



# Telecommunications Act 1984

## 1984 CHAPTER 12

### PART VII

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Supplemental*

#### **109 Amendments, transitional provisions and repeals.**

- (1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments there specified (being minor amendments or amendments consequential on the preceding provisions of this Act).
- (2) [<sup>F1</sup>The Secretary of State may by order make such consequential modifications of any provision contained in any Act (whether public general or local) passed, or subordinate legislation made, before the coming into force of the relevant provision of this Act as appear to him necessary or expedient in respect of—
  - (a) any reference in that Act or subordinate legislation to British Telecommunications;
  - (b) any reference in that Act or subordinate legislation to an enactment contained in the Telegraph Acts 1863 to 1916; or
  - (c) any use in that Act or subordinate legislation of terminology used in the Telegraph Acts 1863 to 1916 but not in the telecommunications code contained in Schedule 2 to this Act.]
- (3) [<sup>F1</sup>The Secretary of State may by order—
  - (a) repeal or amend any enactment in a local Act which appears to him to be unnecessary having regard to the provisions of this Act or to be inconsistent with any provision of this Act; or
  - (b) repeal any enactment in a local telegraph Act which appears to him to be spent or no longer of practical utility.]
- (4) The general transitional provisions and savings contained in Schedule 5 to this Act [<sup>F2</sup>and the special transitional provisions with respect to patents for inventions

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*Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Section 109. (See end of Document for details)*

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and registered designs contained in Schedule 6 to this Act] shall have effect; but those provisions and savings are without prejudice to sections 16 and 17 of the <sup>M1</sup>Interpretation Act 1978 (effect of repeals).

- (5) [<sup>F1</sup>If it appears to the Secretary of State requisite or expedient to do so in order to secure that telecommunication services provided before the appointed day by means of any existing apparatus continue to be available after the appointed day, he may by order make provision with respect to the terms on which existing apparatus is kept installed on any premises; and such an order may, in particular—
- (a) provide for the terms of agreements in pursuance of which existing apparatus is kept installed on any premises to have effect with such modifications as may be specified in the order;
  - (b) impose obligations in relation to existing apparatus on persons who own or use such apparatus or who own interests in, or occupy, premises where such apparatus is kept installed; and
  - (c) provide, for the purposes of any provision contained in such an order by virtue of paragraph (a) or (b) above, for such questions arising under the order as are specified in the order, or are of a description so specified, to be referred to, and determined by, the Director.]

- (6) [<sup>F1</sup>The enactments mentioned in Schedule 7 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.]

- (7) [<sup>F1</sup>In this section—

“existing apparatus” means any telecommunication apparatus (within the meaning of Schedule 2 to this Act) which—

- (a) was installed on any premises before the appointed day, and
- (b) cannot, after the appointed day, be kept installed there by virtue of any right which is or may be conferred by or in accordance with the telecommunications code;

“local telegraph Act” means a local Act which incorporated a telegraph company or the Bill for which was promoted by such a company; and

“subordinate legislation” has the same meaning as in the <sup>M2</sup>Interpretation Act 1978.]

#### Textual Amendments

- F1** S. 109(2)(3)(5)-(7) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)
- F2** Words in s. 109(4) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

#### Modifications etc. (not altering text)

- C1** Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 109(6), 110(1), Sch. 3 and Sch. 7 Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), **Sch. Pt. I**

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**C2** S. 109(6) extended (Jersey) (with modifications) (29.12.2003) by [The Wireless Telegraphy \(Jersey\) Order 2003 \(S.I. 2003/3196\)](#), **art. 3(1)**, Sch. Pt. I (as amended (27.2.2004) by [The Broadcasting and Communications \(Jersey\) Order 2004 \(S.I. 2004/308\)](#), art. 6(1), Sch. 2 Pt. 1)

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**Marginal Citations**

**M1** 1978 c. 30.

**M2** 1978 c. 30.

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