

Changes to legislation: Communications Act 2003, Cross Heading: Offence: undertakers who do not comply with this Part of this code is up to date with all changes known to be in force on or before 09 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 10

UNDERTAKER'S WORKS AFFECTING ELECTRONIC COMMUNICATIONS APPARATUS

Modifications etc. (not altering text)

- C1** Sch. 3A Pt. 10 applied by S.I. 1994/426 (N.I. 1), art. 12(1) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 35\(2\)](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied by 1989 c. 29, Sch. 16 para. 1(6) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 28](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied (with modifications) (4.3.2020) by [The Midland Metro \(Birmingham Eastside Extension\) Order 2020 \(S.I. 2020/141\)](#), art. 1, [Sch. 9 para. 3\(2\)](#) (with arts. 47, 48, Sch. 10 para. 19)
- C1** Sch. 3A Pt. 10 applied by 1993 c. 42, Sch. 2 para. 16 (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 33](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied by 1958 c. 69, s. 45(2) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 5\(2\)](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied by 1964 c. 40, s. 53 (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 8](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied by 1986 c. 31, s. 62(1) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 25\(2\)](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied by 1991 c. 57, Sch. 22 para. 5 (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 31\(a\)](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied by 1995 c. 45, Sch. 4 para. 2(7) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 37](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied by 1958 c. 24, s. 17 (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 6](#); S.I. 2017/1286, reg. 2(d))

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- C1 Sch. 3A Pt. 10 applied by 1984 c. 54, s. 50(3) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 14\(2\)](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by 1989 c. 22, Sch. 4 para. 4 (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 27](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by 1991 c. 56, Sch. 13 para. 4 (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 30\(a\)\(b\)](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by 1980 c. 66, s. 177(12) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 11](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by S.I. 1992/231 N.I. 1, Sch. 4 para. 3(2) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 32](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by S.I. 1996/275 (N.I. 2), Sch. 3 para. 3(2) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 39\(3\)](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by 1962 c. 58, s. 40(2) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 7](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), s. 64(1), [Sch. 32 para. 33\(1\)](#) (with [Sch. 32 paras. 32\(1\), 33\(2\)](#))
- C1 Sch. 3A Pt. 10 applied by 1980 c. 66, s. 334(8) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 12\(2\)](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by 1984 c. 54, s. 75(9) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 15\(2\)](#); S.I. 2017/1286, reg. 2(d))

Offence: undertakers who do not comply with this Part of this code

- 72 (1) An undertaker, or an agent of an undertaker, is guilty of an offence if that person—
- (a) makes an alteration of electronic communications apparatus in carrying out non-emergency undertaker's works, and
 - (b) does so—
 - (i) without notice of proposed works having been given in accordance with paragraph 67, or
 - (ii) (in a case where such notice is given) before the end of the notice period under paragraph 67.
- (2) An undertaker, or an agent of an undertaker, is guilty of an offence if that person—
- (a) makes an alteration of electronic communications apparatus in carrying out non-emergency undertaker's works, and
 - (b) unreasonably fails to comply with any reasonable requirement of the operator under this Part of this code when doing so.
- (3) An undertaker, or an agent of an undertaker, is guilty of an offence if that person—
- (a) makes an alteration of electronic communications apparatus in carrying out emergency undertaker's works, and
 - (b) does so without notice of emergency undertaker's works having been given in accordance with paragraph 71.
- (4) A person guilty of an offence under this paragraph is liable on summary conviction to—
- (a) a fine not exceeding level 4 on the standard scale, if the service provided by the operator's network is interrupted by the works or failure, or
 - (b) a fine not exceeding level 3 on the standard scale, if that service is not interrupted.
- (5) This paragraph does not apply to a Northern Ireland department.]

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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\(1\)](#)