STATUTORY INSTRUMENTS

# 2017 No. 1011

# ELECTRONIC COMMUNICATIONS

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

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| *Made - - - -* | *18th October 2017* |
| *Laid before Parliament* | *19th October 2017* |
| *Coming into force in accordance with article 1(1)* | |

The Secretary of State 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**).

### 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 Secondary Legislation) Regulations 2017 and come into force on the day on which section 4 of, and Schedule 1 to, the Digital Economy Act 2017 come fully into force.

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

(3) Subject to paragraph (2), any amendment by these Regulations of an enactment has the same extent as the enactment specified.

### Amendments

**2.**—(1) The amendments to legislation made under the Light Railways Act 1896(**3**) and the Transport and Works Act 1992(**4**) specified in Schedule 1 have effect.

(2) The amendments to road traffic legislation specified in Schedule 2 have effect.

(3) The amendments to planning legislation specified in Schedule 3 have effect.

(**1**) 2003 c.21.
(**2**) 2017 c.30. The effect of section 4 of that Act is to omit the code set out in Schedule 2 to the Telecommunications Act 1984 (c. 12) and replaces it with the code set out in Schedule 3A to the Communications Act 2003.
(**3**) 1896 c.48 (59 & 60 Vict.). This Act is repealed by the Transport and Works Act 1992 (c.42). However, orders in force before 1st January 1993 were saved by S.I. 1992/2784.
(**4**) 1992 c.42.

(4) The amendments to other secondary legislation specified in Schedule 4 have effect.

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

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

18th October 2017

SCHEDULE 1 Regulation 2(1)

AMENDMENT OF LEGISLATION MADE UNDER THE LIGHT RAILWAYS ACT 1896(**5**) AND THE TRANSPORT AND WORKS ACT 1992(**6**)

# PART 1

## AMENDMENT OF REFERENCES TO THE TELECOMMUNICATIONS ACT 1984

**References to Schedule 2 to the Telecommunications Act 1984**

**1.** In the instruments set out in the first column of the Table below, in the provisions set out in the third column, for Schedule 2 to the Telecommunications Act 1984" substitute "Schedule 3A to the Communications Act 2003"(**7**).

| *Title of Instrument* | *Instrument number* | *Provision to be amended* |
|---|---|---|
| Derwent Valley Railway (Transfer) Light Railway Order 1987 | S.I. 1987/75 | Article 5 |
| North Norfolk (Extension and Amendment) Light Railway Order 1987 | S.I. 1987/950 | Article 6 |
| Yorkshire Dales Light Railway Order 1987 | S.I. 1987/1088 | Article 9 |
| Swanage Light Railway Order 1987 | S.I. 1987/1443 | Article 7 |
| South Tynedale Railway (Light Railway) Order 1987 | S.I. 1987/1984 | Article 7 |
| Kinneil and Manuel Light Railway Order 1988 | S.I. 1988/725 | Article 7 |
| Peak Rail Light Railway Order 1990 | S.I. 1990/2350 | Article 6 |
| Bitton Light Railway Order 1991 | S.I. 1991/134 | Article 7 |
| North Tyneside Steam Railway Light Railway Order 1991 | S.I. 1991/933 | Article 9 |
| Yorkshire Dales Light Railway Order 1991 | S.I. 1991/1111 | Article 8 |
| Isle of Wight Light Railway Order 1991 | S.I. 1991/1619 | Article 8 |
| Leicester North Station Light Railway Order 1991 | S.I. 1991/1965 | Article 7 |

(**5**) 1896 c.48 (59 & 60 Vict.). This Act is repealed by the Transport and Works Act 1992 (c.42). However, orders in force before 1st January 1993 were saved by S.I.1992/2784.

(**6**) 1992 c.42.

(**7**) Relevant amendments to these instruments are made by paragraph 18 of Schedule 1 to S.I. 2003/2155.

| *Title of Instrument* | *Instrument number* | *Provision to be amended* |
|---|---|---|
| Kirklees Light Railway Order 1991 | S.I. 1991/2194 | Article 8 |
| Grimsby and Louth Light Railway Order 1991 | S.I. 1991/2210 | Article 7(b) |
| Saundersfoot Steam Railway (Light Railway) Order 1991 | S.I. 1991/2682 | Article 9 |
| Chappel and Wakes Colne Light Railway Order 1994 | S.I. 1994/84 | Article 7 |
| Northampton and Lamport Light Railway Order 1995 | S.I. I995/1300 | Article 5 |
| Oswestry Light Railway Order 1995 | S.I. 1995/2142 | Article 8(3) |
| Great Central (Nottingham) Railway Order 1995 | S.I. 1995/2143 | Article 10(4) |
| Low Moor Tramway Light Railway Order 1995 | S.I. 1995/2501 | Article 7(2) |
| South Tynedale Railway (Light Railway) Order 1996 | S.I. 1996/1829 | Article 7(3) |
| Bodmin and Wenford Light Railway Order 1996 | S.I. 1996/2867 | Article 8(3) |
| Yorkshire Dales Light Railway Order 1997 | S.I. 1997/102 | Article 9(3) |
| Golden Valley Railway Order 1997 | S.I. 1997/1688 | Article 10(4) |
| Keith and Dufftown Light Railway Order 1999 | S.I. 1999/2382 | Article 6(3) |
| Great Central Railway (East Leake Branch, etc) Order 2000 | S.I. 2000/2585 | Article 10(4) |
| East Lancashire (Heywood Extension) Light Railway Order 2002 | S.I. 2002/1384 | Article 7(3) |

# PART 2

## AMENDMENT OF NETWORK RAIL ORDERS

**Network Rail (West Coast Main Line) Order 2003**

**2.**—(1) The Network Rail (West Coast Main Line) Order 2003(**8**) is amended as follows.

(2) In Schedule 13 (protective provisions), in Part II (protection for operators of an electronic communications code network), in paragraph 15, for "paragraph 9" substitute "Part 8".

(**8**) S.I. 2003/1075.

**Network Rail (West Coast Main Line) Order 2004**

**3.**—(1) The Network Rail (West Coast Main Line) Order 2004(**9**) is amended as follows.

(2) In article 2(1) (interpretation)—

(a) omit the definition of "conduit system";

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

(c) in the appropriate place insert—

> ""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;".

(3) In Schedule 13 (protective provisions), in Part II (protection for operators of an electronic communications code network), in paragraph 15, for "paragraph 9" substitute "Part 8".

**Network Rail (Thameslink 2000) Order 2006**

**4.**—(1) The Network Rail (Thameslink 2000) Order 2006(**10**) is amended as follows.

(2) In article 2(1) (interpretation)—

(a) omit the definition of "conduit system";

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

(c) in the appropriate place insert—

> ""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;".

(3) In Schedule 10 (protective provisions), in Part 2 (protection for operators of an electronic communications code network), in paragraph 15, for "paragraph 9" substitute "Part 8".

**Network Rail (Nuneaton North Chord) Order 2010**

**5.**—(1) The Network Rail (Nuneaton North Chord) Order 2010(**11**) is amended as follows.

(2) In Schedule 10 (protection for operators of electronic communications code networks)—

(a) in paragraph 1—

(i) omit the definition of "conduit system";

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

(iii) in the appropriate place insert—

> ""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;";

(b) in paragraph 2, for "paragraph 9" substitute "Part 8".

(**9**) S.I. 2004/389.
(**10**) S.I. 2006/3117.
(**11**) S.I. 2010/1721.