
STATUTORY INSTRUMENTS

2003 No. 2155

**The Communications Act 2003
(Consequential Amendments) Order 2003**

Citation, commencement and extent

1.—(1) This Order may be cited as the Communications Act (Consequential Amendments) Order 2003 and shall come into force on 17th September 2003.

(2) This Order does not extend to the Channel Islands or the Isle of Man.

(3) Subject to paragraph (2), any modification by this Order of an enactment has the same extent as the enactment specified.

Interpretation

2.—(1) In any Act or instrument amended by this Order—

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the Act;

“electronic communications code network” means—

- (a) so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the Act; and
- (b) an electronic communications network which the Secretary of State or a Northern Ireland department is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the Act;

“electronic communications network” and “electronic communications service” each has the same meaning as in the Act;

“former PTO” means a person—

- (a) who is a provider of a public electronic communications network or a public electronic communications service which, immediately before the date on which the repeal by the Act of section 7 of the Telecommunications Act 1984⁽¹⁾ comes into force, was designated as a public telecommunication system under section 9 of that Act; and
- (b) who, immediately before that date, was authorised to provide that network or service by a licence to which section 8 of that Act applied;

“operator”, in relation to an electronic communications code network, means—

- (a) the electronic communications code operator providing that network; or

(b) the Secretary of State or a Northern Ireland department, to the extent that they are providing or proposing to provide that network;

“provide” and cognate expressions, in relation to an electronic communications network, an electronic communications service or associated facilities, are to be construed in accordance with section 32(4) of the Act;

“public electronic communications network” and “public electronic communications service” each has the same meaning as in Chapter 1 of Part 2 of the Act.

(2) In this article—

(a) “the Act” means the Communications Act 2003;

(b) “conduit system” has the same meaning as in the electronic communications code and references to providing a conduit system shall be construed in accordance with paragraph 1(3A) of that code;

(c) “electronic communications code”, “electronic communications code network”, “electronic communications code operator”, “public electronic communications network” and “public electronic communications service” each has the meaning given in paragraph (1).

Amendments and repeals

3.—(1) The amendments specified in Schedule 1 shall have effect.

(2) The repeals and revocations specified in Schedule 2 shall have effect.

20th August 2003

Stephen Timms
Minister of State for Energy, E-Commerce and
Postal Services,
Department of Trade and Industry