

SCHEDULE 1

Article 3(1)

PART 1

Amendments to the Telecommunications Act 1984

1.—(1) Schedule 4 (Minor and Consequential Amendments) to the Telecommunications Act 1984⁽¹⁾ shall be amended as follows.

(2) In paragraph 88—

- (a) for “telecommunications code” (except in the phrase “telecommunications code system”), there shall be substituted “electronic communications code”;
- (b) for “telecommunications code system”, there shall be substituted “electronic communications code network”;
- (c) for “telecommunication apparatus”, there shall be substituted “electronic communications apparatus”;
- (d) for “operator”, there shall be substituted “provider”; and
- (e) for “system” (except in the phrase “telecommunications code system”), there shall be substituted “network”.

PART 2

Amendments to other Acts (including Acts of the Scottish Parliament)

Land Drainage (Scotland) Act 1958 (c. 24)

2.—(1) In section 17 of the Land Drainage (Scotland) Act 1958⁽²⁾ (provision as to work involving alteration of telegraphic lines)—

- (a) for “telecommunications code”, there shall be substituted “electronic communications code”; and
- (b) for “telecommunication apparatus”, there shall be substituted “electronic communications apparatus”.

(2) In the Second Schedule to that Act, in paragraph 3 (temporary works), for the words from “telecommunications” to the end there shall be substituted “electronic communications apparatus kept installed for the purposes of an electronic communications code network or with the service provided by any such network.”.

Local Government (Omnibus Shelters and Barriers) (Scotland) Act 1958 (c. 50)

3. In section 3 of the Local Government (Omnibus Shelters and Barriers) (Scotland) Act 1958⁽³⁾ (supplementary provisions as to omnibus shelters, etc.)—

- (a) for “telecommunication apparatus”, wherever occurring, there shall be substituted “electronic communications apparatus”;
- (b) in subsection (1), for “a telecommunications code system”, there shall be substituted “an electronic communications code network”; and

(1) 1984 c. 12.

(2) 1958 c. 24.

(3) 1958 c. 50.

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- (c) for “system”, wherever occurring (except in the expression “telecommunications code system”), there shall be substituted “network”.

Flood Prevention (Scotland) Act 1961 (c. 41)

4.—(1) The Flood Prevention (Scotland) Act 1961⁽⁴⁾ shall be amended as follows.

(2) In section 3(4) (supplementary provisions as to powers of local authorities)—

- (a) for “telecommunication apparatus” there shall be substituted “electronic communications apparatus”;
- (b) for “a telecommunications code system” there shall be substituted “an electronic communications code network”;
- (c) for “the running of any such system” there shall be substituted “the provision of any such network”; and
- (d) for “the system” there shall be substituted “the network”.

(3) In paragraph 2 of the First Schedule—

- (a) for “telecommunication apparatus” there shall be substituted “electronic communications apparatus”; and
- (b) for the words from “a telecommunications” to the end there shall be substituted “an electronic communications code network or with the service provided by any such network”.

(4) In paragraph 3(1)(e) of the Second Schedule for “a telecommunications code system running”, there shall be substituted “an electronic communications code network the provision”.

Countryside (Scotland) Act 1967 (c. 86)

5.—(1) The Countryside (Scotland) Act 1967⁽⁵⁾ shall be amended as follows.

(2) In section 11 (rights of public where access agreement or order in force), in subsection (5) (f) for “a telecommunications system”, there shall be substituted “an electronic communications network”.

(3) In section 38(7), (8) and (9) (supplementary provisions as to creation, closure and diversion of public paths)—

- (a) for “telecommunications apparatus”, wherever occurring, there shall be substituted “electronic communications apparatus”;
- (b) for “the telecommunications code”, wherever occurring, there shall be substituted “the electronic communications code”;
- (c) for “a telecommunications code system” there shall be substituted “an electronic communications code network”; and
- (d) for “that system” there shall be substituted “that network”.

(4) In section 54 (byelaws), in subsection (6)—

- (a) for “a telecommunications code system” there shall be substituted “an electronic communications code network”;
- (b) for “the telecommunications code” there shall be substituted “the electronic communications code”; and
- (c) for “such system” there shall be substituted “such network”.

(4) 1961 c. 41.

(5) 1967 c. 86.

New Towns (Scotland) Act 1968 (c. 16)

6.—(1) This paragraph applies to the following provisions of the New Towns (Scotland) Act 1968(6)—

- (a) section 14(2) (exception to extinguishment of rights over land compulsorily acquired);
- (b) section 19(1) (saving from power to override servitudes and other rights);
- (c) section 24 (provisions as to telegraphic lines);
- (d) section 26(8) (extinguishment of rights of way, and rights as to apparatus, of statutory undertakers); and
- (e) section 36A (application of sections 35 etc. to operators of telecommunication systems).

(2) In each of the provisions to which this paragraph applies—

- (a) for “the telecommunications code”, wherever occurring, there shall be substituted “the electronic communications code”;
- (b) for “a telecommunications code system” and “any telecommunications code system” wherever occurring, there shall be substituted “an electronic communications code network”;
- (c) for “the running of the telecommunications code system”, wherever occurring, there shall be substituted “the provision of the electronic communications code network”;
- (d) for “the running of such a system”, wherever occurring, there shall be substituted “the provision of such a network”;
- (e) for “telecommunication apparatus” there shall be substituted “electronic communications apparatus”; and
- (f) for “the system” and “such system” wherever occurring, there shall be substituted respectively “the network” and “such network”.

Sewerage (Scotland) Act 1968 (c. 47)

7. In section 22(1) of the Sewerage (Scotland) Act 1968(7) (protection for statutory undertakers)

- (a) for “a telecommunications code system” there shall be substituted “an electronic communications code network”; and
- (b) for “that system” there shall be substituted “that network”.

Local Government (Scotland) Act 1973 (c. 65)

8. In section 50A(6)(c) of the Local Government (Scotland) Act 1973(8) (admission to meetings of local authorities), for the words from “telecommunications” to “system” there shall be substituted “electronic communications network, for transmitting the report by means of such a network”.

Water (Scotland) Act 1980 (c. 45)

9.—(1) Schedule 4 to the Water (Scotland) Act 1980(9) shall be amended as follows.

(2) In paragraph 4, for the words from “telecommunication” to “such system” there shall be substituted “electronic communications apparatus kept installed for the purposes of an electronic communications code network or with the service provided by any such network”.

(6) 1968 c. 16.

(7) 1968 c. 47.

(8) 1973 c. 65.

(9) 1980 c. 45.

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- (3) In paragraph 36(a)—
- (a) for “telecommunication apparatus” there shall be substituted “electronic communications apparatus”;
 - (b) for “a telecommunications code system” there shall be substituted “an electronic communications code network”; and
 - (c) for “the telecommunications code” there shall be substituted “the electronic communications code”.

Roads (Scotland) Act 1984 (c. 54)

10.—(1) This paragraph shall apply to the following provisions of the Roads (Scotland) Act 1984⁽¹⁰⁾—

- (a) section 50 (planting of trees, shrubs and grass or other plants by roads authority);
 - (b) section 75 (bridges over and tunnels under navigable waters);
 - (c) section 78(4) (power to divert waters when constructing or improving public road etc.);
 - (d) section 132 (saving for operators of telecommunications code systems); and
 - (e) section 151(4) (interpretation).
- (2) In each of the provisions to which this paragraph applies—
- (a) for “the telecommunications code”, wherever occurring, there shall be substituted “the electronic communications code”;
 - (b) for “telecommunication apparatus” and “telecommunications apparatus”, wherever occurring, there shall be substituted “electronic communications apparatus”;
 - (c) for “a telecommunications code system” wherever occurring, there shall be substituted “an electronic communications code network”; and
 - (d) for “system”, wherever occurring (except in the expressions “telecommunications code system” and “driver information system”), there shall be substituted “network”.
- (3) In section 151(1) of that Act (interpretation), in the definition of “statutory undertaker”, for “telecommunications code system” there shall be substituted “electronic communications code network”.

Housing (Scotland) Act 1987 (c. 26)

11. In paragraph 11 of Part II of Schedule 8 to the Housing (Scotland) Act 1987⁽¹¹⁾ (saving for telecommunication apparatus etc.)—

- (a) for “the telecommunications code”, wherever occurring, there shall be substituted “the electronic communications code”;
- (b) for “telecommunication apparatus”, wherever occurring, there shall be substituted “electronic communications apparatus”;
- (c) for “a telecommunications code system”, wherever occurring, there shall be substituted “an electronic communications code network”; and
- (d) for “that system” and “such system” there shall be substituted, respectively, “that network” and “such network”.

⁽¹⁰⁾ 1984 c. 54.

⁽¹¹⁾ 1987 c. 26.

Enterprise and New Towns (Scotland) Act 1990 (c. 35)

12. In section 9(9) of the Enterprise and New Towns (Scotland) Act 1990(12) (saving from powers of entry)—

- (a) for “the telecommunications code” there shall be substituted “the electronic communications code”;
- (b) for “a telecommunications code system” there shall be substituted “an electronic communications code network”;
- (c) for “telecommunication apparatus” there shall be substituted “electronic communications apparatus”; and
- (d) for “such system” there shall be substituted “such network”.

Town and Country Planning (Scotland) Act 1997 (c. 8)

13.—(1) This paragraph applies to the following provisions of the Town and Country Planning (Scotland) Act 1997(13)—

- (a) section 194(2) (exception to extinguishment of rights over land compulsorily acquired);
- (b) section 196(3) (exception to power to override servitudes and other rights);
- (c) section 205(3) (provision of amenity for road reserved to pedestrians);
- (d) section 212 (telecommunication apparatus);
- (e) sections 225 to 227 (extinguishment of rights of statutory undertakers etc.); and
- (f) sections 232 and 233 (compensation to statutory undertakers).

(2) In the provisions to which this paragraph applies—

- (a) for “a telecommunications code system” and “any telecommunications code system”, wherever occurring, there shall be substituted “an electronic communications code network”;
- (b) for “the telecommunications code system”, wherever occurring (except in the expression “the running of the telecommunications code system”), there shall be substituted “the electronic communications code network”;
- (c) for “the running of the telecommunications code system”, wherever occurring, there shall be substituted “the provision of the electronic communications code network”;
- (d) for “telecommunication apparatus”, wherever occurring, there shall be substituted “electronic communications apparatus”;
- (e) for “telecommunications code”, wherever occurring (except in the expression “telecommunications code system”), there shall be substituted “electronic communications code”; and
- (f) for “system”, wherever occurring (except in the expression “telecommunications code system”), there shall be substituted “network”.

(3) In section 99(1) of that Act, in the definition of “statutory undertakers” for “public telecommunications operators” there shall be substituted “electronic communications code operators and former PTOs”.

(4) In paragraph 1(1)(a)(ii) of Schedule 14 to that Act (blighted land), for the words from “establishment” to “system” there shall be substituted “provision by an electronic communications

(12) 1990 c. 35.

(13) 1997 c. 8.

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operator of an electronic communications code network or the provision by a former PTO of a public electronic communications network or a public electronic communications service”.

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c. 9)

14.—(1) The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(**14**) shall be amended as follows—

(2) In section 46 (ending of rights over land compulsorily acquired)—

- (a) for “the telecommunications code” there shall be substituted “the electronic communications code”;
- (b) for “a telecommunications code system” there shall be substituted “an electronic communications code network”;
- (c) for “telecommunications apparatus” there shall be substituted “electronic communications apparatus”; and
- (d) for “such system” there shall be substituted “such network”.

(3) In section 81(3), in the definition of “statutory undertakers”, for “a public telecommunications operator” there shall be substituted “electronic communications operators and former PTOs”.

Land Reform (Scotland) Act 2003 (asp2)

15.—(1) The Land Reform (Scotland) Act 2003(**15**) shall be amended as follows.

(2) In section 32 (interpretation of Part 1), in the definition of “statutory undertaker”, for “telecommunications code system” there shall be substituted “electronic communications code network”.

(3) In Schedule 1—

- (a) in paragraph 11, for “telecommunications code system” there shall be substituted “electronic communications code network”;
- (b) in paragraph 12, for “telecommunications code” there shall be substituted “electronic communications code”; and
- (c) in paragraph 13, for “telecommunications apparatus” there shall be substituted “electronic communications apparatus”.

PART 3

Modification of local enactments

References to call boxes

16.—(1) This paragraph applies to the following provisions(**16**) —

- (a) section 176(2) of the Redcar Corporation Act 1938(**17**);
- (b) section 89(2) of the Tiverton Corporation Act 1939(**18**);

(14) 1997 c. 9.

(15) 2003 asp2.

(16) The provisions set out in paragraphs (a)-(m) have been amended by paragraph 87 of Schedule 4 to the Telecommunications Act 1984.

(17) 1938 c. liv.

(18) 1939 c. lxxv.

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- (c) section 101(2) of the Christchurch Corporation Act 1940(19);
- (d) section 173(2) of the Ipswich Corporation Act 1948(20);
- (e) section 85(2) of the Berkshire County Council Act 1953(21);
- (f) section 97(2) of the Gloucestershire County Council Act 1956(22);
- (g) section 96(2) of the Leicester Corporation Act 1956(23);
- (h) section 70(2) of the Southampton Corporation Act 1960(24);
- (i) section 41 of the Hertfordshire County Council Act 1960(25);
- (j) section 30(3) of the Devon County Council Act 1961(26);
- (k) section 44(2) of the Durham County Council Act 1963(27);
- (l) section 14(2) of the Huntingdon and Peterborough County Council Act 1970(28);
- (m) section 61(2) of the Torbay Corporation (No. 2) Act 1971(29).

(2) In any enactment to which this paragraph applies, any reference to a telephone call box provided by a public telecommunications operator, is to have effect as if it were a reference to a telephone call box provided by a provider of a public electronic communications network.

(3) Any provision contained in a local Act which is not specified in sub-paragraph (1), but is similar to any enactment so specified, shall have effect subject to the like amendment as is made by sub-paragraph (2).

PART 4

Amendments to subordinate legislation made under the Light Railways Act 1896(30) and the Transport and Works Act 1992(31)

References to public telecommunications operator

17. In the instruments set out in the first column of the table below, in the provisions set out in the third column, for “public telecommunications operator” wherever it appears there shall be substituted “electronic communications code operator or former PTO”.

<i>Title of Instrument</i>	<i>Instrument Number</i>	<i>Provisions to be amended</i>
Barking Barrage Order 1995	S.I.1995/519	Schedule 5, paragraph 1(3)
Greater Manchester (LRTS) (Eccles Extension) Order 1996	S.I. 1996/2714	Schedule 9, paragraphs 1(3) and 2(9)

(19) 1940 c. xxx.

(20) 1948 c. xli.

(21) 1953 c. xli.

(22) 1956 c. xl.

(23) 1956 c. xlix.

(24) 1960 c. xlii.

(25) 1960 c. xlix.

(26) 1961 c. xlv.

(27) 1963 c. xxxvii.

(28) 1970 c. xxiv.

(29) 1971 c. lx.

(30) 1896 c. 48 (59 & 60 Vict). This Act was repealed by the Transport and Works Act 1992 (c. 42) however, orders in force before 1st January 2003 were saved by S.I. 1992/2784.

(31) 1992 c. 42.

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<i>Title of Instrument</i>	<i>Instrument Number</i>	<i>Provisions to be amended</i>
London Underground (East London Line Extension) Order 1997	S.I. 1997/264	Schedule 9, paragraphs 1(3) and 2(9)
Greater Manchester (LRTS) (Airport Extension) Order 1997	S.I. 1997/1266	Schedule 10, paragraphs 1(3) and 2(9)
Greater Manchester (LRTS) (Ashton-under-Lyne Extension) Order 1998	S.I. 1998/1936	Schedule 10, paragraph 1(3)
Tyne and Wear Passenger Transport (Sunderland) Order 1998	S.I. 1998/3269	Schedule 10, paragraphs 1(3) and 2(8)
Railtrack (Luton Parkway Station: Land Acquisition) Order 1999	S.I. 1999/1555	Schedule 2, paragraph 3
Welsh Highland Railways Order 1999	S.I. 1999/2129	Schedule 3, paragraph 3
Railtrack (Leeds Bridges) Order 1999	S.I. 1999/2336	Schedule 6, paragraph 1(3)
River Thames (Hungerford Footbridges) Order 1999	S.I. 1999/2981	Schedule 11, paragraphs 1(3) and 2(7)
Knowsley Industrial Park (Rail Terminal) Order 1999	S.I. 2000/428	Schedule 4, paragraph 1(3)
Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000	S.I. 2000/2190	Rule 4, paragraph (c) in definition of “statutory undertaker”
Leeds Supertram (Extension) Order 2001	S.I. 2001/1347	Schedule 9, paragraphs 1(3), 2(8) and 3
Railtrack (Shortlands Junction) Order 2001	S.I. 2001/2870	Schedule 4, paragraph 3
South Hampshire Rapid Transit Order 2001	S.I. 2001/3627	Schedule 11, paragraph 1(3)
London Underground (East London Line Extension) (No. 2) Order 2001	S.I. 2001/3682	Schedule 9, paragraph 1(3)
Chester Guided Busway Order 2002	S.I. 2002/412	Schedule 5, paragraph 3
Heathrow Express Railway Extension Order 2002	S.I. 2002/1064	Schedule 3, paragraph 1(3)
Piccadilly Line (Heathrow T5 Extension) Order 2002	S.I. 2002/1065	Schedule 6, paragraph 3

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<i>Title of Instrument</i>	<i>Instrument Number</i>	<i>Provisions to be amended</i>
Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002	S.I. 2002/1066	Schedule 10, paragraph 1(3)
Greater Manchester (LRTS) (Trafford Depot) Order 2002	S.I. 2002/1327	Schedule 5, paragraphs 1(3) and 2(9)
Network Rail (West Coast Main Line) Order 2003	S.I. 2003/1075	Schedule 12, paragraphs 1(3) and 2(8)

References to telecommunications

18. In the instruments set out in the first column of the table below, in the provisions set out in the third column—

- (a) for “telecommunications apparatus”, wherever occurring, there shall be substituted “electronic communications apparatus”;
- (b) for “telecommunication”, wherever occurring, there shall be substituted “electronic communications”;
- (c) for “telecommunications code” wherever occurring, there shall be substituted “electronic communications code”;
- (d) for “telecommunications code system”, wherever occurring, there shall be substituted “electronic communications code network”;
- (e) for “telecommunications operator”, wherever occurring, there shall be substituted “operator of an electronic communications code network”.

<i>Title of Instrument</i>	<i>Instrument Number</i>	<i>Provisions to be amended</i>
Six Pit and Upper Bank Junctions Light Railway Order 1985	S.I. 1985/747	Article 7
Alton Station Light Railway Order 1985	S.I. 1985/810	Article 7
Lydney and Parkend Light Railway Order 1985	S.I. 1985/844	Article 7
Bo'ness and Kinneil Light Railway Order 1986	S.I. 1986/174	Article 10
East Lancashire Light Railway Order 1986	S.I. 1986/277	Article 8
Bluebell Extension Light Railway Order 1986	S.I. 1986/343	Article 8
Nene Valley Light Railway Order 1986	S.I. 1986/1000	Article 8
Vickers Shipbuilding and Engineering Limited (Barrow-in-Furness) Light Railway Order 1986	S.I. 1986/2150	Article 5

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<i>Title of Instrument</i>	<i>Instrument Number</i>	<i>Provisions to be amended</i>
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
Bure Valley Light Railway Order 1989	S.I. 1989/835	Article 8
Bodmin Railway Centre Light Railway Order 1989	S.I. 1989/1625	Article 5
Cholsey and Wallingford Light Railway Order 1989	S.I. 1989/1833	Article 6
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
Tanfield Railway (Causey Extension) Light Railway Order 1991	S.I. 1991/1162	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
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

<i>Title of Instrument</i>	<i>Instrument Number</i>	<i>Provisions to be amended</i>
Peak Rail Light Railway Order 1991	S.I. 1991/2812	Article 6
Cholsey and Wallingford Light Railway (Extension and Amendment) Order 1992	S.I. 1992/113	Article 6
Brechin and Bridge of Dun Light Railway Order 1992	S.I. 1992/1267	Article 8
Peak Rail Light Railway Order 1993	S.I. 1993/1083	Article 6
Swanage Light Railway (Extension) Order 1993	S.I. 1993/1607	Article 8
Tunbridge Wells and Eridge Light Railway Order 1993	S.I. 1993/1651	Article 6
Manchester, Liverpool Road (Castlefield Properties Limited) Light Railway Order 1993	S.I. 1993/2153	Article 6
East Kent Light Railway Order 1993	S.I. 1993/2154	Article 6
Chappel and Wakes Colne Light Railway Order 1994	S.I. 1994/84	Article 7
Bowes Extension Light Railway Order 1994	S.I. 1994/691	Article 6
Wirral Tramway Light Railway Order 1994	S.I. 1994/1761	Article 20
Foxfield Light Railway Order 1995	S.I. 1995/1236	Article 7(4)
Northampton and Lamport Light Railway Order 1995	S.I. 1995/1300	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)
Churnet Valley Light Railway Order 1996	S.I. 1996/1267	Article 7(3)
South Tynedale Railway (Light Railway) Order 1996	S.I. 1996/1829	Article 7(3)
Duffield and Winksworth Light Railway Order 1996	S.I. 1996/2660	Article 5(3)

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<i>Title of Instrument</i>	<i>Instrument Number</i>	<i>Provisions to be amended</i>
Greater Manchester (LRTS) (Eccles Extension) Order 1996	S.I. 1996/2714	Articles 5(6) and 11(5)
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)
Greater Manchester (LRTS) (Airport Extension) Order 1997	S.I. 1997/1266	Articles 6(7) and 12(5)
Golden Valley Railway Order 1997	S.I. 1997/1688	Article 10(4)
Greater Manchester (LRTS) (Ashton-under-Lyne Extension) Order 1998	S.I. 1998/1936	Articles 5(6) and 12(5)
Tyne and Wear Passenger Transport (Sunderland) Order 1998	S.I. 1998/3269	Schedule 10, paragraphs 3 and 4
Wirral Tramway Order 1999	S.I. 1999/1306	Article 25
Welsh Highland Railway Order 1999	S.I. 1999/2129	Article 21
Keith and Dufftown Light Railway Order 1999	S.I. 1999/2382	Article 6(3)
River Thames (Hungerford Footbridges) Order 1999	S.I. 1999/2981	Schedule 10, Part III, paragraphs 25 and 27
Great Central Railway (East Leake Branch, etc.) Order 2000	S.I. 2000/2585	Article 10(4)
Bridgend Valleys Railway Order 2001	S.I. 2001/1295	Article 9(4)
Leeds Supertram (Extension) Order 2001	S.I. 2001/1347	Schedule 9, paragraph 2
Railtrack (Shortlands Junction) Order 2001	S.I. 2001/2870	Schedule 5, Part II
South Hampshire Rapid Transit Order 2001	S.I. 2001/3627	Schedule 11, paragraph 3
Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002	S.I. 2002/1066	Schedule 10, paragraph 2
East Lancashire (Heywood Extension) Light Railway	S.I. 2002/1384	Article 7(3)
Strand Road Preston Railway Order 2002	S.I. 2002/2398	Article 5(4)

<i>Title of Instrument</i>	<i>Instrument Number</i>	<i>Provisions to be amended</i>
Network Rail (West Coast Main Line) Order 2003	S.I. 2003/1075	Schedule 13, Part II

Definition of statutory undertaker

19. For paragraph (c) of the definition of “statutory undertaker” in—

- (a) article 2(1) of the East Kent Light Railway Order 1993; and
- (b) article 2(1) of the Wye Navigation Order 2002⁽³²⁾;

there shall be substituted—

- “(c) a provider of an electronic communications network in whose case the electronic communications code is applied by a direction under section 106 of the Communications Act 2003.”.

Six Pit and Upper Bank Junction Light Railway Order 1985

20. In article 7 of the Six Pit and Upper Bank Junction Light Railway Order 1985, for the words “such system” there shall be substituted “such network”.

East Lancashire Light Railway Order 1986

21. In article 8 of the East Lancashire Light Railway Order 1986, for the words “such system” there shall be substituted “such network”.

Barking Barrage Order 1995

22. For article 3(7) of the Barking Barrage Order 1995 there shall be substituted—

- “(7) The Borough may install and maintain electronic communications apparatus and provide electronic communications networks on or over land, whether or not a street, for the purposes of electronic communication between any place and any part of the authorised works or between different parts of those works.”.

PART 5

Amendments to other subordinate legislation

Definition of electronic communications

23.—(1) This paragraph applies to the following provisions—

- (a) regulation 3(4) of the Petroleum Revenue Tax (Nomination Scheme for Disposals and Appropriations) Regulations 1987⁽³³⁾;
- (b) regulation 2(1) of the Retirement Benefit Schemes (Information Powers) Regulations 1995⁽³⁴⁾;
- (c) regulation 2 of the Donations to Charity by Individuals (Appropriate Declarations) Regulations 2000⁽³⁵⁾;

⁽³²⁾ S.I. [2002/1998](#).

⁽³³⁾ S.I. [1987/1338](#), amended by S.I. [2000/1072](#); there are other amending instruments but none is relevant.

⁽³⁴⁾ S.I. [1995/3103](#), amended by S.I. [2002/3006](#).

⁽³⁵⁾ S.I. [2000/2074](#).

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- (d) regulation 1(2) of the Social Security (Contributions) Regulations 2001(36);
- (e) paragraph 2 of Part I of Schedule 2 to the Child Benefit and Guardian’s Allowance (Administration) Regulations 2003(37).

(2) In the provisions to which this paragraph applies for the definition of “electronic communications” there shall be substituted—

““electronic communications” includes any communications conveyed by means of an electronic communications network.”.

Definition of electronic communication

24.—(1) This paragraph applies to the following provisions—

- (a) regulation 2 of the Income Tax (Building Societies) (Dividends and Interest) Regulations 1990(38);
- (b) regulation 2 of the Income Tax (Deposit-takers) (Interest Payments) Regulations 1990(39);
- (c) regulation 12(11) of the Individual Savings Account Regulations 1998(40);
- (d) regulation 4(4) of the Social Security Share Contributions (Share Options) Regulations 2001(41).

(2) In the provisions to which this paragraph applies the definition of “electronic communication” shall be substituted with—

““electronic communication” includes any communication conveyed by means of an electronic communications network.”.

Replacement of the term “telecommunications” with “electronic communications”

25.—(1) This paragraph applies to the following provisions—

- (a) paragraph (a)(ii) of the definition of “emergency” in regulation 2 of the Drivers' Hours (Passenger Vehicles) (Exemptions) Regulations 1970(42);
- (b) regulation 2 of the Town and Country Planning (Telecommunication Networks) (Railway Operational Land) Special Development Order 1982(43);
- (c) regulation 2(a)(ii) of the Drivers' Hours (Goods Vehicles) (Exemptions) Regulations 1986(44);
- (d) paragraph A(i) of Schedule 2 and Paragraph A(i) of Schedule 4 to the Channel Tunnel Rail Link (Fees for Requests for Planning Approval) Regulations 1997(45);
- (e) regulation 3(b) of the Local Authorities (Goods and Services) (Public Bodies) (England) (No. 4) Order 2001(46).

(2) In the provisions to which this paragraph applies, for the words “telecommunications” or “telecommunication”, wherever these appear, there shall be substituted “electronic communications”.

(36) S.I. 2001/1004.

(37) S.I. 2003/492.

(38) S.I. 1990/2231, amended by S.I. 2001/404; there are other amending instruments but none is relevant.

(39) S.I. 1990/2232, amended by S.I. 2001/406; there are other amending instruments but none is relevant.

(40) S.I. 1998/1870; amended by S.I. 2001/908; there are other amending instruments but none is relevant.

(41) S.I. 2001/1817.

(42) S.I. 1970/145, to which there are amendments not relevant to this Order.

(43) S.I. 1982/817.

(44) S.I. 1986/1492.

(45) S.I. 1997/822.

(46) S.I. 2001/3347.

Forestry (Felling of Trees) Regulations 1979

26. For paragraph (a) of the definition of “electronic communication” in regulation 3(1) of the Forestry (Felling of Trees) Regulation 1979(47) there shall be substituted—

“(a) by means of an electronic communications network; or”.

Road Vehicles (Construction and Use) Regulations 1986

27.—(1) The Road Vehicles (Construction and Use) Regulations 1986(48) shall be amended as follows.

(2) In regulation 3 in paragraph (g) of the definition of “public works vehicle” for the words “a telecommunications” to the words “Act 1984” there shall be substituted “an electronic communications code network”.

(3) In regulation 101(2)(b)(v) for the phrase “telecommunications apparatus” there shall be substituted “electronic communications apparatus”.

Wireless Telegraphy (Content of Transmission) Regulations 1988

28. In regulation 4 of the Wireless Telegraphy (Content of Transmission) Regulations 1988(49), for “public telecommunication system”, there shall be substituted “public electronic communications network”.

Overhead Lines (Exemption) Regulations 1990

29. In regulation 3(1)(b) of the Overhead Lines (Exemption) Regulations 1990(50) for the words “telecommunication apparatus” there shall be substituted “electronic communications apparatus”.

Broadcasting Act 1990 (Independent Radio Services: Exceptions) Order 1990

30. In article 2(2)(c) of the Broadcasting Act 1990 (Independent Radio Services: Exceptions) Order 1990(51), for the words “a telecommunication system” to “Telecommunications Act 1984”, there shall be substituted “an electronic communications network provided by a person who is a provider of a public electronic communications network”.

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992

31.—(1) The Town and Country Planning (General Permitted Development) (Scotland) Order 1992(52) shall be amended as follows.

(2) In Part 13 of Schedule 1, in Class 40—

- (a) for “telecommunications line”, wherever occurring, there shall be substituted “electronic communications line”; and
- (b) for “a telecommunications apparatus” there shall be substituted “an electronic communications apparatus”.

(3) In Part 20 of Schedule 1, in Class 67—

- (a) for “telecommunications code system operator”, wherever occurring, there shall be substituted “electronic communications code operator”;

(47) S.I. 1979/791, amended by S.I. 2002/226; there are other amending instruments but none is relevant.

(48) S.I. 1986/1078, amended by S.I. 1990/1981; there are other amending instruments but none is relevant.

(49) S.I. 1988/47.

(50) S.I. 1990/2035.

(51) S.I. 1990/2536.

(52) S.I. 1992/223.

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- (b) for “telecommunication system”, wherever occurring, there shall be substituted “electronic communications network”;
- (c) for “telecommunication apparatus”, wherever occurring, there shall be substituted “electronic communications apparatus”; and
- (d) for “telecommunications code”, wherever occurring (except in the phrase “telecommunications code system operator”), there shall be substituted “electronic communications code”.

(4) In Part 20 of Schedule 1 (interpretation of Part 20) in the definition of “public call box”, for “a telecommunications system operator” there shall be substituted “an electronic communications code operator”.

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

32. In article 3(c)(vi) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992(**53**), for the words from “a telecommunication system” to “1984” there shall be substituted “an electronic communications network”.

Town and Country Planning (Control of Advertisements) Regulations 1992

33. In regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 1992(**54**), in the definition of “statutory undertaker” for the phrase “telecommunications code system operator” there shall be substituted “electronic communications code operator”.

Statistics of Trade (Customs and Excise) Regulations 1992

34. In regulation 3(3) of the Statistics of Trade (Customs and Excise) Regulations 1992(**55**), for the words “a telecommunications system (within the meaning of the Telecommunications Act 1984)” there shall be substituted “an electronic communications network”.

Rail Crossing Extinguishment and Division Orders Regulations 1993

35. In Forms 1 and 2 in Schedule 1 to the Rail Crossing Extinguishment and Division Orders Regulations 1993(**56**), for the phrase “Public telecommunications operator”, wherever occurring, there shall be substituted “An Electronic Communications Code Operator”.

Conservation (Natural Habitats, & c) Regulations 1994

36. For paragraph (e) of regulation 29 of the Conservation (Natural Habitats, & c) Regulations 1994(**57**), there shall be substituted—

- “(e) the provision of an electronic communications code network or the exercise of any right conferred by or in accordance with the electronic communications code on the provider of any such network.”.

(53) S.I. [1992/224](#); article 3(c)(vi) was inserted by S.I. [2001/245](#), article 2(c).

(54) S.I. [1992/666](#), to which there are amendments not relevant to this Order.

(55) S.I. [1992/2790](#), amended by S.I. [2000/3227](#); there are other amending instruments but none is relevant.

(56) S.I. [1993/9](#), to which there are amendments not relevant to this Order.

(57) S.I. [1994/2716](#).

Non-Domestic Rating (Railways, Telecommunications and Canals) Regulations 1994

37. In regulation 4 of the Non-Domestic Rating (Railways, Telecommunications and Canals) Regulations 1994(58), for the words “telecommunications services”, wherever appearing, there shall be substituted “electronic communications services”.

Town and Country Planning (General Permitted Development) Order 1995

38.—(1) The Town and Country Planning (General Permitted Development) Order 1995(59) shall be amended as follows.

(2) In Class G of Part 17 of Schedule 2 for—

- (a) “telecommunications line”, wherever appearing, there shall be substituted “electronic communications line”;
- (b) “a telecommunications apparatus” there shall be substituted “an electronic communications apparatus”; and
- (c) “telecommunications code” there shall be substituted “electronic communications code”.

(3) In Part 24 of Schedule 2 for—

- (a) “telecommunication apparatus”, wherever occurring (except the definition of that term in Class A. 4), there shall be substituted “electronic communications apparatus”;
- (b) “telecommunications code system operator”, wherever occurring (except the definition of that term in Class A. 4), there shall be substituted “electronic communications code operator”;
- (c) “telecommunication system”, wherever occurring (except the definition of that term in Class A. 4), there shall be substituted “electronic communications network”;
- (d) the words “telecommunication purposes” in Class A.2 (2)(b) there shall be substituted “electronic communications purposes”; and
- (e) the words “or in accordance with his licence” wherever occurring, there shall be substituted, “in accordance with the electronic communications code”.

Hedgerows Regulations 1997

39. In regulation 2 of the Hedgerows Regulations 1997(60), for paragraph (c) of the definition of “relevant utility operator” there shall be substituted—

- “(c) any person to whom the electronic communications code is applied by a direction under section 106 of the Communications Act 2003 and who wishes to remove or, as the case may be, removes the hedgerow in question in pursuance of a right conferred by the electronic communications code.”.

Broadcasting (Technical Services) Order 1997

40. In regulation 2 of the Broadcasting (Technical Services) Order 1997(61), the reference to “telecommunications signals (as such expression is defined in section 48(6) of the Broadcasting Act 1990)” shall be replaced with “electronic signals (as defined for the purposes of section 48 of the Broadcasting Act 1990)”.

(58) S.I. 1994/3123, to which there are amendments not relevant to this Order.

(59) S.I. 1995/418, amended by S.I. 2001/2718; there are other amending instruments but none is relevant.

(60) S.I. 1997/1160.

(61) S.I. 1997/1856.

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Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997

41. In regulation 22 of the Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997(**62**) for—

- (a) “telecommunications apparatus”, wherever occurring, there shall be substituted “electronic communications apparatus”;
- (b) “a telecommunications code system” there shall be substituted “an electronic communications code network”.

Broadcasting Digital Terrestrial Sound (Technical Service) Order 1998

42. In regulation 2 of the Broadcasting Digital Terrestrial Sound (Technical Service) Order 1998(**63**), the reference to “telecommunications signals (as such expression is defined in section 114(6) of the Broadcasting Act 1990)” shall be replaced with “electronic signals (as defined for the purposes of section 114 of the Broadcasting Act 1990)”.

Broadcasting (Local Delivery Services) Order 1998

43. In paragraph 5 of Part II of the Schedule to the Broadcasting (Local Delivery Services) Order 1998(**64**), for “public telecommunications operator” there shall be substituted “a provider of an electronic communications network or service”.

Telecommunications (Data Protection and Privacy) Regulations 1999

44.—(1) Regulation 30(1) of the Telecommunications (Data Protection and Privacy) Regulations 1999(**65**) shall be amended as follows.

(2) For the words “The Secretary of State”, to the words “specified in paragraph (2)”, there shall be substituted “OFCOM shall have a duty, when exercising their functions under Chapter 1 of Part 2 of the Communications Act 2003,”.

45.—(1) In relation to times falling within the transitional period, regulation 30(1) is to have effect as if the reference in that provision to OFCOM was a reference, in accordance with section 408(3) of the Communications Act 2003, to the Director General of Telecommunications.

(2) In this paragraph, “the transitional period” has the same meaning as in section 408 of the Communications Act 2003.

Wireless Telegraphy (Cordless Telephone Apparatus) (Restriction and Marking) Order 1999

46.—(1) Regulation 3 of the Wireless Telegraphy (Cordless Telephone Apparatus) (Restriction and Marking) Order 1999(**66**) shall be amended as follows.

(2) In the definition of “cordless telephone apparatus” for the phrase “telecommunication system”, wherever appearing, there shall be substituted “electronic communications network”.

(62) S.I. [1997/2400](#).

(63) S.I. [1998/685](#).

(64) S.I. [1998/1240](#).

(65) S.I. [1999/2093](#).

(66) S.I. [1999/2934](#), to which there are amendments not relevant to this Order.

Wireless Telegraphy (Licence Charges) Regulations 2002

47. In the definition of “base station” in regulation 3 of the Wireless Telegraphy (Licence Charges) Regulations 2002(67), for paragraph (d) to the end of that definition there shall be substituted—

“(d) any electronic communications network;”.

Penalties for Disorderly Behaviour (Amount of Penalty) Order 2002

48. In Part I of the Schedule to the Penalties for Disorderly Behaviour (Amount of Penalty) Order 2002(68), for the words “Section 43(1)(b) of the Telecommunications Act 1984 (c. 12),” there shall be substituted “Section 127(2) of the Communications Act 2003 (c. 21)” and for the words “Using a public” to “annoyance” there shall be substituted “Using a public electronic communications network in order to cause annoyance, inconvenience or needless anxiety”.

Electricity Safety, Quality and Continuity Regulations 2002

49. In paragraph 4(a)(i) of Part IV of Schedule 3 to the Electricity Safety, Quality and Continuity Regulations 2002(69), for the words “telecommunications code system operator” there shall be substituted “electronic communications code operator”.

Traffic Signs Regulations and General Directions 2002

50.—(1) The Traffic Signs Regulations and General Directions 2002(70) shall be amended as follows.

(2) In regulations 26 and 27 and in paragraph 5 of Part 1 of Schedule 19—

- (a) for “telecommunications apparatus”, wherever occurring, there shall be substituted “electronic communications apparatus”;
- (b) for “a telecommunications code system”, wherever occurring, there shall be substituted “electronic communications code system”.

Wireless Telegraphy (Exemption) Regulations 2003

51.—(1) The Wireless Telegraphy (Exemption) Regulations 2003(71) shall be amended as follows.

(2) In regulation 4(2)—

- (a) for “telecommunication system”, there shall be substituted “electronic communications network”;
- (b) for “telecommunication apparatus”, there shall be substituted “electronic communications apparatus”;
- (c) for “telecommunication service”, there shall be substituted “electronic communications service”.

(3) In Schedule 3, Part I, in the definition of “relevant network”, for “telecommunication system” there shall be substituted “electronic communications network”.

(67) S.I. 2002/1700.

(68) S.I. 2002/1837.

(69) S.I. 2002/2665.

(70) S.I. 2002/3113.

(71) S.I. 2003/74.

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Customs (Presentation of Goods for Export) Regulations 2003

52. In regulation 2 of the Customs (Presentation of Goods for Export) Regulation 2003(72), for paragraph (a) of the definition of “electronic communication”, there shall be substituted—

“(a) by means of electronic communications network, or”.