

Statutory Document No. 2022/0016

*Communications Act 2021*

COMMUNICATIONS ACT 2021 (APPOINTED DAY) (NO. 1) ORDER 2022

*Laid before Tynwald:**15 February 2022*

The Council of Ministers makes the following Order under section 2 of the Communications Act 2021.

1 Title

This Order is the Communications Act 2021 (Appointed Day) (No. 1) Order 2022.

2 Commencement of provisions

The following provisions of the Communications Act 2021 (“the 2021 Act”) come into operation on 1 February 2022 —

sections 3, 4 and 7;

section 8(1), (2), (3), (5) and (6), and section 8(4) in so far as it commences paragraphs 1 to 3 of Schedule 1;

section 10(1);

section 11(1), (2), (8) and (9);

sections 12 and 13;

sections 15 to 35;

sections 69 to 125;

sections 130 to 139;

section 140 except in relation to a decision under section 50, 127, 128 or 129;

sections 142 to 151;

section 154(1) in so far as it commences Schedule 9, except paragraph 2 to that Schedule, and section 154(2)(a) and (3);

paragraphs 1, 2 and 3 of Schedule 1;

Schedules 5, 6, 7 and 8;

Schedule 9, except paragraph 2.

3 Amendments incidental to the renaming of the Communications Commission

Following the renaming of the Communications Commission by article 2 of the Communications Commission Order 1989¹, the 2021 Act is amended as follows —

- (a) for “the Communications Commission” in every place where it appears (except in the definition of “the Commission”), substitute **the Communications and Utilities Regulatory Authority**;
- (b) for “the Commission” in every place where it appears, substitute **the Authority**;
- (c) for “the Commission’s” in every place where it appears, substitute **the Authority’s**;
- (d) in section 3(2) —
 - (i) omit the definition of “the Commission”;
 - (ii) after the definition of “associate” insert —

“the Authority” means the body established originally as the Telecommunications Commission by the *Telecommunications Commission Order 1985*², renamed and continued in being by the *Communications Commission Order 1989*³ and continued by section 8 (Communications and Utilities Regulatory Authority);

4 Amendments incidental to the repeal of the Data Protection Act 2002

- (1) In section 139(4) for “the *Data Protection Act 2018*” substitute **data protection legislation** (within the meaning of regulation 5(1) of the GDPR and LED Implementing Regulations 2018⁴, as they have effect from time to time).
- (2) In section 148(3) for “the *Data Protection Act 2002*” substitute **data protection legislation** (within the meaning of regulation 5(1) of the GDPR and LED Implementing Regulations 2018, as they have effect from time to time).

5 Continuation of licences granted before commencement of Communications Act 2021

A licence granted under section 5 of the Telecommunications Act 1984 (power to license systems) that is still in force immediately upon the commencement of section 17 (grant of licence) of the 2021 Act (“Telecommunications Act licence”) —

- (a) is deemed to be a licence granted under section 17 of the 2021 Act; and

¹ GC 74/89, amended by SD 2020/0550.

² GC 57/85.

³ GC 74/89.

⁴ SD 2018/0145.

- (b) remains in force until the date on which –
- (i) the Authority grants a licence under section 17 (grant of licences) or 18 (grant of class licences) of the 2021 Act to the holder of that Telecommunications Act licence in substitution for that Telecommunications Act licence;
 - (ii) that Telecommunications Act licence expires;
 - (iii) that Telecommunications Act licence is surrendered; or
 - (iv) that Telecommunications Act licence is revoked under section 136 (power to suspend or revoke an electronic communications licence) or section 137 (power to revoke a class licence) of the 2021 Act,
- whichever is the earlier.

MADE **31 JANUARY 2022**

W GREENHOW
Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the sections of the Communications Act 2021 that are listed in *article 2*.

Sections 1, 2, 9, 152 and 153 came into force when the Communications Act 2021 was passed.

The Communications and Utilities Regulatory Authority Order (SD 2020/0550) amended the Communications Commission Order 1989 to rename the Communications Commission as the Communications and Utilities Regulatory Authority. *Article 3* makes incidental amendments to the Communications Act 2021 so that all references to “the Communications Commission” or “the Commission” are changed to “the Communications and Utilities Regulatory Authority” or “the Authority”.

Article 4 updates the reference in section 139(4) to the Data Protection Act 2018, and in section 148(3) to the (now repealed) Data Protection Act 2002, so that the references are now to data protection legislation (within the meaning of regulation 5(1) of the GDPR and LED Implementing Regulations 2018, as they have effect from time to time).

Article 5 makes a savings provision in relation to all licences that were granted under the Telecommunications Act 1984 so that any such licences that are still in force immediately before the commencement of section 17 of the Communications Act 2021 are deemed to have been granted under that section.