

Changes to legislation: Communications Act 2003, PART 1 is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 3A

THE ELECTRONIC COMMUNICATIONS CODE

Textual Amendments

- F1** Sch. 3A inserted (31.7.2017 for the purpose of making regulations under Sch. 3A para. 95, 22.11.2017 but only in relation to Sch. 3A para. 106, 28.12.2017 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 1](#) (with Sch. 2); S.I. 2017/765, reg. 2(ii)(jj); S.I. 2017/1136, reg. 2; S.I. 2017/1286, reg. 2(b)

Modifications etc. (not altering text)

- C1** Sch. 3A applied by S.I. 1991/1220 (N.I. 11), [art. 104\(5\)](#) (as substituted (28.12.2017) by [The Communications Act 2003 and the Digital Economy Act 2017 \(Consequential Amendments to Primary Legislation\) Regulations 2017 \(S.I. 2017/1285\)](#), reg. 1(1), [Sch. 1 para. 28\(2\)\(c\)](#))

PART 1

KEY CONCEPTS

Introductory

- 1 (1) This Part defines some key concepts used in this code.
- (2) For definitions of other terms used in this code, see—
 - (a) paragraph 94 (meaning of “the court”).
 - (b) paragraph 105 (meaning of “occupier”),
 - (c) paragraph 108 (general interpretation),
 - (d) section 32 (meaning of electronic communications networks and services),
and
 - (e) section 405 (general interpretation).

The operator

- 2 In this code “operator” means—
 - (a) where this code is applied in any person's case by a direction under section 106, that person, and
 - (b) where this code applies by virtue of section 106(3)(b), the Secretary of State or (as the case may be) the Northern Ireland department in question.

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The code rights

- 3 [For the purposes of this code a “code right”, in relation to an operator and any land, ^{F2}(1)] is a right for the statutory purposes—
- (a) to install electronic communications apparatus on, under or over the land,
 - (b) to keep installed electronic communications apparatus which is on, under or over the land,
 - (c) to inspect, maintain, adjust, alter, repair, upgrade or operate electronic communications apparatus which is on, under or over the land,
 - [^{F3}(ca) to share with another operator the use of electronic communications apparatus which the first operator keeps installed on, under or over the land,]
 - (d) to carry out any works on the land for or in connection with the installation of electronic communications apparatus on, under or over the land or elsewhere,
 - (e) to carry out any works on the land for or in connection with the maintenance, adjustment, alteration, repair, upgrading or operation of electronic communications apparatus which is on, under or over the land or elsewhere,
 - [^{F4}(ea) to carry out any works on the land for the purposes of, or in connection with, sharing with another operator the use of electronic communications apparatus which the first operator keeps installed on, under or over the land or elsewhere,]
 - (f) to enter the land to inspect, maintain, adjust, alter, repair, upgrade or operate any electronic communications apparatus which is on, under or over the land or elsewhere,
 - [^{F5}(fa) to enter the land for the purposes of, or in connection with, sharing with another operator the use of electronic communications apparatus which the first operator keeps installed on, under or over the land or elsewhere,]
 - (g) to connect to a power supply,
 - (h) to interfere with or obstruct a means of access to or from the land (whether or not any electronic communications apparatus is on, under or over the land),
or
 - (i) to lop or cut back, or require another person to lop or cut back, any tree or other vegetation that interferes or will or may interfere with electronic communications apparatus.

[In sub-paragraph (1), references to “the first operator” are to the operator mentioned ^{F6}(2) in the opening words of that sub-paragraph.]

Textual Amendments

- F2** Sch. 3A para. 3 renumbered as Sch. 3A para. 3(1) (7.2.2023) by [Product Security and Telecommunications Infrastructure 2022 \(c. 46\)](#), [ss. 57\(2\)\(a\)](#), 79(2) (with s. 57(7)); S.I. 2023/109, [reg. 2\(a\)](#)
- F3** Sch. 3A para. 3(1)(ca) inserted (7.2.2023) by [Product Security and Telecommunications Infrastructure 2022 \(c. 46\)](#), [ss. 57\(2\)\(b\)\(i\)](#), 79(2) (with s. 57(7)); S.I. 2023/109, [reg. 2\(a\)](#)
- F4** Sch. 3A para. 3(1)(ea) inserted (7.2.2023) by [Product Security and Telecommunications Infrastructure 2022 \(c. 46\)](#), [ss. 57\(2\)\(b\)\(ii\)](#), 79(2) (with s. 57(7)); S.I. 2023/109, [reg. 2\(a\)](#)
- F5** Sch. 3A para. 3(1)(fa) inserted (7.2.2023) by [Product Security and Telecommunications Infrastructure 2022 \(c. 46\)](#), [ss. 57\(2\)\(b\)\(iii\)](#), 79(2) (with s. 57(7)); S.I. 2023/109, [reg. 2\(a\)](#)

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F6 Sch. 3A para. 3(2) inserted (7.2.2023) by Product Security and Telecommunications Infrastructure 2022 (c. 46), ss. 57(2)(c), 79(2) (with s. 57(7)); S.I. 2023/109, reg. 2(a)

The statutory purposes

- [^{F7}4 (1) In this code “the statutory purposes”, in relation to an operator, means—
- (a) in relation to sharing rights, the purposes of enabling the provision by other operators of their networks, and
 - (b) in relation to rights other than sharing rights—
 - (i) the purposes of providing the operator’s network, or
 - (ii) the purposes of providing an infrastructure system.
- (2) In sub-paragraph (1), “sharing right” means a right within paragraph 3(1)(ca), (ea) or (fa).]

Textual Amendments

F7 Sch. 3A para. 4 substituted (7.2.2023) by Product Security and Telecommunications Infrastructure 2022 (c. 46), ss. 57(3), 79(2) (with s. 57(7)); S.I. 2023/109, reg. 2(a)

Electronic communications apparatus, lines and structures

- 5 (1) In this code “electronic communications apparatus” means—
- (a) apparatus designed or adapted for use in connection with the provision of an electronic communications network,
 - (b) apparatus designed or adapted for a use which consists of or includes the sending or receiving of communications or other signals that are transmitted by means of an electronic communications network,
 - (c) lines, and
 - (d) other structures or things designed or adapted for use in connection with the provision of an electronic communications network.
- (2) References to the installation of electronic communications apparatus are to be construed accordingly.
- (3) In this code—
- “line” means any wire, cable, tube, pipe or similar thing (including its casing or coating) which is designed or adapted for use in connection with the provision of any electronic communications network or electronic communications service;
 - “structure” includes a building only if the sole purpose of that building is to enclose other electronic communications apparatus.

The operator's network

- 6 In this code “network” in relation to an operator means—
- (a) if the operator falls within paragraph 2(a), so much of any electronic communications network or infrastructure system provided by the operator as is not excluded from the application of the code under section 106(5), and

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- (b) if the operator falls within paragraph 2(b), the electronic communications network which the Secretary of State or the Northern Ireland department is providing or proposing to provide.

Infrastructure system

- 7 (1) In this code “infrastructure system” means a system of infrastructure provided so as to be available for use by providers of electronic communications networks for the purposes of the provision by them of their networks.
- (2) References in this code to provision of an infrastructure system include references to establishing or maintaining such a system.]

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)