

SCHEDULE 1

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(1);
- (b) regulation 2(1) of the Retirement Benefit Schemes (Information Powers) Regulations 1995(2);
- (c) regulation 2 of the Donations to Charity by Individuals (Appropriate Declarations) Regulations 2000(3);
- (d) regulation 1(2) of the Social Security (Contributions) Regulations 2001(4);
- (e) paragraph 2 of Part I of Schedule 2 to the Child Benefit and Guardian’s Allowance (Administration) Regulations 2003(5).

(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(6);
- (b) regulation 2 of the Income Tax (Deposit-takers) (Interest Payments) Regulations 1990(7);
- (c) regulation 12(11) of the Individual Savings Account Regulations 1998(8);
- (d) regulation 4(4) of the Social Security Share Contributions (Share Options) Regulations 2001(9).

(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—

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- (1) S.I.1987/1338, amended by S.I. 2000/1072; there are other amending instruments but none is relevant.
 - (2) S.I. 1995/3103, amended by S.I. 2002/3006.
 - (3) S.I. 2000/2074.
 - (4) S.I. 2001/1004.
 - (5) S.I. 2003/492.
 - (6) S.I. 1990/2231, amended by S.I. 2001/404; there are other amending instruments but none is relevant.
 - (7) S.I. 1990/2232, amended by S.I. 2001/406; there are other amending instruments but none is relevant.
 - (8) S.I. 1998/1870; amended by S.I. 2001/908; there are other amending instruments but none is relevant.
 - (9) S.I. 2001/1817.

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- (a) paragraph (a)(ii) of the definition of “emergency” in regulation 2 of the Drivers' Hours (Passenger Vehicles) (Exemptions) Regulations 1970(10);
- (b) regulation 2 of the Town and Country Planning (Telecommunication Networks) (Railway Operational Land) Special Development Order 1982(11);
- (c) regulation 2(a)(ii) of the Drivers' Hours (Goods Vehicles) (Exemptions) Regulations 1986(12);
- (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(13);
- (e) regulation 3(b) of the Local Authorities (Goods and Services) (Public Bodies) (England) (No. 4) Order 2001(14).

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

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(15) 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(16) 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(17), 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(18) for the words “telecommunication apparatus” there shall be substituted “electronic communications apparatus”.

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

(11) S.I. 1982/817.

(12) S.I. 1986/1492.

(13) S.I. 1997/822.

(14) S.I. 2001/3347.

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

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

(17) S.I. 1988/47.

(18) S.I. 1990/2035.

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(19), 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(20) 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”;
- (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(21), 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(22), in the definition of “statutory undertaker” for the phrase “telecommunications code system operator” there shall be substituted “electronic communications code operator”.

(19) S.I. [1990/2536](#).

(20) S.I. [1992/223](#).

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

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

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Statistics of Trade (Customs and Excise) Regulations 1992

34. In regulation 3(3) of the Statistics of Trade (Customs and Excise) Regulations 1992(23), 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(24), 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(25), 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.”.

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

37. In regulation 4 of the Non-Domestic Rating (Railways, Telecommunications and Canals) Regulations 1994(26), 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(27) 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

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

(24) S.I. 1993/9, to which there are amendments not relevant to this Order.

(25) S.I. 1994/2716.

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

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

- (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(**28**), 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(**29**), 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)”.

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(**30**) 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(**31**), 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(**32**), 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(**33**) shall be amended as follows.

(28) S.I. [1997/1160](#).
(29) S.I. [1997/1856](#).
(30) S.I. [1997/2400](#).
(31) S.I. [1998/685](#).
(32) S.I. [1998/1240](#).
(33) S.I. [1999/2093](#).

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(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(**34**) 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”.

Wireless Telegraphy (Licence Charges) Regulations 2002

47. In the definition of “base station” in regulation 3 of the Wireless Telegraphy (Licence Charges) Regulations 2002(**35**), 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(**36**), 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(**37**), 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(**38**) 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”.

(34) S.I. 1999/2934, to which there are amendments not relevant to this Order.

(35) S.I. 2002/1700.

(36) S.I. 2002/1837.

(37) S.I. 2002/2665.

(38) S.I. 2002/3113.

Wireless Telegraphy (Exemption) Regulations 2003

51.—(1) The Wireless Telegraphy (Exemption) Regulations 2003⁽³⁹⁾ 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”.

Customs (Presentation of Goods for Export) Regulations 2003

52. In regulation 2 of the Customs (Presentation of Goods for Export) Regulation 2003⁽⁴⁰⁾, for paragraph (a) of the definition of “electronic communication”, there shall be substituted—

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

⁽³⁹⁾ S.I. 2003/74.
⁽⁴⁰⁾ S.I. 2003/467.