

1. The words "Bailiwick of Jersey" shall be substituted for the words "United Kingdom" in the following places where the latter words occur, that is to say, sections 1(1) (first and third places), 2(1), 4(1)(a) (first and third places), 4(2), 5(1)(a) (first and third places), 5(2), 9(1) (in the definitions of "external waters" and "the high seas") and 9(2) (first place) ; and in section 6(3) the word "Jersey" shall be substituted for the words "any place in the United Kingdom".

2.-(1) For section 6(1) there shall be substituted the following subsection : -

"(1) A person guilty of an offence under this Act shall be liable to imprisonment for a term not exceeding two years or to a fine or to both."

(2) For section 6(4) there shall be substituted the following subsection : -

"(4) Proceedings for an offence under this Act shall be taken before the Royal Court and may be instituted at any time after the commission of the offence."

(3) In section 6(5) the words from "in England" to "in Northern Ireland" and the words "for Northern Ireland" shall be omitted.

(4) For section 6(6) there shall be substituted the following subsection : -

"(6) A member of the Honorary Police of a parish and a member of the States of Jersey Police Force shall, for the purpose of the enforcement of this Act, have in external waters all the powers, protection and privileges which each has respectively in that parish and in any parish whilst at the disposal of the Honorary Police thereof under the Police Force (Jersey) Law, 1951."

(5) Section 6(8) shall be omitted.

3. In section 9(1) at the end of the definition of "wireless telegraphy" there shall be added the words "as extended to Jersey by the Wireless Telegraphy (Channel Islands) Order, 1952".

4. Section 11(2) shall be omitted.

MARINE, &c., BROADCASTING (OFFENCES) ACT, 1967.

CHAPTER 41

ARRANGEMENT OF SECTIONS.

Section

1. Prohibition of broadcasting from ships and aircraft.
2. Prohibition of broadcasting from marine structures.
3. Prohibition of acts connected with broadcasting from certain ships and aircraft, and from marine structures outside United Kingdom.
4. Prohibition of acts facilitating broadcasting from ships, aircraft, &c.
5. Prohibition of acts relating to matter broadcast from ships, aircraft, &c.
6. Penalties and legal proceedings.
7. Special defence available in proceedings for carrying goods or persons in contravention of section 4.
8. Saving for things done under wireless telegraphy licence.
9. Interpretation.
10. Power to extend Act to Isle of Man and Channel Islands.
11. Short title and commencement.



1967 CHAPTER 41

AN ACT to suppress broadcasting from ships, aircraft and certain marine structures.

[14th July, 1967]

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 : -²

PROHIBITION OF BROADCASTING FROM SHIPS AND AIRCRAFT

1.-(1) It shall not be lawful for a broadcast to be made from a ship or aircraft while it is in or over the [Bailiwick of Jersey] or external waters, nor shall it be lawful for a broadcast to be made from a ship registered in the United Kingdom, the Isle of Man or any of the Channel Islands or an aircraft so registered while the ship or aircraft is elsewhere than in or over the [Bailiwick of Jersey] or external waters.

(2) If a broadcast is made from a ship in contravention of the foregoing subsection, the owner of the ship, the master of the ship and every person who operates, or participates in the operation of, the apparatus by means of which the broadcast is made shall be guilty of an offence ; and if a broadcast is made from an aircraft in contravention of that subsection, the operator of the aircraft, the commander of the aircraft and every person who operates, or participates in the operation of, the apparatus by means of which the broadcast is made shall be guilty of an offence.

(3) A person who procures the making of a broadcast in contravention of subsection (1) above shall be guilty of an offence.

(4) In subsection (2) above –

- (a) “master”, in relation to a ship, includes any other person (except a pilot) having command or charge of the ship ;
- (b) “operator”, in relation to an aircraft, means the person for the time being having the management of the aircraft.

PROHIBITION OF BROADCASTING FROM MARINE STRUCTURES

2.-(1) It shall not be lawful for a broadcast to be made from –

² Deletions and words in brackets indicate adaptations and modifications made by the Marine, &c., Broadcasting (Offences) (Jersey) Order, 1967.

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- (a) a structure in external waters or in tidal waters in the [Bailiwick of Jersey], being a structure affixed to, or supported by, the bed of those waters and not being a ship ; or
- (b) any other object in such waters, being neither a structure affixed or supported as aforesaid nor a ship or aircraft ;

and if a broadcast is made in contravention of the foregoing provision, every person who operates, or participates in the operation of, the apparatus by means of which the broadcast is made shall be guilty of an offence.

(2) A person who procures the making of a broadcast in contravention of the foregoing subsection shall be guilty of an offence.

PROHIBITION OF ACTS CONNECTED WITH BROADCASTING FROM CERTAIN SHIPS AND AIRCRAFT, AND FROM MARINE STRUCTURES OUTSIDE UNITED KINGDOM

3.-(1) If a broadcast is made –

- (a) from a ship other than one registered in the United Kingdom, the Isle of Man or any of the Channel Islands while the ship is on the high seas ; or
- (b) from an aircraft other than one so registered while the aircraft is on or over the high seas ; or
- (c) from a structure on the high seas, being a structure affixed to, or supported by, the bed of those seas and not being a ship ; or
- (d) from any other object on those seas, being neither a structure affixed or supported as aforesaid nor a ship or aircraft ;

any of the persons mentioned in subsection (3) below who operates, or participates in the operation of, the apparatus by means of which the broadcast is made shall be guilty of an offence.

(2) A person who procures a broadcast to be made as mentioned in the foregoing subsection shall be guilty of an offence.

(3) The persons referred to in subsection (1) above are the following, namely : -

- (a) a citizen of the United Kingdom and colonies ;
- (b) a British subject by virtue of section 2 of the British Nationality Act, 1948 (continuance of certain citizens of the Republic of Ireland, therein referred to as Eire, as British subjects) ;
- (c) a British subject without citizenship by virtue of section 13 or section 16 of that Act (which relate respectively to British subjects whose citizenship has not been ascertained at the commencement of that Act and to persons who had ceased to be British on loss of British nationality by a parent) ;
- (d) a British subject by virtue of the British Nationality Act, 1965 ; and

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- (e) a British protected person (within the meaning of the British Nationality Act, 1948).

PROHIBITION OF ACTS FACILITATING BROADCASTING FROM SHIPS, AIRCRAFT, &C

4.-(1) A person who does any of the acts mentioned in subsection (3) below, while satisfying the condition as to knowledge or belief mentioned in the case of that act, shall be guilty of an offence if –

- (a) he does the act in the [Bailiwick of Jersey] or external waters or in a ship registered in the United Kingdom, the Isle of Man or any of the Channel Islands or an aircraft so registered while the ship or aircraft is elsewhere than in or over the [Bailiwick of Jersey] or external waters ; or
- (b) being a person mentioned in section 3(3) of this Act, he does the act on or over the high seas.

(2) A person who, in the [Bailiwick of Jersey] procures another person to do, outside the [Bailiwick of Jersey] anything which, if it had been done in the [Bailiwick of Jersey] by the last-mentioned person, would have constituted an offence under the foregoing subsection, shall be guilty of an offence.

(3) The acts, and conditions as to knowledge or belief, referred to in subsection (1) above are the following, namely : -

- (a) furnishing or agreeing to furnish to another a ship or aircraft knowing, or having reasonable cause to believe, that broadcasts are to be made from it in contravention of section 1(1) of this Act or while it is on or over the high seas ;
- (b) carrying or agreeing to carry in a ship or aircraft wireless telegraphy apparatus knowing, or having reasonable cause to believe, that by means thereof broadcasts are to be made from the ship or aircraft as aforesaid ;
- (c) supplying to, or installing in, a ship or aircraft wireless telegraphy apparatus knowing, or having reasonable cause to believe, that by means thereof broadcasts are to be made from the ship or aircraft as aforesaid ;
- (d) supplying any wireless telegraphy apparatus for installation on or in, or installing any such apparatus on or in, any structure or other object (not being, in either case, a ship or aircraft) knowing, or having reasonable cause to believe, that by means of that apparatus broadcasts are to be made from the object in contravention of section 2(1) of this Act or while the object is on the high seas ;
- (e) repairing or maintaining any wireless telegraphy apparatus knowing, or having reasonable cause to believe, that, by means thereof, broadcasts are made, or are to be made, in contravention of section 1(1) or 2(1) of this Act or as mentioned in section 3(1) of this Act ;
- (f) knowing, or having reasonable cause to believe, in the case of a ship or aircraft, that broadcasts are made, or are to be made, from it in contravention of section 1(1) of this Act or while it is on or over the high seas –

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- (i) supplying any goods or materials for its operation or maintenance, for the operation or maintenance of wireless telegraphy apparatus installed therein or for the sustentation or comfort of the persons on board of it ;
 - (ii) carrying by water or air goods or persons to or from it ;
 - (iii) engaging a person as an officer or one of the crew of it ;
- (g) knowing, or having reasonable cause to believe, in the case of a structure or other object (not being, in either case, a ship or aircraft), that broadcasts are made, or are to be made, from it in contravention of section 2(1) of this Act or while it is on the high seas –
- (i) supplying any goods or materials for its maintenance, for the operation or maintenance of wireless telegraphy apparatus installed therein or thereon or for the sustentation or comfort of the persons therein or thereon ;
 - (ii) carrying by water or air goods or persons thereto or therefrom ;
 - (iii) engaging a person to render services therein or thereon.

PROHIBITION OF ACTS RELATING TO MATTER BROADCAST FROM SHIPS,
AIRCRAFT, &C

5.-(1) A person who does any of the acts mentioned in subsection (3) below, and, if any intent or circumstances is or are specified in relation to the act, does it with that intent or in those circumstances, shall be guilty of an offence if –

- (a) he does the act in the [Bailiwick of Jersey] or external waters or in a ship registered in the United Kingdom, the Isle of Man or any of the Channel Islands or an aircraft so registered while the ship or aircraft is elsewhere than in or over the [Bailiwick of Jersey] or external waters ; or
- (b) being a person mentioned in section 3(3) of this Act, he does the act on or over the high seas.

(2) A person who, in the [Bailiwick of Jersey], procures another person to do, outside the [Bailiwick of Jersey], anything which, if it had been done in the [Bailiwick of Jersey] by the last-mentioned person, would have constituted an offence under the foregoing subsection, shall be guilty of an offence.

(3) The acts, and, where relevant, the intent and circumstances, referred to in subsection (1) above are the following namely : -

- (a) supplying a cinematograph film or a record with intent that a broadcast of the film or, as the case may be, the recording embodied in the record may be made in contravention of section 1(1) or 2(1) of this Act or as mentioned in section 3(1) thereof ;
- (b) making a literary, dramatic or musical work with intent that a broadcast of the work may be made as aforesaid ;
- (c) making an artistic work with intent that the work may be included in a television broadcast made as aforesaid ;

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- (d) participating in a broadcast made as aforesaid, being actually present as an announcer, as a performer or one of the performers concerned in an entertainment given, or as the deliverer of a speech ;
- (e) advertising by means of a broadcast made as aforesaid or inviting another to advertise by means of a broadcast to be so made ;
- (f) publishing the times or other details of any broadcasts which are to be so made, or (otherwise than by publishing such details) publishing an advertisement of matter calculated to promote, directly or indirectly, the interests of a business whose activities consist in or include the operation of a station from which broadcasts are or are to be so made.

(4) For the purposes of this section if, by means of a broadcast made in contravention of section 1(1) or 2(1) of this Act or as mentioned in section 3(1) thereof, it is stated, suggested or implied that any entertainment of which a broadcast is so made has been supplied by, or given at the expense of, a person, he shall, unless he proves that it was not so supplied or given, be deemed thereby to have advertised.

(5) For the purposes of this section advertising by means of a broadcast shall be deemed to take place as well wherever the broadcast is received as where it is made.

(6) In this section "speech" includes lecture, address and sermon, and references in this section to a cinematograph film, a record and a literary, dramatic, musical or artistic work shall be construed in like manner as references thereto in the Copyright Act, 1956.

PENALTIES AND LEGAL PROCEEDINGS

6.-(1) A person guilty of an offence under this Act shall be liable to imprisonment for a term not exceeding two years or to a fine, or to both.]

(2) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against accordingly.

(3) Proceedings for an offence under this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, in [Jersey].

[(4) Proceedings for an offence under this Act shall be taken before the Royal Court and may be instituted at any time after the commission of the offence.]

(5) Proceedings for an offence under this Act shall not * * * * * be instituted otherwise than by or on behalf of the Attorney General * * * * ; but this shall not prevent the issue or execution of a warrant for the arrest of any person in respect of such an offence or the remanding in custody or on bail of any person charged with such an offence.

[(6) A member of the Honorary Police of a parish and a member of the States of Jersey Police Force shall, for the purpose of the enforcement of this Act, have in external waters all the powers, protection and privileges which each has respectively in that parish and

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in any parish whilst at the disposal of the Honorary Police thereof under the Police Force (Jersey) Law, 1951.^{3]}

(7) In this section “director” in relation to a body corporate established by or under an enactment for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

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SPECIAL DEFENCE AVAILABLE IN PROCEEDINGS FOR CARRYING GOODS OR PERSONS IN CONTRAVENTION OF SECTION 4

7.-(1) In any proceedings against a person for an offence under section 4 of this Act consisting in the carriage of goods or persons to or from a ship or aircraft it shall be a defence for him to prove –

- (a) that the ship or aircraft was, or was believed to be, wrecked, stranded or in distress, and that the goods or persons carried were carried for the purpose of preserving the ship or aircraft, or its cargo or apparel, or saving the lives of persons on board of it ; or
- (b) that a person on board of the ship or aircraft was, or was believed to be, suffering from hurt, injury or illness, and that the goods or persons were carried for the purpose of securing that the necessary surgical or medical advice and attendance were rendered to him.

(2) In any proceedings against a person for an offence under section 4 of this Act consisting in the carriage of goods or persons to or from an object other than a ship or aircraft it shall be a defence for him to prove –

- (a) that the object was, or was believed to be, unsafe, and that the goods or persons carried were carried for the purpose of saving the lives of persons therein or thereon ; or
- (b) that a person therein or thereon was, or was believed to be, suffering from hurt, injury or illness, and that the goods or persons were carried for the purpose of securing that the necessary surgical or medical advice and attendance were rendered to him.

(3) In any proceedings against a person for an offence under section 4 of this Act consisting in the carriage of a person to or from a ship or aircraft or to or from an object other than a ship or aircraft, it shall be a defence for him to prove that the person carried was visiting the ship, aircraft or object, as the case may be, for the purpose of exercising or performing any power or duty conferred or imposed on him by law.

(4) The references in subsections (1)(a) and (2)(a) above to persons having been carried for the purpose of saving lives shall not be construed so as to exclude the persons whose lives it was the purpose to save and the references in subsections (1)(b) and (2)(b) above to persons having been carried as therein mentioned shall not be construed so as to exclude the person who was, or was believed to be, suffering as so mentioned.

SAVING FOR THINGS DONE UNDER WIRELESS TELEGRAPHY LICENCE

³ Tome 1951–1953, page 59.

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8. Nothing in this Act shall render it unlawful to do anything under and in accordance with a wireless telegraphy licence, or to procure anything to be so done.

INTERPRETATION

9.-(1) In this Act –

“broadcast” means a broadcast by wireless telegraphy of sounds or visual images intended for general reception (whether the sounds or images are actually received by any person or not), but does not include a broadcast consisting in a message or signal sent in connection with navigation or for the purpose of securing safety ;

“external waters” means the whole of the sea adjacent to the [Bailiwick of Jersey] which is within the seaward limits of the territorial waters adjacent thereto ;

“the high seas” means the seas outside the seaward limits of the territorial waters adjacent to the [Bailiwick of Jersey] or to any country or territory outside the [Bailiwick of Jersey] ;

“ship” includes every description of vessel used in navigation ;

“wireless telegraphy”, “wireless telegraphy apparatus” and “wireless telegraphy licence” have the same meanings respectively as in the Wireless Telegraphy Act, 1949, [as extended to Jersey by the Wireless Telegraphy (Channel Islands) Order, 1952.⁴]

(2) For the purposes of this section, the seaward limits of the territorial waters adjacent to the [Bailiwick of Jersey] shall be determined by reference to the baseline established by the Territorial Waters Order in Council 1964 or by any subsequent Order of Her Majesty made in Council under Her royal prerogative for establishing the baseline from which the breadth of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man is measured.

POWER TO EXTEND ACT TO ISLE OF MAN AND CHANNEL ISLANDS

10.-(1) Her Majesty may by Order in Council direct that this Act shall extend to the Isle of Man or any of the Channel Islands, with such exceptions, adaptations and modifications as may be specified in the Order.

(2) An Order in Council under this section may be varied or revoked by a subsequent Order of Her Majesty in Council.

SHORT TITLE AND COMMENCEMENT

11.-(1) This Act may be cited as the Marine, &c., Broadcasting (Offences) Act, 1967.

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⁴ Tome 1951–1953, page 401.