STATUTORY INSTRUMENTS

2017 No. 1285

ELECTRONIC COMMUNICATIONS

The Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Primary Legislation) Regulations 2017

Made - - - - 14th December 2017
Coming into force in accordance with regulation 1(1) and (2)

The Secretary of State for Digital, Culture, Media and Sport makes the following Regulations in exercise of the powers conferred by section 406(3) of the Communications Act 2003(**1**) and section 6(1) to (3) of the Digital Economy Act 2017(**2**).

In accordance with section 6(4) of the Digital Economy Act 2017, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Primary Legislation) Regulations 2017 and come into force, subject to paragraph (2), on the day that section 4 of, and Schedules 1 and 3 to, the Digital Economy Act 2017 come fully into force.

(2) Paragraphs 2 to 7, 9, 29 and 30 of the Schedule come into force immediately after Schedule 3 to the Digital Economy Act 2017 comes fully into force.

(3) These Regulations do not extend to the Channel Islands or the Isle of Man.

(4) Subject to paragraph (3), any amendment by these Regulations of an enactment has the same extent as the enactment specified.

Amendments

2. The amendments to Public General Acts, local Acts and Northern Ireland Orders in Council specified in the Schedule have effect.

(**1**) 2003 c.21.
(**2**) 2017 c.30.

Signed by authority of the Secretary of State for Digital, Culture, Media and Sport

Matthew Hancock
Minister of State
Department for Digital, Culture, Media and Sport

14th December 2017

SCHEDULE 1 Regulation 2

AMENDMENTS

PART 1

AMENDMENTS TO PUBLIC GENERAL ACTS

Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

1.—(1) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(**3**) is amended as follows.

(2) In section 3 (power to extinguish certain public rights of way over land acquired), in subsection (4A)(**4**)—

(a) for "a telecommunications code system" substitute "an electronic communications code network";

(b) for "the system" substitute "the network".

Opencast Coal Act 1958

2.—(1) The Opencast Coal Act 1958(**5**) is amended as follows.

(2) In section 45 (provisions as to telegraphic lines), in subsection (4), for "103(2)" substitute "108(2)".

Highways Act 1980

3.—(1) The Highways Act 1980(**6**) is amended as follows.

(2) In section 334 (savings relating to electronic communications apparatus), in subsection (12), for "103(2)" substitute "108(2)".

Roads (Scotland) Act 1984

4.—(1) The Roads (Scotland) Act 1984(**7**) is amended as follows.

(2) In section 132 (savings for operators of electronic communications code networks), in subsection (4), for "103(2)" substitute "108(2)".

Airports Act 1986

5.—(1) The Airports Act 1986(**8**) is amended as follows.

(2) In section 62 (electronic communications apparatus), in subsection (6), for "103(2)" substitute "108(2)".

(**3**) 1947 c.42.
(**4**) Subsection (4A) is inserted by section 109 of, and paragraph 23 of Schedule 4 to, the Telecommunications Act 1984 (c.12).
(**5**) 1958 c.69.
(**6**) 1980 c.66.
(**7**) 1984 c.54.
(**8**) 1986 c.31.

Town and Country Planning Act 1990

6.—(1) The Town and Country Planning Act 1990(**9**) is amended as follows.

(2) In section 256 (electronic communications apparatus: orders by the Secretary of State), in subsection (5), for "103(2)" substitute "108(2)".

Town and Country Planning (Scotland) Act 1997

7.—(1) The Town and Country Planning (Scotland) Act 1997(**10**) is amended as follows.

(2) In section 212 (electronic communications apparatus), in subsection (7), for "103(2)" substitute "108(2)".

Communications Act 2003

8.—(1) The Communications Act 2003 is amended as follows.

(2) In Schedule 17 (minor and consequential amendments), in paragraph 1 (interpretation)—

(a) in sub-paragraph (1), in paragraph (a) of the definition of "electronic communications code network" for "conduit system" substitute "infrastructure system";

(b) in sub-paragraph (2)—

(i) omit paragraph (a);

(ii) after paragraph (b) insert—

"(c) "infrastructure system" has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7 of that code.".

Land Reform (Scotland) Act 2003

9.—(1) The Land Reform (Scotland) Act 2003(**11**) is amended as follows.

(2) In Schedule 1 (path orders), in paragraph 12, for "103(2)" substitute "108(2)".

Nature Conservation (Scotland) Act 2004

10.—(1) The Nature Conservation (Scotland) Act 2004(**12**) is amended as follows.

(2) In section 58(1) (interpretation), for paragraph (b) of the definition of "statutory undertaker" substitute—

"(b) an operator of an electronic communications code network (within the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003);".

Crossrail Act 2008

11.—(1) The Crossrail Act 2008(**13**) is amended as follows.

(2) In Schedule 7 (planning conditions)—

(a) in the table in paragraph 6(4) (development in the area of a unitary authority), in entry 2 in the first column, for "telecommunications masts" substitute "electronic communications masts";

(**9**) 1990 c.8.
(**10**) 1997 c.
(**11**) 2003 asp 2.
(**12**) 2004 asp 6.
(**13**) 2008 c.18.

(b) in the table in paragraph 15(4) (district conditions: qualifying authority), in entry 2 in the first column, for "telecommunications masts" substitute "electronic communications masts".

(3) In Schedule 17 (protective provisions), in Part 4 (protection of electronic communications code networks), in paragraph 3, for "paragraph 9" substitute "Part 8".

Planning Act 2008

12.—(1) The Planning Act 2008(**14**) is amended as follows.

(2) In section 138 (extinguishment of rights etc.), for subsection (4B) substitute—

"(4B) In this section—

"electronic communications apparatus" has the meaning given in paragraph 5 of the electronic communications code;

"electronic communications code" means the code set out in Schedule 3A to the Communications Act 2003;

"operator of an electronic communications code network" has the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003;".

High Speed Rail (London-West Midlands) Act 2017

13.—(1) The High Speed Rail (London-West Midlands) Act 2017(**15**) is amended as follows.

(2) In Schedule 33 (protective provisions), in Part 3 (electronic communications code networks)—

(a) in paragraph 32(2), in the definition of "electronic communications code", for "Schedule 2 to the Telecommunications Act 1984" substitute "Schedule 3A to the Communications Act 2003";

(b) in paragraph 33—

(i) in sub-paragraph (1), for "paragraph 23" substitute "Part 10";

(ii) in sub-paragraph (2), for "Paragraphs 21 and 23" substitute "Parts 6 and 10";

(c) in paragraph 34, for "paragraph 9" substitute "Part 8".

PART 2

AMENDMENTS TO LOCAL ACTS

Surrey Act 1985

14.—(1) The Surrey Act 1985(**16**) is amended as follows.

(2) In section 2(1) (interpretation), in the definition of "statutory undertakers", for the words from "the operator" to "1984)" substitute "the operator of an electronic communications code network (within the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003)".

(**14**) 2008 c.29. Section 138(4B) is inserted by section 23(4)(b) of the Growth and Infrastructure Act 2013 (c.27).
(**15**) 2017 c.7.
(**16**) 1985 c.iii.