



Housing Act 1985

1985 CHAPTER 68

PART IX

SLUM CLEARANCE

Clearance areas

298 [F¹Electronic communications apparatus]

^{F2}(1)

- (2) Where a public right of way over land is extinguished by an order under section 294 and immediately before the order comes into operation there is under, in, on, over, along or across the land [F³electronic communications apparatus] kept installed for the purposes of [F⁴an electronic communications code network], the powers of the operator of [F⁵the network] in respect of the apparatus are not affected by the order, but any person entitled to the land over which the right of way subsisted may require the alteration of the apparatus, and [F⁶Part 6 of Schedule 3A to the Communications Act 2003 (the electronic communications code)] (procedure for exercise of right to require removal of apparatus) applies.
- (3) Section 295(1) (extinguishment of other rights over land acquired for clearance and vesting of apparatus in local housing authority) does not apply to—
- (a) any right conferred by or in accordance with [F⁷the electronic communications code] on the operator of [F⁴an electronic communications code network], or
 - (b) [F³electronic communications apparatus] kept installed for the purposes of such [F⁸a network];

but the local housing authority may, where it is reasonably necessary for the purpose of enabling the authority to exercise any of the powers conferred on them by the provisions of this Act relating to clearance areas, execute works for the alteration of such apparatus, and [F⁹Part 10] of the telecommunications code (procedure for works involving alteration of apparatus) applies.

Changes to legislation: Housing Act 1985, Section 298 is up to date with all changes known to be in force on or before 25 April 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

Textual Amendments

- F1** S. 298 heading substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), **Sch. 3 para. 18**; S.I. 2017/1286, reg. 2(d)
- F2** S. 298(1) repealed (25.7.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411(2), **Sch. 19(1)**; S.I. 2003/1900, **art. 2(1)**, Sch. 1
- F3** Words in s. 298(2)(3) substituted (25.7.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411(2), **Sch. 17 para. 79(3)(a)** (with Sch. 18); S.I. 2003/1900, **art. 2(1)**, Sch. 1
- F4** Words in s. 298(2)(3) substituted (25.7.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411(2), **Sch. 17 para. 79(3)(b)** (with Sch. 18); S.I. 2003/1900, **art. 2(1)**, Sch. 1
- F5** Words in s. 298(2) substituted (25.7.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411(2), **Sch. 17 para. 79(3)(d)** (Sch. 18); S.I. 2003/1900, **art. 2(1)**, Sch. 1
- F6** Words in s. 298(2) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), **Sch. 3 para. 19**; S.I. 2017/1286, reg. 2(d)
- F7** Words in s. 298(2)(3) substituted (25.7.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411(2), **Sch. 17 para. 79(3)(c)** (with Sch. 18); S.I.2003/1900, **art. 2(1)**, Sch. 1
- F8** Words in s. 298(3) substituted (25.7.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411(2), **Sch. 17 para. 79(3)(d)** (with Sch. 18); S.I. 2003/1900, **art. 2(1)**, Sch. 1
- F9** Words in s. 298(3) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), **Sch. 3 para. 20**; S.I. 2017/1286, reg. 2(d)

Changes to legislation:

Housing Act 1985, Section 298 is up to date with all changes known to be in force on or before 25 April 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.

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by [S.I. 2022/1166](#) by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\)](#); [S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\), Sch.](#); [S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)