

*Status: Point in time view as at 28/12/2017.*

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## SCHEDULES

### SCHEDULE 17

Section 406

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Interpretation*

- 1 (1) In any Act or instrument amended by this Schedule—
- “communications service” means any of the following services—
- (a) an electronic communications service;
  - (b) the provision of directory information by means of an electronic communications network for the purpose of facilitating the use of an electronic communications service provided by means of that network;
  - (c) the installation, maintenance, adjustment, repair, alteration, moving, removal or replacement of apparatus which is or is to be connected to an electronic communications network;
- “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 this Act;
- “electronic communications code network” means—
- (a) so much of an electronic communications network or [F1infrastructure 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; 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;
- “electronic communications network” and “electronic communications service” each has the same meaning as in this 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 this Act of section 7 of the Telecommunications Act 1984 (c. 12) 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

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(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 this Act;

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

(2) In this paragraph—

<sup>F2</sup>(a) .....

(b) “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 sub-paragraph (1).

<sup>F3</sup>(c) “infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7 of that code.]

#### Textual Amendments

- F1** Words in Sch. 17 para. 1(1) substituted (28.12.2017) by [The Communications Act 2003 and the Digital Economy Act 2017 \(Consequential Amendments to Primary Legislation\) Regulations 2017 \(S.I. 2017/1285\)](#), reg. 1(1), [Sch. 1 para. 8\(2\)\(a\)](#)
- F2** Sch. 17 para. 1(2)(a) omitted (28.12.2017) by virtue of [The Communications Act 2003 and the Digital Economy Act 2017 \(Consequential Amendments to Primary Legislation\) Regulations 2017 \(S.I. 2017/1285\)](#), reg. 1(1), [Sch. 1 para. 8\(2\)\(b\)\(i\)](#)
- F3** Sch. 17 para. 1(2)(c) inserted (28.12.2017) by [The Communications Act 2003 and the Digital Economy Act 2017 \(Consequential Amendments to Primary Legislation\) Regulations 2017 \(S.I. 2017/1285\)](#), reg. 1(1), [Sch. 1 para. 8\(2\)\(b\)\(ii\)](#)

#### Commencement Information

- I1** Sch. 17 para. 1 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), art. 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I2** Sch. 17 para. 1 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)

#### *Official Secrets Act 1911*

2 For the purposes of the Official Secrets Act 1911 (c. 28), any electronic communications station or office belonging to, or occupied by, the provider of a public electronic communications service shall be a prohibited place.

#### Commencement Information

- I3** Sch. 17 para. 2 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I4** Sch. 17 para. 2 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)

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### *Law of Property Act 1925*

- 3 [F4 In section 194(4) of the Law of Property Act 1925 (c. 20) (exceptions from restrictions on inclosure of commons), for the words from “telecommunication apparatus” onwards there shall be substituted “ electronic communications apparatus installed for the purposes of an electronic communications code network.”]

#### **Textual Amendments**

- F4** Sch. 17 para. 3 repealed (E.W.) (1.10.2007 for E., 1.4.2012 for W.) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 2](#) (with s. 60); [S.I. 2007/2584](#), art. 2(d)(ii); [S.I. 2012/739](#), art. 2(h)

#### **Commencement Information**

- I5** Sch. 17 para. 3 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I6** Sch. 17 para. 3 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

### *Public Health Act 1925*

- 4 In section 10 of the Public Health Act 1925 (c. 71) (Crown application), for the words from “telecommunication apparatus” to “system” there shall be substituted “ electronic communications apparatus kept installed for the purposes of an electronic communications code network ”.

#### **Commencement Information**

- I7** Sch. 17 para. 4 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I8** Sch. 17 para. 4 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

### *London Overground Wires, etc Act 1933*

- 5 (1) The London Overground Wires, etc. Act 1933 (c. xlv) shall be amended as follows.
- (2) In section 11 (saving for safety regulations), for “any telecommunication apparatus made” there shall be substituted “ any electronic communications apparatus made ”.
- (3) In section 14 (savings in respect of telecommunications code system)—
- (a) for “telecommunication apparatus kept installed for the purposes of a telecommunications code system” there shall be substituted “ electronic communications apparatus kept installed for the purposes of an electronic communications code network ”;
- (b) for the words from “conferred by” onwards there shall be substituted “ conferred by or in accordance with the electronic communications code on the operator of any such network. ”

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**Commencement Information**

- I9** Sch. 17 para. 5 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I10** Sch. 17 para. 5 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

*Wireless Telegraphy Act 1949*

<sup>F56</sup> .....

**Textual Amendments**

- F5** Sch. 17 paras. 6-18 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

<sup>F57</sup> .....

**Textual Amendments**

- F5** Sch. 17 paras. 6-18 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

- I11** Sch. 17 para. 7 in force at 18.9.2003 by [S.I. 2003/1900](#), art. 2(2), **Sch. 2**

<sup>F58</sup> .....

**Textual Amendments**

- F5** Sch. 17 paras. 6-18 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

<sup>F59</sup> .....

**Textual Amendments**

- F5** Sch. 17 paras. 6-18 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

- I12** Sch. 17 para. 9 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I13** Sch. 17 para. 9 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(1)**, **Sch. 1** (with [art. 11](#))

<sup>F510</sup> .....

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**Textual Amendments**

**F5** Sch. 17 paras. 6-18 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I14** Sch. 17 para. 10 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))

**I15** Sch. 17 para. 10 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

<sup>F5</sup>11 .....

**Textual Amendments**

**F5** Sch. 17 paras. 6-18 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I16** Sch. 17 para. 11 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))

**I17** Sch. 17 para. 11 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(1)**, **Sch. 1** (with [art. 11](#))

<sup>F5</sup>12 .....

**Textual Amendments**

**F5** Sch. 17 paras. 6-18 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I18** Sch. 17 para. 12 in force at 29.12.2003 by [S.I. 2003/3142](#), **art. 3(1)**, **Sch. 1** (with [art. 11](#))

<sup>F5</sup>13 .....

**Textual Amendments**

**F5** Sch. 17 paras. 6-18 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I19** Sch. 17 para. 13 in force at 29.12.2003 by [S.I. 2003/3142](#), **art. 3(1)**, **Sch. 1** (with [art. 11](#))

<sup>F5</sup>14 .....

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**Textual Amendments**

**F5** Sch. 17 paras. 6-18 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

<sup>F5</sup>15 .....

**Textual Amendments**

**F5** Sch. 17 paras. 6-18 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I20** Sch. 17 para. 15 in force at 29.12.2003 for specified purposes by [S.I. 2003/3142](#), art. 3(1)(3), **Sch. 1** (with [art. 11](#))

**I21** Sch. 17 para. 15 in force at 1.4.2004 in so far as not already in force by [S.I. 2003/3142](#), art. 4(2), **Sch. 2** (with [art. 11](#))

<sup>F5</sup>16 .....

**Textual Amendments**

**F5** Sch. 17 paras. 6-18 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I22** Sch. 17 para. 16 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))

**I23** Sch. 17 para. 16 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

<sup>F5</sup>17 .....

**Textual Amendments**

**F5** Sch. 17 paras. 6-18 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I24** Sch. 17 para. 17 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with [art. 11](#))

<sup>F5</sup>18 .....

**Textual Amendments**

**F5** Sch. 17 paras. 6-18 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

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#### Commencement Information

- I25** Sch. 17 para. 18 in force at 18.9.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(2), [Sch. 2](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I26** Sch. 17 para. 18 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Coast Protection Act 1949*

- 19 In section 47 of the Coast Protection Act 1949 (c. 74) (savings), in paragraph (b), for the words from “the telecommunications code” to “system” there shall be substituted “ the electronic communications code on the operator of an electronic communications code network ”.

#### Commencement Information

- I27** Sch. 17 para. 19 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I28** Sch. 17 para. 19 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *National Parks and Access to the Countryside Act 1949*

- 20 (1) The National Parks and Access to the Countryside Act 1949 (c. 97) shall be amended as follows.
- (2) In section 20(2) (byelaws for protection of nature reserves not to interfere with certain rights)—
- (a) for “the running of a telecommunications code system” there shall be substituted “ the provision of an electronic communications code network ”;
  - (b) for “the telecommunications code” there shall be substituted “ the electronic communications code ”;
  - (c) for “such system” there shall be substituted “ such network ”.
- (3) In section 60(5)(f) (exceptions from rights of public where access agreement etc. in force), for “or a telecommunications code system” there shall be substituted “ or an electronic communications code network ”.

#### Commencement Information

- I29** Sch. 17 para. 20 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I30** Sch. 17 para. 20 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *London County Council (General Powers) Act 1949*

- 21 In section 7(6) of the London County Council (General Powers) Act 1949 (c. 1v) (interference by works etc. for provision of heat), for “telecommunication apparatus kept installed for the purposes of a telecommunications code system” there shall be

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substituted “ electronic communications apparatus kept installed for the purposes of an electronic communications code network ”.

**Commencement Information**

- I31** Sch. 17 para. 21 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I32** Sch. 17 para. 21 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

*Local Government (Miscellaneous Provisions) Act 1953*

- 22 (1) Section 6 of the Local Government (Miscellaneous Provisions) Act 1953 (c. 26) (supplementary provisions as to omnibus shelters etc.) shall be amended as follows.
- (2) For “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”.
- (3) In subsection (1)—
- (a) for “a telecommunications code system” there shall be substituted “ an electronic communications code network ”;
- (b) for “that system” there shall be substituted “ that network ”.
- (4) In subsection (2), for “system” there shall be substituted “ network ”.

**Commencement Information**

- I33** Sch. 17 para. 22 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I34** Sch. 17 para. 22 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

*Army Act 1955*

F<sup>6</sup>23 .....

**Textual Amendments**

- F6** Sch. 17 para. 23 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006](#) (c. 52), s. 383(2), **Sch. 17**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

**Commencement Information**

- I35** Sch. 17 para. 23 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I36** Sch. 17 para. 23 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

*Air Force Act 1955*

F<sup>7</sup>24 .....



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#### Textual Amendments

- F7** Sch. 17 para. 24 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

#### Commencement Information

- I37** Sch. 17 para. 24 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I38** Sch. 17 para. 24 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955*

- 25 In section 17(2) of the Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955 (c. 15 (N.I.)) (application of paragraph 23 of telecommunications code)—
- (a) for “the telecommunications code” there shall be substituted “ the electronic communications code ”;
- (b) for “telecommunication apparatus” there shall be substituted “ electronic communications apparatus ”.

#### Commencement Information

- I39** Sch. 17 para. 25 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I40** Sch. 17 para. 25 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Naval Discipline Act 1957*

- 26 <sup>F8</sup> .....

#### Textual Amendments

- F8** Sch. 17 para. 26 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

#### Commencement Information

- I41** Sch. 17 para. 26 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I42** Sch. 17 para. 26 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Opencast Coal Act 1958*

- 27 (1) In section 45 of the Opencast Coal Act 1958 (c. 69) (saving for apparatus installed for the purposes of telecommunications code system)—

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

**Commencement Information**

- I43** Sch. 17 para. 27 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I44** Sch. 17 para. 27 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

*Pipe-lines Act 1962*

- 28 In section 40 of the Pipe-lines Act 1962 (c. 58) (avoidance of interference with telecommunications code systems)—
- (a) for “telecommunication apparatus”, in both places, there shall be substituted “ electronic communications apparatus ”;
  - (b) for “a telecommunications code system” there shall be substituted “ an electronic communications code network ”;
  - (c) for “such system” there shall be substituted “ such network ”;
  - (d) for “the telecommunications code” there shall be substituted “ the electronic communications code ”.

**Commencement Information**

- I45** Sch. 17 para. 28 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I46** Sch. 17 para. 28 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

*London County Council (General Powers) Act 1963*

- 29 In section 17(4)(a) of the London County Council (General Powers) Act 1963 (c. xvii) (interference from provision of illuminations, floodlighting, etc.), for “telecommunication apparatus kept installed for the purposes of a telecommunications code system” there shall be substituted “ electronic communications apparatus kept installed for the purposes of an electronic communications code network ”.

**Commencement Information**

- I47** Sch. 17 para. 29 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I48** Sch. 17 para. 29 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

*Status: Point in time view as at 28/12/2017.*

*Changes to legislation: Communications Act 2003, SCHEDULE 17 is up to date with all changes known to be in force on or before 21 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)*

### *Harbours Act 1964*

- 30 In section 53 of the Harbours Act 1964 (c. 40) (application of telecommunications code for certain works)—
- (a) for “telecommunications code” there shall be substituted “ electronic communications code ”;
  - (b) for “telecommunication apparatus” there shall be substituted “ electronic communications apparatus ”.

#### **Commencement Information**

- I49** Sch. 17 para. 30 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I50** Sch. 17 para. 30 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

### *New Towns Act (Northern Ireland) 1965*

- 31 (1) Section 25 of the New Towns Act (Northern Ireland) 1965 (c. 13 (N.I.)) shall be amended as follows.
- (2) In subsections (9A), (9C) and (9D)—
- (a) for “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
  - (b) for “a telecommunications code system” there shall be substituted “ an electronic communications code network ”;
  - (c) for “that system” there shall be substituted “ that network ”;
  - (d) for “the telecommunications code”, wherever occurring, there shall be substituted “ the electronic communications code ”.
- (3) In subsection (9B) for “any telecommunications code system” there shall be substituted “ any electronic communications code network ”.

#### **Commencement Information**

- I51** Sch. 17 para. 31 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I52** Sch. 17 para. 31 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

### *Marine, &c., Broadcasting (Offences) Act 1967*

<sup>F9</sup>32 .....

#### **Textual Amendments**

- F9** Sch. 17 paras. 32-38 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))

*Status: Point in time view as at 28/12/2017.*

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**Commencement Information**

**I53** Sch. 17 para. 32 in force at 18.9.2003 by [S.I. 2003/1900](#), art. 2(2), **Sch. 2**

<sup>F9</sup>33 .....

**Textual Amendments**

**F9** Sch. 17 paras. 32-38 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I54** Sch. 17 para. 33 in force at 18.9.2003 by [S.I. 2003/1900](#), art. 2(2), **Sch. 2**

<sup>F9</sup>34 .....

**Textual Amendments**

**F9** Sch. 17 paras. 32-38 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I55** Sch. 17 para. 34 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

<sup>F9</sup>35 .....

**Textual Amendments**

**F9** Sch. 17 paras. 32-38 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I56** Sch. 17 para. 35 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

<sup>F9</sup>36 .....

**Textual Amendments**

**F9** Sch. 17 paras. 32-38 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I57** Sch. 17 para. 36 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

*Wireless Telegraphy Act 1967*

<sup>F9</sup>37 .....

*Status: Point in time view as at 28/12/2017.*

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**Textual Amendments**

- F9** Sch. 17 paras. 32-38 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

- I58** Sch. 17 para. 37 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I59** Sch. 17 para. 37 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with [art. 11](#))

**F938** .....

**Textual Amendments**

- F9** Sch. 17 paras. 32-38 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

- I60** Sch. 17 para. 38 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I61** Sch. 17 para. 38 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

**F1039** .....

**Textual Amendments**

- F10** Sch. 17 para. 39 repealed (25.6.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(2), **Sch. 21 para. 2**

**Commencement Information**

- I62** Sch. 17 para. 39 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with [art. 11](#))

*Countryside Act 1968*

- 40 (1) The Countryside Act 1968 (c. 41) shall be amended as follows.
- (2) In section 41 (exceptions from powers to make byelaws etc.), in subsections (4) and (12)—
- (a) for “the running of a telecommunications code system” there shall be substituted “ the provision of an electronic communications code network ”;
  - (b) for “the telecommunications code” there shall be substituted “ the electronic communications code ”;
  - (c) for “such system” there shall be substituted “ such network ”.
- (3) In paragraph 6 of Schedule 2 (exceptions from procedure for taking common land)—
- (a) for “the telecommunications code” there shall be substituted “ the electronic communications code ”;

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

**Commencement Information**

- I63** Sch. 17 para. 40 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I64** Sch. 17 para. 40 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Greater London Council (General Powers) Act 1969*

- 41 In section 7(6) of the Greater London Council (General Powers) Act 1969 (c. lii) (effect of exercise of power to stop up streets)—
- (a) for “the telecommunications code” there shall be substituted “ the electronic communications code ”;
- (b) for “telecommunications code system” there shall be substituted “ electronic communications code network ”.

**Commencement Information**

- I65** Sch. 17 para. 41 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I66** Sch. 17 para. 41 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Harbours Act (Northern Ireland) 1970*

- 42 In section 37 of the Harbours Act (Northern Ireland) 1970 (c. 1 (N.I.)) (application of telecommunications code for certain works)—
- (a) for “telecommunications code” there shall be substituted “ electronic communications code ”;
- (b) for “telecommunication apparatus” there shall be substituted “ electronic communications apparatus ”.

**Commencement Information**

- I67** Sch. 17 para. 42 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I68** Sch. 17 para. 42 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Thames Barrier and Flood Prevention Act 1972*

- 43 In section 20(1)(a) of the Thames Barrier and Flood Prevention Act 1972 (c. xlv) (power to make subsidiary works etc.), for “telecommunication installations” there shall be substituted “ electronic communications installations ”.

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#### Commencement Information

- I69** Sch. 17 para. 43 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I70** Sch. 17 para. 43 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Fair Trading Act 1973*

- 44 In section 137(3) of the Fair Trading Act 1973 (c. 41) (meaning of “supply of services”), for paragraph (f) there shall be substituted—
- “(f) includes the making of arrangements, by means of such an agreement as is mentioned in paragraph 29 of Schedule 2 to the Telecommunications Act 1984, for the sharing of the use of any electronic communications apparatus, and”.

#### Commencement Information

- I71** Sch. 17 para. 44 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I72** Sch. 17 para. 44 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Drainage (Northern Ireland) Order 1973*

- 45 In paragraph 3 of Schedule 9 to the Drainage (Northern Ireland) Order 1973 (S.I. 1973/69 (N.I. 1))—
- (a) for “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
- (b) for “a telecommunications code system”, wherever occurring, there shall be substituted “ an electronic communications code network ”;
- (c) for “telecommunications code”, wherever occurring (except in the expression “telecommunications code system”), there shall be substituted “ electronic communications code ”;
- (d) for “any such system” and “that system” there shall be substituted, respectively, “ any such network ” and “ that network ”.

#### Commencement Information

- I73** Sch. 17 para. 45 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I74** Sch. 17 para. 45 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Water and Sewerage Services (Northern Ireland) Order 1973*

- 46 <sup>[F11]</sup>(1) In Article 57A(3)(b) of the Water and Sewerage Services (Northern Ireland) Order 1973 (S.I. 1973/70 (N.I. 2)) (civil liability of Department for escapes of water)—

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

(2) In Article 58(1) of that Order (protection for telegraph and telephone lines), for “telecommunications” there shall be substituted “ electronic communications ”.]

#### Textual Amendments

**F11** Sch. 17 para. 46 repealed (N.I.) (1.4.2007) by [The Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336\)](#), art. 1(2), **Sch. 13** (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), Sch. Pt. 2 (with Sch. 2)

#### Commencement Information

**I75** Sch. 17 para. 46 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))

**I76** Sch. 17 para. 46 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with art. 11)

#### *Consumer Credit Act 1974*

47 In section 16(6) of the Consumer Credit Act 1974 (c. 39) (exempt agreements) for “public telecommunications operator specified in the order” there shall be substituted “ provider of a public electronic communications service who is specified in the order ”.

#### Commencement Information

**I77** Sch. 17 para. 47 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))

**I78** Sch. 17 para. 47 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with art. 11)

#### *House of Commons Disqualification Act 1975*

48 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), in the appropriate place, there shall be inserted— “ Seirbheis nam Meadhanan Gàidhlig ”.

#### Commencement Information

**I79** Sch. 17 para. 48 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

#### *Northern Ireland Assembly Disqualification Act 1975*

49 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), in the appropriate place, there shall be inserted— “ Seirbheis nam Meadhanan Gàidhlig ”.



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#### Commencement Information

**180** Sch. 17 para. 49 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

#### *Welsh Development Agency Act 1975*

- 50 (1) Section 19 of the Welsh Development Agency Act 1975 (c. 70) (the Agency and the media) shall be amended as follows.
- (2) In subsection (9), for “the appropriate authority”, in both places, there shall be substituted “ the Office of Communications ”.
- (3) In subsection (11), in the definition of “relevant licence” for “the Independent Television Commission or the Radio Authority” there shall be substituted “ the Office of Communications ”.

#### Commencement Information

**181** Sch. 17 para. 50 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

#### *Building Regulations (Northern Ireland) Order 1979*

- 51 In paragraph 14 of Schedule 1 to the Building Regulations (Northern Ireland) Order 1979 (S.I. 1979/1709 (N.I. 16)) (building regulations), for “telecommunications services” there shall be substituted “ communications services ”.

#### Commencement Information

**182** Sch. 17 para. 51 in force at 25.7.2003 for specified purposes by S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3))

**183** Sch. 17 para. 51 in force at 29.12.2003 in so far as not already in force by S.I. 2003/3142, art. 3(2) (with art. 11)

#### *Local Government, Planning and Land Act 1980*

- 52 (1) Part 3 of Schedule 28 to the Local Government, Planning and Land Act 1980 (c. 65) (provisions about land acquired by urban development corporations) shall be amended as follows.
- (2) In paragraphs 5, 6, 13, 14 and 16—
- (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 “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
- (d) for “such system” and “the system”, wherever occurring, there shall be substituted, respectively, “ such network ” and “ the network ”.

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**Commencement Information**

- I84** Sch. 17 para. 52 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I85** Sch. 17 para. 52 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Highways Act 1980*

- 53 In section 35(11)(c) and (12) of the Highways Act 1980 (c. 66) (regulation of rights to maintain apparatus on walkways), for “telecommunications code systems” there shall be substituted “ electronic communications code networks ”.

**Commencement Information**

- I86** Sch. 17 para. 53 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I87** Sch. 17 para. 53 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 54 In section 115D of that Act (limits on powers to restrict access to highways), for paragraph (d) there shall be substituted—
- “(d) as to prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.”

**Commencement Information**

- I88** Sch. 17 para. 54 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I89** Sch. 17 para. 54 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 55 In section 142(5) of that Act (protection of telecommunications apparatus by conditions in licences to plant trees etc. in a highway), for “telecommunications code systems” there shall be substituted “ electronic communications code networks ”.

**Commencement Information**

- I90** Sch. 17 para. 55 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I91** Sch. 17 para. 55 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 56 (1) This paragraph applies to the following provisions of that Act—
- (a) the definition of “statutory undertakers” in section 144(6) (power to erect flagpoles etc. on highways);

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- (b) the definition of “statutory undertakers” in section 169(4) (control of scaffolding on highways);
  - (c) the definition of “statutory undertakers” in section 170(3) (control of mixing mortar etc. on highways);
  - (d) section 177(4) and (12) (licence to build over highway not to interfere with telecommunications code systems);
  - (e) section 178(5) (exceptions to restriction on placing rails etc. over highways);
  - (f) section 329(4A) (interpretation);
  - (g) section 334 (savings for operators of telecommunications code systems).
- (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” there shall be substituted “ the electronic communications code network ”;
  - (c) for “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
  - (d) for “telecommunications code”, wherever occurring (except in the expression “telecommunications code system”), there shall be substituted “ electronic communications code ”;
  - (e) for “system”, wherever occurring (except in the expression “telecommunications code system”), there shall be substituted “ network ”.

#### Commencement Information

**192** Sch. 17 para. 56 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))

**193** Sch. 17 para. 56 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *New Towns Act 1981*

- 57 (1) This paragraph applies to the following provisions of the New Towns Act 1981 (c. 64)
- (a) section 16(2) (exception to extinguishment of rights over land compulsorily acquired);
  - (b) section 19(2) (saving from the power to override certain rights);
  - (c) section 24 (apparatus kept installed for purposes of telecommunications code system);
  - (d) section 26(8) (extinguishment of rights of way and removal of apparatus);
  - (e) section 39(7) (power of development corporation to transfer undertakings).
- (2) In the provisions to which this paragraph applies—
- (a) for “in accordance with the telecommunications code”, wherever occurring, there shall be substituted “ in accordance with 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 ”;

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

#### Commencement Information

- I94** Sch. 17 para. 57 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I95** Sch. 17 para. 57 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Acquisition of Land Act 1981*

- 58 (1) The Acquisition of Land Act 1981 (c. 67) shall be amended as follows.
- (2) In section 28 (acquisition of land by the creation of new rights), after paragraph (h) there shall be inserted—
- “(i) paragraph 3(3) of Schedule 4 to the Communications Act 2003.”
- (3) In section 32(6A) (exception to power to extinguish certain public rights of way)—
- (a) for the words from “telecommunication apparatus” to “telecommunications code system” there shall be substituted “ electronic communications apparatus kept installed for the purposes of an electronic communications code network ”; and
  - (b) in paragraph (a), for “system” there shall be substituted “ network ”.

#### Commencement Information

- I96** Sch. 17 para. 58 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I97** Sch. 17 para. 58 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Housing (Northern Ireland) Order 1981*

- 59 In Article 159A of the Housing (Northern Ireland) Order 1981 (S.I. 1981/156 (N.I. 3)) (application of telecommunications code to the Northern Ireland Housing Executive)—
- (a) for “telecommunications code”, wherever occurring, there shall be substituted “ electronic communications code ”;
  - (b) for “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
  - (c) for “a telecommunications code system” there shall be substituted “ an electronic communications code network ”;
  - (d) for “that system” there shall be substituted “ that network ”.

*Status: Point in time view as at 28/12/2017.*

*Changes to legislation: Communications Act 2003, SCHEDULE 17 is up to date with all changes known to be in force on or before 21 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)*

#### Commencement Information

- I98** Sch. 17 para. 59 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I99** Sch. 17 para. 59 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Civil Aviation Act 1982*

- 60 In section 48(7)(b) of the Civil Aviation Act 1982 (c. 16) (Secretary of State to give notice of orders stopping up highways for civil aviation purposes), for “a telecommunications code system” there shall be substituted “ an electronic communications code network ”.

#### Commencement Information

- I100** Sch. 17 para. 60 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I101** Sch. 17 para. 60 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Representation of the People Act 1983*

- 61 In section 92(1)(c) of the Representation of the People Act 1983 (c. 2) (broadcasting from outside the United Kingdom), for “the Independent Television Commission or the Radio Authority” there shall be substituted “ the Office of Communications ”.

#### Commencement Information

- I102** Sch. 17 para. 61 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 62 (1) Section 93 of that Act (broadcasting of local items during election period) shall be amended as follows.
- (2) In subsection (4), for the words from the beginning to “each” there shall be substituted “ The Office of Communications shall ”.
- (3) In subsection (6)—
- (a) in the definition of “broadcasting authority”, for “the Independent Television Commission, the Radio Authority” there shall be substituted “ the Office of Communications ”;
- (b) in the definition of “relevant services”, for paragraphs (b) and (c) there shall be substituted—
- “(b) in relation to the Office of Communications, means services licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996.”

#### Commencement Information

- I103** Sch. 17 para. 62 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

*Status: Point in time view as at 28/12/2017.*

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*Telecommunications Act 1984*

- 63 (1) Sections 44 to 46 of the Telecommunications Act 1984 (c. 12) (offences relating to modification and interception of messages and to assaults on the persons engaged on the business of a telecommunications operator) shall cease to have effect.
- (2) No proceedings shall be capable of being begun at any time after the commencement of this paragraph for any offence under any of those sections which was committed before the commencement of this paragraph.
- (3) Any proceedings for an offence under any of those sections which have been begun before the commencement of this paragraph but in which there has not yet been a conviction must be discontinued immediately.

**Commencement Information**

- I104** Sch. 17 para. 63 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I105** Sch. 17 para. 63 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

<sup>F12</sup>64 .....

**Textual Amendments**

- F12** Sch. 17 paras. 64-69 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

- I106** Sch. 17 para. 64 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with [art. 11](#))

<sup>F12</sup>65 .....

**Textual Amendments**

- F12** Sch. 17 paras. 64-69 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

- I107** Sch. 17 para. 65 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with [art. 11](#))

<sup>F12</sup>66 .....

**Textual Amendments**

- F12** Sch. 17 paras. 64-69 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

- I108** Sch. 17 para. 66 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with [art. 11](#))

<sup>F12</sup>67 .....

*Status: Point in time view as at 28/12/2017.*

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**Textual Amendments**

**F12** Sch. 17 paras. 64-69 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I109** Sch. 17 para. 67 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

**F12**<sub>68</sub> .....

**Textual Amendments**

**F12** Sch. 17 paras. 64-69 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I110** Sch. 17 para. 68 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

**F12**<sub>69</sub> .....

**Textual Amendments**

**F12** Sch. 17 paras. 64-69 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I111** Sch. 17 para. 69 in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), **Sch. 1** (with art. 11)

- 70 (1) Section 94 of that Act (directions in the interests of national security) shall be amended as follows.
- (2) In subsection (1), for “requisite or expedient” there shall be substituted “ necessary ”.
- (3) In subsection (2), for “requisite or expedient” there shall be substituted “ necessary ”.
- (4) After subsection (2), there shall be inserted—
- “(2A) The Secretary of State shall not give a direction under subsection (1) or (2) unless he believes that the conduct required by the direction is proportionate to what is sought to be achieved by that conduct.”
- (5) In subsection (3), for “this Act” there shall be substituted “ Part 1 or Chapter 1 of Part 2 of the Communications Act 2003 and, in the case of a direction to a provider of a public electronic communications network, notwithstanding that it relates to him in a capacity other than as the provider of such a network ”.
- (6) In subsection (6), for “public telecommunications operators” there shall be substituted “ providers of public electronic communications networks ”.
- (7) In subsection (8), for the words from “the Director” onwards there shall be substituted “ OFCOM and to providers of public electronic communications networks. ”

*Status: Point in time view as at 28/12/2017.*

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#### Commencement Information

- I112** Sch. 17 para. 70 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I113** Sch. 17 para. 70 in force at 18.9.2003 in so far as not already in force by [S.I. 2003/1900](#), art. 2(2), **Sch. 2**

- 71 (1) Section 98 of that Act (use of conduits for telecommunications purposes) shall be amended as follows.
- (2) In subsection (1), for the words “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”.
- (3) In subsection (5)(a), for the words “telecommunication purposes” there shall be substituted “ the purposes of any electronic communications network or of any electronic communications service ”.

#### Commencement Information

- I114** Sch. 17 para. 71 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I115** Sch. 17 para. 71 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

- 72 (1) Section 101 of that Act (general restrictions on disclosure of information) shall be amended as follows.
- <sup>F13</sup>(2) .....
- (3) In subsection (2)(a)—
- (a) the words “or transferred” shall be omitted; and
- (b) for the words “, the Director or the Commission by or under this Act” there shall be substituted “ or OFCOM by or under this Act (except functions assigned by or under Part 6) ”.
- (4) In subsection (2)(b), after “the Rail Regulator” there shall be inserted “ , OFCOM ”.
- (5) In subsection (3), after paragraph (p) there shall be inserted—
- “(q) the Communications Act 2003 (excluding the provisions of that Act which are enactments relating to the management of the radio spectrum within the meaning of that Act).”
- (6) Subsection (4) shall cease to have effect.
- (7) In subsection (6), for “the Director” there shall be substituted “ OFCOM ”.

#### Textual Amendments

- F13** Sch. 17 para. 72(2) repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))

#### Commencement Information

- I116** Sch. 17 para. 72(1)-(3)(5)(6) in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))



*Status: Point in time view as at 28/12/2017.*

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**I117** Sch. 17 para. 72(1)-(3) (5) (6) in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142, art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

**I118** Sch. 17 para. 72(4) (7) in force at 29.12.2003 by [S.I. 2003/3142, art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

73 In section 104 of that Act (orders and schemes), after subsection (1) there shall be inserted—

“(1A) Section 403 of the Communications Act 2003 (procedure for regulations and orders made by OFCOM) applies to every power of OFCOM to make an order under a provision of this Act.

(1B) The approval of the Secretary of State is required for the making by OFCOM of an order under section 85 or 86 above.

(1C) A statutory instrument containing an order made by OFCOM under section 85 or 86 above shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### Commencement Information

**I119** Sch. 17 para. 73 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900, arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#))

**I120** Sch. 17 para. 73 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142, art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

74 In section 106(1) of that Act (general interpretation), after the definition of “modifications” there shall be inserted—

““OFCOM” means the Office of Communications;”.

#### Commencement Information

**I121** Sch. 17 para. 74 in force at 29.12.2003 by [S.I. 2003/3142, art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

75 In paragraph 18(2) of Schedule 2 to that Act (notices affixed to overhead apparatus), for “paragraph 24(4)(a)” there shall be substituted “ paragraph 24(2A)(a) ”.

#### Commencement Information

**I122** Sch. 17 para. 75 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900, arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#))

**I123** Sch. 17 para. 75 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))

#### *Cinemas Act 1985*

76 In section 21(1) of the Cinemas Act 1985 (c. 13) (interpretation), for the definition of “film exhibition” there shall be substituted—

““film exhibition” means any exhibition of moving pictures other than an exhibition of items included in a programme service (within the meaning of the Communications Act 2003) that is being simultaneously received (or virtually so) by the exhibitor”.

*Status: Point in time view as at 28/12/2017.*

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**Commencement Information**

**I124** Sch. 17 para. 76 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

*Surrogacy Arrangements Act 1985*

77 In section 3 of the Surrogacy Arrangements Act 1985 (c. 49) (advertisements about surrogacy), for “a telecommunication system”, wherever occurring, there shall be substituted “ an electronic communications network ”.

**Commencement Information**

**I125** Sch. 17 para. 77 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\)](#), [2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))

**I126** Sch. 17 para. 77 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Bankruptcy (Scotland) Act 1985*

F1478 .....

**Textual Amendments**

**F14** Sch. 17 para. 78 repealed (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), [art. 1](#), [Sch. 2 Pt. 1](#)

**Commencement Information**

**I127** Sch. 17 para. 78 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\)](#), [2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))

**I128** Sch. 17 para. 78 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Housing Act 1985*

- 79 (1) The Housing Act 1985 (c. 68) shall be amended as follows.
- (2) In section 295(2)(b) (extinguishment of other rights over land acquired), for “telecommunications systems” there shall be substituted “ electronic communications networks ”.
- (3) In section 298(2) and (3) (telecommunications apparatus)—
- (a) for “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
  - (b) for “a telecommunications code system”, wherever occurring, there shall be substituted “ an electronic communications code network ”;
  - (c) for “the telecommunications code”, wherever occurring, there shall be substituted “ the electronic communications code ”;
  - (d) for “the system” and “a system” there shall be substituted, respectively, “ the network ” and “ a network ”.

*Status: Point in time view as at 28/12/2017.*

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#### Commencement Information

- I129** Sch. 17 para. 79 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I130** Sch. 17 para. 79 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Airports Act 1986*

- 80 In section 62 of the Airports Act 1986 (c. 31) (provisions as to telecommunication apparatus)—
- (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 ”;
  - (d) in subsection (3), for “that system” there shall be substituted “ that network ”.

#### Commencement Information

- I131** Sch. 17 para. 80 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I132** Sch. 17 para. 80 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Gas Act 1986*

- 81 In section 4AA(4)(b) of the Gas Act 1986 (c. 44) (general duties of Secretary of State and Authority), for sub-paragraph (i) there shall be substituted—
- “(i) communications services and electronic communications apparatus, or”.

#### Commencement Information

- I133** Sch. 17 para. 81 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I134** Sch. 17 para. 81 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Insolvency Act 1986*

- 82 (1) The Insolvency Act 1986 (c. 45) shall be amended as follows.
- (2) In section 233 (supplies of telecommunications services etc. in cases of administration or liquidation)—
- (a) in subsection (3), for paragraph (d) there shall be substituted—

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- “(d) a supply of communications services by a provider of a public electronic communications service.”;
- (b) in subsection (5), for paragraph (d) there shall be substituted—
- “(d) “communications services” do not include electronic communications services to the extent that they are used to broadcast or otherwise transmit programme services (within the meaning of the Communications Act 2003).”
- (3) In section 372 (supplies of telecommunications services etc. in cases of bankruptcy)
- (a) in subsection (4), for paragraph (d) there shall be substituted—
- “(d) a supply of communications services by a provider of a public electronic communications service.”;
- (b) in subsection (5), for paragraph (c) there shall be substituted—
- “(c) “communications services” do not include electronic communications services to the extent that they are used to broadcast or otherwise transmit programme services (within the meaning of the Communications Act 2003).”
- (4) In Schedule 2A (exceptions to prohibition on appointment of administrative receiver), in paragraph 10, after sub-paragraph (2) there shall be inserted—
- “(2A) For the purposes of section 72D a business is also regulated to the extent that it consists in the provision of a public electronic communications network or a public electronic communications service.”

**Commencement Information**

- I135** Sch. 17 para. 82 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I136** Sch. 17 para. 82 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Company Directors Disqualification Act 1986*

- 83 In section 9E(2) of the Company Directors Disqualification Act 1986 (c. 46) (interpretation), for paragraph (a) there shall be substituted—
- “(a) the Office of Communications;”.

**Commencement Information**

- I137** Sch. 17 para. 83 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

*Channel Tunnel Act 1987*

- 84 For section 32 of the Channel Tunnel Act 1987 (c. 53), there shall be substituted—

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### “32 Exclusion of rights under electronic communications code

No rights shall be exercisable by any person by virtue of the electronic communications code in relation to any land comprised in the tunnel system and lying in or under the bed of the sea.”

#### Commencement Information

**I138** Sch. 17 para. 84 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))

**I139** Sch. 17 para. 84 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

85 In paragraph 3(2)(b) of Schedule 2 to that Act (supplementary provisions as to scheduled works etc.), for “telecommunications” there shall be substituted “electronic communications”.

#### Commencement Information

**I140** Sch. 17 para. 85 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))

**I141** Sch. 17 para. 85 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

86 (1) Part 10 of Schedule 7 to that Act (protection of telecommunications operators) shall be amended as follows.

(2) In paragraph 1(1), for “a telecommunications operator” there shall be substituted “an operator of an electronic communications code network”.

(3) In paragraphs 2 to 7—

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

*Status: Point in time view as at 28/12/2017.*

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**Commencement Information**

- I142** Sch. 17 para. 86 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I143** Sch. 17 para. 86 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

*Consumer Protection (Northern Ireland) Order 1987*

- 87 (1) Article 29 of the Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987/2049 (N.I. 20)) (restrictions on disclosure of information) shall be amended as follows.
- (2) In paragraph (3), after sub-paragraph (n), there shall be inserted—  
 “(o) the Communications Act 2003.”
- (3) In paragraph (6) for “the Director General of Telecommunications” there shall be substituted “the Office of Communications”.

**Commencement Information**

- I144** Sch. 17 para. 87 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I145** Sch. 17 para. 87 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

*Income and Corporation Taxes Act 1988*

- 88 In section 567(2)(b) of the Income and Corporation Taxes Act 1988 (c. 1) (meaning of “construction operations”), for “telecommunication apparatus” there shall be substituted “electronic communications apparatus”.

**Commencement Information**

- I146** Sch. 17 para. 88 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I147** Sch. 17 para. 88 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

*Norfolk and Suffolk Broads Act 1988*

- 89 In section 25(1) of the Norfolk and Suffolk Broads Act 1988 (c. 4) (interpretation), in the definition of “statutory undertaker”, for paragraph (d) there shall be substituted—  
 “(d) any electronic communications code operator;”.

**Commencement Information**

- I148** Sch. 17 para. 89 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))

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*Changes to legislation: Communications Act 2003, SCHEDULE 17 is up to date with all changes known to be in force on or before 21 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)*

**I149** Sch. 17 para. 89 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

#### *Malicious Communications Act 1988*

90 In section 1(2A)(a) of the Malicious Communications Act 1988 (c. 27) (offence of sending electronic communications with intent to cause distress or anxiety), for “a telecommunication system (within the meaning of the Telecommunications Act 1984)” there shall be substituted “an electronic communications network”.

#### **Commencement Information**

**I150** Sch. 17 para. 90 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))

**I151** Sch. 17 para. 90 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

#### *Copyright, Designs and Patents Act 1988*

91 (1) Section 69 of the Copyright, Designs and Patents Act 1988 (c. 48) (no infringement of copyright by use of recordings for certain supervisory purposes) shall be amended as follows.

(2) In subsection (2)—

(a) for paragraph (a) there shall be substituted—

“(a) section 167(1) of the Broadcasting Act 1990, section 115(4) or (6) or 117 of the Broadcasting Act 1996 or paragraph 20 of Schedule 12 to the Communications Act 2003;”;

(b) in paragraph (b), for the words from “by virtue of” to “1990” there shall be substituted “by virtue of section 334(1) of the Communications Act 2003”;

(c) in paragraph (c), for “Radio Authority” there shall be substituted “OFCOM”;

(d) after paragraph (c) there shall be inserted—

“(d) section 334(3) of the Communications Act 2003.”

(3) For subsection (3) there shall be substituted—

“(3) Copyright is not infringed by the use by OFCOM in connection with the performance of any of their functions under the Broadcasting Act 1990, the Broadcasting Act 1996 or the Communications Act 2003 of—

(a) any recording, script or transcript which is provided to them under or by virtue of any provision of those Acts; or

(b) any existing material which is transferred to them by a scheme made under section 30 of the Communications Act 2003.

(4) In subsection (3), “existing material” means—

(a) any recording, script or transcript which was provided to the Independent Television Commission or the Radio Authority under or by virtue of any provision of the Broadcasting Act 1990 or the Broadcasting Act 1996; and

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- (b) any recording or transcript which was provided to the Broadcasting Standards Commission under section 115(4) or (6) or 116(5) of the Broadcasting Act 1996.”

**Commencement Information**

**I152** Sch. 17 para. 91 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

- 92 (1) Section 73 of that Act (no breach of copyright by certain retransmissions of [F15 wireless broadcasts by cable] ) shall be amended as follows.
- (2) In subsection (6)—
- (a) for paragraphs (c) and (d) there shall be substituted—
- “(c) the public teletext service,  
 (d) S4C Digital, and”;
- (b) for the words after paragraph (e) there shall be substituted— “ and expressions used in this subsection have the same meanings as in Part 3 of the Communications Act 2003. ”
- (3) For subsection (7) there shall be substituted—
- “(7) In this section “relevant requirement” means a requirement imposed by a general condition (within the meaning of Chapter 1 of Part 2 of the Communications Act 2003) the setting of which is authorised under section 64 of that Act (must-carry obligations).”

**Textual Amendments**

**F15** Words in Sch. 17 para. 92(1) substituted (31.10.2003) by virtue of [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 1, Sch. 1 para. 23 (with regs. 31-40)

**Commencement Information**

**I153** Sch. 17 para. 92 in force at 29.12.2003 by S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

- 93 (1) Paragraph 17 of Schedule 2 to that Act (no infringement of performance rights by use of recordings for certain supervisory purposes) shall be amended as follows.
- (2) In sub-paragraph (2)—
- (a) for paragraph (a) there shall be substituted—
- “(a) section 167(1) of the Broadcasting Act 1990, section 115(4) or (6) or 117 of the Broadcasting Act 1996 or paragraph 20 of Schedule 12 to the Communications Act 2003;”;
- (b) in paragraph (b), for the words from “by virtue of” to “1990” there shall be substituted “ by virtue of section 334(1) of the Communications Act 2003 ”;
- (c) in paragraph (c), for “Radio Authority” there shall be substituted “ OFCOM ”;
- (d) after paragraph (c) there shall be inserted—
- “(d) section 334(3) of the Communications Act 2003.”
- (3) For sub-paragraph (3) there shall be substituted—



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- “(3) The rights conferred by Part 2 are not infringed by the use by OFCOM in connection with the performance of any of their functions under the Broadcasting Act 1990, the Broadcasting Act 1996 or the Communications Act 2003 of—
- (a) any recording, script or transcript which is provided to them under or by virtue of any provision of those Acts; or
  - (b) any existing material which is transferred to them by a scheme made under section 30 of the Communications Act 2003.
- (4) In subsection (3), “existing material” means—
- (a) any recording, script or transcript which was provided to the Independent Television Commission or the Radio Authority under or by virtue of any provision of the Broadcasting Act 1990 or the Broadcasting Act 1996; and
  - (b) any recording or transcript which was provided to the Broadcasting Standards Commission under section 115(4) or (6) or 116(5) of the Broadcasting Act 1996.”

**Commencement Information**

**I154** Sch. 17 para. 93 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

*Housing Act 1988*

- 94 (1) Part 2 of Schedule 10 to the Housing Act 1988 (c. 50) (provisions about land acquired by a housing action trust) shall be amended as follows.
- (2) In paragraphs 4, 5, 11, 12 and 14—
- (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 “telecommunications apparatus” and “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
  - (d) for “such system” and “the system”, wherever occurring, there shall be substituted, respectively, “ such network ” and “ the network ”.

**Commencement Information**

**I155** Sch. 17 para. 94 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\)](#), [2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))

**I156** Sch. 17 para. 94 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Road Traffic Act 1988*

- 95 In section 21(3)(b) of the Road Traffic Act 1988 (c. 52) (exception from prohibition of driving etc on cycle tracks for statutory undertakers), for the words from

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“a telecommunications code system” to “1984” there shall be substituted “ an electronic communications code network ”.

**Commencement Information**

- I157** Sch. 17 para. 95 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I158** Sch. 17 para. 95 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Water Act 1989*

- 96 (1) Section 174 of the Water Act 1989 (c. 15) (general restrictions on disclosure of information) be amended as follows.
- (2) In subsection (2)(d), for sub-paragraph (iv) there shall be substituted—  
 “(iv) the Office of Communications;”.
- (3) In subsection (3), after paragraph (ln) there shall be inserted—  
 “(lo) the Communications Act 2003;”.

**Commencement Information**

- I159** Sch. 17 para. 96 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I160** Sch. 17 para. 96 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Road Traffic (Driver Licensing and Information Systems) Act 1989*

- 97 (1) The Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22) shall be amended as follows.
- (2) For section 9(3) (requirement for licence to operate driver information systems) there shall be substituted—  
 “(3) The holding by a person of a licence under this section shall not relieve him of—  
 (a) any liability in respect of a failure to hold a licence under section 1 of the Wireless Telegraphy Act 1949; or  
 (b) any obligation to comply with requirements imposed by or under Chapter 1 of Part 2 of the Communications Act 2003 (electronic communications networks and electronic communications services).”
- (3) In paragraph 4 of Schedule 4 (application of telecommunications code to licence holders), for the words “(application of telecommunications code)” there shall be substituted “(procedure for works involving alteration of electronic communications apparatus)”.
- (4) In paragraph 8 of Schedule 5 (undertakers' works affecting driver information systems)—

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- (a) in the definition of “relevant undertaker”, for paragraph (b) there shall be substituted—  
“(b) any electronic communications code operator;”;
- (b) in the definition of “undertaker’s works”, in paragraph (b), for “a telecommunication system run by him” there shall be substituted “ an electronic communications code network provided by him ”.

#### Commencement Information

- I161** Sch. 17 para. 97 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I162** Sch. 17 para. 97 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Electricity Act 1989*

- 98 In section 3A(4)(b) of the Electricity Act 1989 (c. 29) (general duties of Secretary of State and Authority), for sub-paragraph (i) there shall be substituted—  
“(i) communications services and electronic communications apparatus, or”.

#### Commencement Information

- I163** Sch. 17 para. 98 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I164** Sch. 17 para. 98 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 99 (1) Schedule 4 to that Act (other powers etc. of licence holders) shall be amended as follows.
- (2) In paragraphs 3(1)(d) and 5—
- (a) for “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
- (b) for “a telecommunication system” there shall be substituted “ an electronic communications code network ”; and
- (c) for “telecommunications code”, wherever occurring, there shall be substituted “ electronic communications code ”.
- (3) In paragraph 4(1), for paragraph (c) there shall be substituted—  
“(c) any electronic communications code operator or any former PTO; and”.

#### Commencement Information

- I165** Sch. 17 para. 99 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I166** Sch. 17 para. 99 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

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*Local Government and Housing Act 1989*

- 100 In section 88(1)(e)(i) of the Local Government and Housing Act 1989 (c. 42) (electronic communication), for “a telecommunication system (within the meaning of the Telecommunications Act 1984)” there shall be substituted “ an electronic communications network ”.

**Commencement Information**

- I167** Sch. 17 para. 100 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I168** Sch. 17 para. 100 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Insolvency (Northern Ireland) Order 1989*

- 101 (1) The Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)) shall be amended as follows.
- (2) In Article 197(3) (supplies of water, electricity, etc.) for sub-paragraph (c) to the end there shall be substituted—
- “(c) a supply of communications services by a provider of a public electronic communications service,
- and in this paragraph “communications services” do not include electronic communications services to the extent that they are used to broadcast or transmit programme services (within the meaning of the Communications Act 2003). ”
- (3) In Article 343(4) (supplies of water, electricity, etc.) for sub-paragraph (c) to the end there shall be substituted—
- “(c) a supply of communications services by a provider of a public telecommunications service,
- and in this paragraph ‘communications services’ do not include electronic communications services to the extent that they are used to broadcast or transmit programme services (within the meaning of the Communications Act 2003). ”

**Commencement Information**

- I169** Sch. 17 para. 101 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I170** Sch. 17 para. 101 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Town and Country Planning Act 1990*

- 102 In section 148(1) of the Town and Country Planning Act 1990 (c. 8) (interpretation of Chapter 1), in the definition of “statutory undertakers”, for “public telecommunications operators” there shall be substituted “ electronic communications code operators and former PTOs ”.

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#### Commencement Information

- I171** Sch. 17 para. 102 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I172** Sch. 17 para. 102 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 103 (1) This paragraph applies to the following provisions of that Act—
- (a) section 236(2) (exception to extinguishment of rights over land compulsorily acquired);
  - (b) section 237(3) (saving from power to override certain rights);
  - (c) section 256 (Secretary of State’s orders affecting telecommunications apparatus);
  - (d) section 260 (orders by other authorities affecting telecommunication apparatus);
  - (e) section 272 (extinguishment of rights of telecommunications code system operators);
  - (f) section 273(7) and (8) (notices given to developing authority);
  - (g) section 274(2) (making of orders);
  - (h) section 279(3) (right to compensation).
- (2) In each of the provisions to which this paragraph applies—
- (a) for “telecommunications code”, wherever occurring (except in the expression “telecommunications code system”), there shall be substituted “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 “telecommunications apparatus” and “telecommunication apparatus”, wherever occurring, there shall be substituted “electronic communications apparatus”;
  - (d) for “the telecommunications code system”, wherever occurring, there shall be substituted “the electronic communications code network”;
  - (e) for “system”, wherever occurring (except in the expression “telecommunications code system”), there shall be substituted “network”.

#### Commencement Information

- I173** Sch. 17 para. 103 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I174** Sch. 17 para. 103 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 104 In section 280 of that Act (measures of compensation)—
- (a) for “a telecommunications code system” there shall be substituted “an electronic communications code network”;
  - (b) for “the running of the telecommunications code system”, wherever occurring, there shall be substituted “the provision of the electronic communications code network”.

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**Commencement Information**

- I175** Sch. 17 para. 104 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I176** Sch. 17 para. 104 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 105 In paragraph 1(a) of Schedule 13 to that Act (blighted land), for sub-paragraph (ii) there shall be substituted—

“(ii) of the provision by an electronic communications code 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, or”.

**Commencement Information**

- I177** Sch. 17 para. 105 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I178** Sch. 17 para. 105 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Planning (Listed Buildings and Conservation Areas) Act 1990*

- 106 (1) The Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) shall be amended as follows.
- (2) In section 51(2) (saving for ending of rights over land compulsorily acquired), for paragraphs (b) and (c) there shall be substituted—
- “(b) to any right conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network, or
- (c) to any electronic communications apparatus kept installed for the purposes of any such network.”
- (3) In section 91(3) (meaning of “statutory undertakers” in certain sections), in paragraph (a) for “a public telecommunications operator” there shall be substituted “an electronic communications code operator and to a former PTO”.

**Commencement Information**

- I179** Sch. 17 para. 106 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I180** Sch. 17 para. 106 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*London Local Authorities (No. 2) Act 1990*

- 107 (1) Section 5 of the London Local Authorities (No. 2) Act 1990 (c. xxx) (crime prevention) shall be amended as follows.

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- (2) For subsection (1)(b) there shall be substituted—
- “(b) providing within their area an electronic communications service which is distributed—
    - (i) only to persons on a single set of premises; and
    - (ii) by an electronic communications network which is wholly within those premises and is not connected to an electronic communications network any part of which is outside those premises;”.
- (3) In subsection (1)(c), for “telecommunications system” there shall be substituted “electronic communications network or electronic communications service”.
- (4) After subsection (4), there shall be inserted—
- “(4A) For the purposes of subsection (1)(b)—
    - (a) a set of premises is a single set of premises if, and only if, the same person is the occupier of all the premises; and
    - (b) two or more vehicles are capable of constituting a single set of premises if, and only if, they are coupled together.”
- (5) For subsection (5), there shall be substituted—
- “(5) In this section—
    - “premises” includes a vehicle; and
    - “vehicle” includes a vessel, aircraft or hovercraft.”

**Commencement Information**

- I181** Sch. 17 para. 107 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I182** Sch. 17 para. 107 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*New Roads and Street Works Act 1991*

- 108 (1) In the New Roads and Street Works Act 1991 (c. 22)—
- (a) paragraph 7 of Schedule 4 (streets with special engineering difficulties), and
  - (b) paragraph 7 of Schedule 6 (roads with special engineering difficulties),
- shall be amended as follows.
- (2) For “telecommunication apparatus”, wherever occurring, there shall be substituted “electronic communications apparatus”.
- (3) In sub-paragraph (3)(c)—
- (a) for “a telecommunication system” there shall be substituted “an electronic communications network”; and
  - (b) for “a system” there shall be substituted “a network”.

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**Commencement Information**

- I183** Sch. 17 para. 108 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I184** Sch. 17 para. 108 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Coal Mining Subsidence Act 1991*

- 109 In section 52(1) of the Coal Mining Subsidence Act 1991 (c. 45) (interpretation) in the definition of “statutory undertakers”, in paragraph (b) for “any public telecommunications operator” there shall be substituted “ any electronic communications code operator, any former PTO ”.

**Commencement Information**

- I185** Sch. 17 para. 109 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I186** Sch. 17 para. 109 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Water Industry Act 1991*

- 110 In section 219 of the Water Industry Act 1991 (c. 56) (general interpretation), in the definition of “accessories”, for “telecommunication apparatus (within the meaning of Schedule 2 to the Telecommunications Act 1984)” there shall be substituted “ electronic communications apparatus ”.

**Commencement Information**

- I187** Sch. 17 para. 110 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I188** Sch. 17 para. 110 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 111 (1) Schedule 13 to that Act (protective provisions in respect of certain undertakings) shall be amended as follows.
- (2) In paragraph 1(5), for paragraph (c) there shall be substituted—  
     “(c) any undertaking consisting in the provision of an electronic communications network;”.
- (3) In paragraph 4, for “telecommunication apparatus” there shall be substituted “ electronic communications apparatus ”.

**Commencement Information**

- I189** Sch. 17 para. 111 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))



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**I190** Sch. 17 para. 111 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

112 (1) Schedule 15 to that Act (disclosure of information) shall be amended as follows.

(2) In Part 1, for “The Director General of Telecommunications” there shall be substituted “The Office of Communications”.

(3) In Part 2, after the entry relating to the Enterprise Act 2002, there shall be inserted — “The Communications Act 2003.”

#### Commencement Information

**I191** Sch. 17 para. 112 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))

**I192** Sch. 17 para. 112 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

#### *Water Resources Act 1991*

113 In section 221 of the Water Resources Act 1991 (c. 57) (general interpretation), in the definition of “accessories”, for “telecommunication apparatus (within the meaning of Schedule 2 to the Telecommunications Act 1984)” there shall be substituted “electronic communications apparatus”.

#### Commencement Information

**I193** Sch. 17 para. 113 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))

**I194** Sch. 17 para. 113 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

114 (1) Schedule 22 to that Act (general provisions protecting undertakings) shall be amended as follows.

(2) In paragraph 1(4), for paragraph (c) there shall be substituted—

“(c) any undertaking consisting in the provision of an electronic communications network;”.

(3) In paragraph 5, for “telecommunication apparatus” there shall be substituted “electronic communications apparatus”.

#### Commencement Information

**I195** Sch. 17 para. 114 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))

**I196** Sch. 17 para. 114 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

115 (1) Schedule 24 to that Act (disclosure of information) shall be amended as follows.

(2) In Part 1, for “The Director General of Telecommunications” there shall be substituted “The Office of Communications”.

*Status: Point in time view as at 28/12/2017.*

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- (3) In Part 2, after the entry relating to the Enterprise Act 2002, there shall be inserted—  
 — “ The Communications Act 2003. ”

**Commencement Information**

- I197** Sch. 17 para. 115 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I198** Sch. 17 para. 115 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Land Drainage Act 1991*

- 116 In paragraph 1(1) of Schedule 6 to the Land Drainage Act 1991 (c. 59) (protection for particular undertakings), for paragraph (c) there shall be substituted—  
 “(c) any undertaking consisting in the provision of an electronic communications code network;”.

**Commencement Information**

- I199** Sch. 17 para. 116 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I200** Sch. 17 para. 116 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Planning (Northern Ireland) Order 1991*

- 117 In Articles 103 (making of orders) and 104 (telecommunication apparatus) of the Planning (Northern Ireland) Order 1991 (S.I. 1991/1220 (N.I. 11))—
- (a) for “telecommunications code”, wherever occurring (except in the expression “telecommunications code system”) there shall be substituted “ 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 “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
  - (d) for “system” (except in the expression “telecommunications code system”) there shall be substituted “ network ”.

**Commencement Information**

- I201** Sch. 17 para. 117 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I202** Sch. 17 para. 117 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Status: Point in time view as at 28/12/2017.*

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### *Charities Act 1992*

- 118 In section 60(6)(c) of the Charities Act 1992 (c. 41) (making of payments to professional fund-raisers etc.), for “telecommunication apparatus” there shall be substituted “ electronic communications apparatus ”.

#### **Commencement Information**

- I203** Sch. 17 para. 118 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I204** Sch. 17 para. 118 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

### *Carriage of Goods by Sea Act 1992*

- 119 In section 1(5) of the Carriage of Goods by Sea Act 1992 (c. 50), for “a telecommunication system” there shall be substituted “ an electronic communications network ”.

#### **Commencement Information**

- I205** Sch. 17 para. 119 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I206** Sch. 17 para. 119 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

### *Electricity (Northern Ireland) Order 1992*

- 120 The Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)) shall be amended as follows.

#### **Commencement Information**

- I207** Sch. 17 para. 120 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I208** Sch. 17 para. 120 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

- 121 In Article 61 (restrictions on disclosure of information)—
- (a) for paragraph (2)(b)(vi) there shall be substituted—  
“[\(vi\) the Office of Communications;](#)”;
- (b) after paragraph (3)(u) there shall be inserted—  
“[\(v\) the Communications Act 2003;](#)”.

#### **Commencement Information**

- I209** Sch. 17 para. 121 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I210** Sch. 17 para. 121 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

*Status: Point in time view as at 28/12/2017.*

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- 122 (1) Schedule 4 (other powers etc. of licence holders) shall be amended as follows.
- (2) In paragraph 1(1)—
- (a) for “a public telecommunications operator” there shall be substituted “ an electronic communications code operator ”;
  - (b) for “telecommunication system” there shall be substituted “ electronic communications network ”.
- (3) In paragraphs 4 and 6 for “public telecommunications operator” there shall be substituted “ electronic communications code operator ”.
- (4) In paragraphs 3(1) and (2), 5(1), (2), (3) and (4), 6(1) and 9—
- (a) for “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
  - (b) for “a telecommunication system”, wherever occurring, there shall be substituted “ an electronic communications network ”;
  - (c) for “telecommunications code”, wherever occurring, there shall be substituted “ electronic communications code ”.

#### Commencement Information

- I211** Sch. 17 para. 122 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I212** Sch. 17 para. 122 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*F16* ...

#### Textual Amendments

- F16** Sch. 17 para. 123 and crossheading repealed (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [s. 325\(1\)](#), [Sch. 16](#); [S.I. 2008/3068](#), [art. 5](#), [Sch.](#) (with [arts. 6-13](#))

**F16**123 .....

#### Commencement Information

- I213** Sch. 17 para. 123 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I214** Sch. 17 para. 123 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Cardiff Bay Barrage Act 1993*

- 124 In Schedule 2 to the Cardiff Bay Barrage Act 1993 (c. 42) (supplementary provisions about Development Corporation works)—
- (a) in paragraph 1(c), for “telecommunication” there shall be substituted “ electronic communications ”;
  - (b) in paragraph 16, for “telecommunication apparatus” there shall be substituted “ electronic communications apparatus ”.

*Status: Point in time view as at 28/12/2017.*

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#### Commencement Information

- I215** Sch. 17 para. 124 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I216** Sch. 17 para. 124 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 125 In paragraph 3(2)(c) of Schedule 4 to that Act (exception to extinguishment 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 “such system;” there shall be substituted “ such network. ”

#### Commencement Information

- I217** Sch. 17 para. 125 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I218** Sch. 17 para. 125 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 126 In paragraph 21 of Schedule 7 to that Act (powers of survey etc. in connection with groundwater damage)—
- (a) in sub-paragraphs (5)(b)(ii) and (7), for “a relevant telecommunications licenceholder” there shall be substituted “ a provider of a public electronic communications network ”;
  - (b) in sub-paragraphs (6) and (7), for “or licenceholder” there shall be substituted “ or provider ”;
  - (c) in sub-paragraph (6), for “running of the telecommunication system” there shall be substituted “ provision of the public electronic communications network ”.

#### Commencement Information

- I219** Sch. 17 para. 126 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I220** Sch. 17 para. 126 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Railways Act 1993*

- 127 (1) Section 145 of the Railways Act 1993 (c. 43) (general restrictions on disclosure of information) be amended as follows.
- (2) In subsection (2)(b), for sub-paragraph (iv) there shall be substituted—  
“ (iv) the Office of Communications, ”.
  - (3) In subsection (3), after paragraph (qs) there shall be inserted—  
“ (qt) the Communications Act 2003; ”.

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**Commencement Information**

- I221** Sch. 17 para. 127 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I222** Sch. 17 para. 127 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Roads (Northern Ireland) Order 1993*

- 128 (1) This paragraph applies to the following provisions of the Roads (Northern Ireland) Order 1993 (S.I. 1993/3160 (N.I. 15))—
- (a) Article 12(2) (road bridges over railways);
  - (b) Article 70(2) (consultation on exercise of power to erect structure on road);
  - (c) Article 72(2) (control of scaffolding on roads);
  - (d) Article 73(2) (restriction on placing rails etc. over roads);
  - (e) Article 78(2) (excavations in a road);
  - (f) Article 79(2) (placing of apparatus in or under roads);
  - (g) Article 82(3) (excavations near a road);
  - (h) Article 83(2) (alteration of wall, fence or drain at the side of a road);
  - (i) Schedule 9 (savings for telecommunications apparatus).
- (2) In each of 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 “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
  - (c) for “telecommunications code”, wherever occurring (except in the expression “telecommunications code system”), there shall be substituted “ electronic communications code ”;
  - (d) for “that system”, “any such system” and “the system”, wherever occurring, there shall be substituted, respectively, “ that network ”, “ any such network ” and “ the network ”;
  - (e) for “the telecommunications code system” there shall be substituted “ the electronic communications code network ”.

**Commencement Information**

- I223** Sch. 17 para. 128 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I224** Sch. 17 para. 128 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Value Added Tax Act 1994*

- 129 (1) The Value Added Tax Act 1994 (c. 23) shall be amended as follows.
- (2) In section 33 (refunds of VAT in certain cases)—
- (a) in subsection (3), for paragraph (j) there shall be substituted—

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- “(j) the appointed news provider referred to in section 280 of the Communications Act 2003; and”;
- (b) in subsection (5), for “a nominated” there shall be substituted “ an appointed ”.
- (3) In Part 2 of Schedule 9 (exemptions), in Note (1) in Group 12 (fund-raising events by charities etc.), for “a telecommunications system (within the meaning of the Telecommunications Act 1984)” there shall be substituted “ an electronic communications network ”.

#### Commencement Information

- I225** Sch. 17 para. 129(1)(3) in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I226** Sch. 17 para. 129(1) (3) in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))
- I227** Sch. 17 para. 129(2) in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

#### *Criminal Justice and Public Order Act 1994*

- 130 (1) Section 163 of the Criminal Justice and Public Order Act 1994 (c. 33) (local authority powers to provide closed-circuit television) shall be amended as follows.
- (2) For subsection (1)(b) there shall be substituted—
- “(b) providing within their area an electronic communications service which is distributed—
- (i) only to persons on a single set of premises; and
- (ii) by an electronic communications network which is wholly within those premises and is not connected to an electronic communications network any part of which is outside those premises;”.
- (3) In subsection (1)(c), for “telecommunications system” there shall be substituted “ electronic communications network or electronic communications service ”.
- (4) After subsection (3), there shall be inserted—
- “(3A) For the purposes of subsection (1)(b)—
- (a) a set of premises is a single set of premises if, and only if, the same person is the occupier of all the premises; and
- (b) two or more vehicles are capable of constituting a single set of premises if, and only if, they are coupled together.”
- (5) In subsection (4), for the definition of “telecommunications system” there shall be substituted—
- ““premises” includes a vehicle; and
- “vehicle” includes a vessel, aircraft or hovercraft.”

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**Commencement Information**

- I228** Sch. 17 para. 130 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I229** Sch. 17 para. 130 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Airports (Northern Ireland) Order 1994*

- 131 In Article 12 of the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1)) (provisions as to telecommunications apparatus)—
- (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”, wherever occurring, there shall be substituted “ an electronic communications code network ”;
  - (d) in paragraph (3), for “that system” there shall be substituted “ that network ”.

**Commencement Information**

- I230** Sch. 17 para. 131 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I231** Sch. 17 para. 131 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Merchant Shipping Act 1995*

- 132 In section 91(7) of the Merchant Shipping Act 1995 (c. 21) (report of dangers to navigation), in the definition of “controlled station for wireless telegraphy”—
- (a) after “Secretary of State” there shall be inserted “ or by the Office of Communications ”; and
  - (b) for “by him” there shall be substituted “ by the Office of Communications ”.

**Commencement Information**

- I232** Sch. 17 para. 132 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

*Criminal Procedure (Scotland) Act 1995*

- 133 (1) The Criminal Procedure (Scotland) Act 1995 (c. 46) shall be amended as follows.
- (2) In section 302(9)(a) (interpretation), at the end there shall be inserted “ nor an offence to which Schedule 6 to the Communications Act 2003 (fixed penalties for wireless telegraphy offences) applies. ”
  - (3) In Schedule 9 (certificates as to proof of certain routine matters), at the end there shall be inserted—



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“The Communications Act 2003 Section 363(1) and (2) (offence of unauthorised installation or use of a television receiver)	A person authorised to do so by the British Broadcasting Corporation	In relation to premises at an address specified in the certificate, whether on a date so specified any television licence (for the purposes of that section) was, in records maintained on behalf of the Corporation in relation to such licences, recorded as being in force; and, if so, particulars so specified of such record of that licence.”
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**Commencement Information**

**I233** Sch. 17 para. 133(1) (3) in force at 1.4.2004 by [S.I. 2003/3142](#), [art. 4\(2\)](#), [Sch. 2](#) (with [art. 11](#))

*British Waterways Act 1995*

- 134 In section 3(1) of the British Waterways Act 1995 (c. i) (interpretation), in the definition of “relevant undertaker”, in paragraph (f), for the words from the beginning to “in that Act)” there shall be substituted “ any provider of an electronic communications network having any electronic communications apparatus ”.

**Commencement Information**

**I234** Sch. 17 para. 134 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\)](#), [2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))

**I235** Sch. 17 para. 134 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Street Works (Northern Ireland) Order 1995*

- 135 (1) Paragraph 7 of Schedule 2 to the Street Works (Northern Ireland) Order 1995 (S.I. 1995/3210 (N.I. 19)) (streets with special engineering difficulties) shall be amended as follows.
- (2) For “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”.
- (3) In sub-paragraph (3)(c)—
- (a) for “a telecommunication system” there shall be substituted “ an electronic communications network ”;
  - (b) for “a system” there shall be substituted “ a network ”.

**Commencement Information**

**I236** Sch. 17 para. 135 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\)](#), [2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))

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**I237** Sch. 17 para. 135 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

### *Housing Act 1996*

<sup>F17</sup>136 .....

#### **Textual Amendments**

**F17** Sch. 17 para. 136 repealed (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), **art. 1(2)**, **Sch. 4** (with [art. 6](#), [Sch. 3](#))

#### **Commencement Information**

**I238** Sch. 17 para. 136 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), **arts. 1(2)**, **2(1)**, **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), **art. 1(3)**)

**I239** Sch. 17 para. 136 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

### *Housing Grants, Construction and Regeneration Act 1996*

137 In section 105(1)(b) of the Housing Grants, Construction and Regeneration Act 1996 (c. 53) (meaning of “construction operations”), for “telecommunication apparatus” there shall be substituted “ electronic communications apparatus ”.

#### **Commencement Information**

**I240** Sch. 17 para. 137 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), **arts. 1(2)**, **2(1)**, **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), **art. 1(3)**)

**I241** Sch. 17 para. 137 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

### *Channel Tunnel Rail Link Act 1996*

138 In Schedule 6 to the Channel Tunnel Rail Link Act 1996 (c. 61) (planning conditions), in the table in paragraph 6(4) and the table in paragraph 15(4), for “telecommunications masts”, in each place, there shall be substituted “ electronic communications masts ”.

#### **Commencement Information**

**I242** Sch. 17 para. 138 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), **arts. 1(2)**, **2(1)**, **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), **art. 1(3)**)

**I243** Sch. 17 para. 138 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), **art. 3(2)** (with [art. 11](#))

139 (1) Part 4 of Schedule 15 to that Act (protection of telecommunications operators) shall be amended as follows.

(2) In paragraph 1(1), for “telecommunications operator” there shall be substituted “ an operator of an electronic communications code network ”.

*Status: Point in time view as at 28/12/2017.*

**Changes to legislation:** Communications Act 2003, SCHEDULE 17 is up to date with all changes known to be in force on or before 21 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)

- (3) In paragraphs 2 to 4—
- (a) for “telecommunications code”, wherever occurring, there shall be substituted “ electronic communications code ”;
  - (b) for “telecommunications apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
  - (c) for “a telecommunications operator”, wherever occurring, there shall be substituted “ an operator ”;
  - (d) for “any telecommunications operator”, wherever occurring, there shall be substituted “ any operator of an electronic communications code network ”;
  - (e) for “the telecommunications operator”, wherever occurring, there shall be substituted “ the operator ”;
  - (f) for “telecommunications system” there shall be substituted “ electronic communications code network ”.
- (4) In paragraph 5—
- (a) for “telecommunications apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
  - (b) for “telecommunications operator”, in the first place where it occurs, there shall be substituted “ operator of an electronic communications code network ”;
  - (c) for “telecommunications operator”, in each other place where it occurs, there shall be substituted “ operator ”.

**Commencement Information**

- I244** Sch. 17 para. 139 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I245** Sch. 17 para. 139 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Gas (Northern Ireland) Order 1996*

- 140 The Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2)) shall be amended as follows.

**Commencement Information**

- I246** Sch. 17 para. 140 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I247** Sch. 17 para. 140 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 141 In Article 44 (restrictions on disclosure of information)—
- (a) in paragraph (3)(b), for head (vi) there shall be substituted—  
“(vi) the Office of Communications;”;
  - (b) in paragraph (4), after sub-paragraph (v) there shall be inserted—  
“(w) the Communications Act 2003.”

*Status: Point in time view as at 28/12/2017.*

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**Commencement Information**

- I248** Sch. 17 para. 141 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I249** Sch. 17 para. 141 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 142 (1) Schedule 3 (other powers etc. of licence holders) shall be amended as follows.
- (2) In paragraph 1(1)—
- (a) for “a public telecommunications operator” there shall be substituted “ an electronic communications code operator ”;
  - (b) for “telecommunication system” there shall be substituted “ electronic communications network ”.
- (3) In paragraphs 4 and 6 for “public telecommunications operator” there shall be substituted “ electronic communications code operator ”.
- (4) In paragraphs 3(1), (2) and (3), 5(1) and (2), 6(1) and 8—
- (a) for “telecommunication apparatus”, wherever occurring, there shall be substituted “ electronic communications apparatus ”;
  - (b) for “a telecommunication system”, wherever occurring, there shall be substituted “ an electronic communications network ”;
  - (c) for “telecommunications code”, wherever occurring, there shall be substituted “ electronic communications code ”.

**Commencement Information**

- I250** Sch. 17 para. 142 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I251** Sch. 17 para. 142 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Construction Contracts (Northern Ireland) Order 1997*

- 143 In Article 4(1)(b) of the Construction Contracts (Northern Ireland) Order 1997 (S.I. 1997/274 (N.I. 1)) (meaning of “construction operations”), for “telecommunication apparatus” there shall be substituted “ electronic communications apparatus ”.

**Commencement Information**

- I252** Sch. 17 para. 143 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I253** Sch. 17 para. 143 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Waste and Contaminated Land (Northern Ireland) Order 1997*

- 144 In Article 2(2) of the Waste and Contaminated Land (Northern Ireland) Order 1997 (S.I. 1997/2778 (N.I. 19)) (meaning of “industrial waste” for “telecommunication services”) there shall be substituted “ communications services ”.

*Status: Point in time view as at 28/12/2017.*

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**Commencement Information**

- I254** Sch. 17 para. 144 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I255** Sch. 17 para. 144 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Wireless Telegraphy Act 1998*

<sup>F18</sup>145 .....

**Textual Amendments**

- F18** Sch. 17 paras. 145-151 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), [s. 126\(2\)](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))

**Commencement Information**

- I256** Sch. 17 para. 145 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

<sup>F18</sup>146 .....

**Textual Amendments**

- F18** Sch. 17 paras. 145-151 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), [s. 126\(2\)](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))

**Commencement Information**

- I257** Sch. 17 para. 146 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

<sup>F18</sup>147 .....

**Textual Amendments**

- F18** Sch. 17 paras. 145-151 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), [s. 126\(2\)](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))

**Commencement Information**

- I258** Sch. 17 para. 147 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I259** Sch. 17 para. 147 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

<sup>F18</sup>148 .....

**Textual Amendments**

- F18** Sch. 17 paras. 145-151 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), [s. 126\(2\)](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))

*Status: Point in time view as at 28/12/2017.*

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**Commencement Information**

**I260** Sch. 17 para. 148 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

<sup>F18</sup>149 .....

**Textual Amendments**

**F18** Sch. 17 paras. 145-151 repealed (8.2.2007) by [Wireless Telegraphy Act 2006](#) (c. 36), s. 126(2), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I261** Sch. 17 para. 149 in force at 18.9.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\)](#), [2\(2\)](#), [Sch. 2](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))  
**I262** Sch. 17 para. 149 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

<sup>F18</sup>150 .....

**Textual Amendments**

**F18** Sch. 17 paras. 145-151 repealed (8.2.2007) by [Wireless Telegraphy Act 2006](#) (c. 36), s. 126(2), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I263** (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))  
**I264** Sch. 17 para. 150 in force at 18.9.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\)](#), [2\(2\)](#), [Sch. 2](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))  
**I265** Sch. 17 para. 150 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

<sup>F18</sup>151 .....

**Textual Amendments**

**F18** Sch. 17 paras. 145-151 repealed (8.2.2007) by [Wireless Telegraphy Act 2006](#) (c. 36), s. 126(2), [Sch. 9 Pt. 1](#) (with [Sch. 8 Pt. 1](#))

**Commencement Information**

**I266** Sch. 17 para. 151 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

*Finance Act 1998*

<sup>F19</sup>152 .....

**Textual Amendments**

**F19** Sch. 17 para. 152 repealed (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010](#) (c. 8), s. 381(1), [Sch. 10 Pt. 12](#) (with [Sch. 9 paras. 1-9, 22](#))

*Status: Point in time view as at 28/12/2017.*

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**Commencement Information**

- I267** Sch. 17 para. 152 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I268** Sch. 17 para. 152 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Competition Act 1998*

- 153 (1) Schedule 7 to the Competition Act 1998 (c. 41) (members of Commission appointed under certain enactments) shall be amended as follows.
- (2) In paragraph 2(1)(d), for sub-paragraph (iii) there shall be substituted—  
“(iii) section 194(1) of the Communications Act 2003;”
- (3) In paragraph 19A(9), in the definition of “special reference group”, after paragraph (n) there shall be inserted “or  
(o) section 193 of the Communications Act 2003.”

**Commencement Information**

- I269** Sch. 17 para. 153 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I270** Sch. 17 para. 153 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

- 154 In paragraph 1 of Schedule 7A to that Act (procedural rules), in the definition of “special investigation”, for “and (n)” there shall be substituted “, (n) and (o) ”.

**Commencement Information**

- I271** Sch. 17 para. 154 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I272** Sch. 17 para. 154 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Regional Development Agencies Act 1998*

<sup>F20</sup>155 .....

**Textual Amendments**

- F20** Sch. 17 para. 155 repealed (1.7.2012 at 0.02 a.m.) by [Public Bodies Act 2011 \(c. 24\)](#), s. 38(3), [Sch. 6](#) (with Sch. 6 Note 1); [S.I. 2012/1662](#), art. 2(2)(b)

**Commencement Information**

- I273** Sch. 17 para. 155 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I274** Sch. 17 para. 155 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Status: Point in time view as at 28/12/2017.*

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### *Finance Act 1999*

- 156 In section 132(10) of the Finance Act 1999 (c. 16) (power to provide for use of electronic communications), for “a telecommunication system (within the meaning of the Telecommunications Act 1984)” there shall be substituted “ an electronic communications service ”.

#### **Commencement Information**

- I275** Sch. 17 para. 156 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I276** Sch. 17 para. 156 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

### *Greater London Authority Act 1999*

- 157 (1) Section 235 of the Greater London Authority Act 1999 (c. 29) (restrictions on disclosure of information) shall be amended as follows.
- (2) In subsection (2)(c), for sub-paragraph (iv) there shall be substituted—  
 “(iv) the Office of Communications,”.
- (3) In subsection (3), after paragraph (rs) there shall be inserted—  
 “(rt) the Communications Act 2003;”.

#### **Commencement Information**

- I277** Sch. 17 para. 157 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I278** Sch. 17 para. 157 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

### *Electronic Communications Act 2000*

- 158 In section 15(1) of the Electronic Communications Act 2000 (c. 7) (general interpretation), in the definition of “electronic communication”, for “a telecommunication system (within the meaning of the Telecommunications Act 1984)” there shall be substituted “ an electronic communications network ”.

#### **Commencement Information**

- I279** Sch. 17 para. 158 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I280** Sch. 17 para. 158 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

### *Television Licences (Disclosure of Information) Act 2000*

- 159 In section 5 of the Television Licences (Disclosure of Information) Act 2000 (c. 15) (interpretation)—



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- (a) for the definitions of “the BBC” and “television licence” there shall be substituted—

““the BBC” means the British Broadcasting Corporation;”;

- (b) after the definition of “prescribed” there shall be inserted—

““television licence” means a licence for the purposes of section 363 of the Communications Act 2003;”.

#### Commencement Information

**I281** Sch. 17 para. 159 in force at 1.4.2004 by [S.I. 2003/3142](#), [art. 4\(2\)](#), [Sch. 2](#) (with [art. 11](#))

#### *Finance Act 2000M*

- 160 In paragraph 8 of Schedule 38 to the Finance Act 2000 (c. 17) (regulations for providing incentives for electronic communications), in the definition of “electronic communications”, for “a telecommunication system (within the meaning of the Telecommunications Act 1984)” there shall be substituted “ an electronic communications service ”.

#### Commencement Information

**I282** Sch. 17 para. 160 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\)](#), [2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))

**I283** Sch. 17 para. 160 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Regulation of Investigatory Powers Act 2000*

- 161 (1) The Regulation of Investigatory Powers Act 2000 (c. 23) shall be amended as follows.
- (2) In section 26(6)(a) (surveillance carried out for detecting unlicensed TV use), for “section 1 of the Wireless Telegraphy Act 1949” there shall be substituted “ Part 4 of the Communications Act 2003 ”.
- (3) In Part 1 of Schedule 1 (relevant public authorities for the purposes of sections 28 and 29 of that Act), after paragraph 23 there shall be inserted—
- “**23A** The Office of Communications.”

#### Commencement Information

**I284** Sch. 17 para. 161(1) (3) in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

**I285** Sch. 17 para. 161(2) in force at 1.4.2004 by [S.I. 2003/3142](#), [art. 4\(2\)](#), [Sch. 2](#) (with [art. 11](#))

#### *Postal Services Act 2000*

- 162 (1) The Postal Services Act 2000 (c. 26) shall be amended as follows.

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- (2) In section 125(2)(a) (communications delivered otherwise than electronically), for “a telecommunication system (within the meaning of the Telecommunications Act 1984)” there shall be substituted “an electronic communications network”.

<sup>F21</sup>(3) .....

**Textual Amendments**

**F21** Sch. 17 para. 162(3) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 70](#); S.I. 2011/2329, art. 3

**Commencement Information**

**I286** Sch. 17 para. 162 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))

**I287** Sch. 17 para. 162 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Utilities Act 2000*

- 163 (1) Section 105 of the Utilities Act 2000 (c. 27) (general restrictions on disclosure of information) shall be amended as follows.
- (2) In subsection (5), for paragraph (d) there shall be substituted—  
“(d) the Office of Communications;”.
- (3) In subsection (6), after paragraph (s) there shall be inserted—  
“(t) the Communications Act 2003.”

**Commencement Information**

**I288** Sch. 17 para. 163 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))

**I289** Sch. 17 para. 163 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Freedom of Information Act 2000*

- 164 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities), there shall be inserted at the appropriate place—  
“The Consumer Panel established under section 16 of the Communications Act 2003.”

**Commencement Information**

**I290** Sch. 17 para. 164 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

*Countryside and Rights of Way Act 2000*

- 165 (1) The Countryside and Rights of Way Act 2000 (c. 37) shall be amended as follows.

*Status: Point in time view as at 28/12/2017.*

**Changes to legislation:** Communications Act 2003, SCHEDULE 17 is up to date with all changes known to be in force on or before 21 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)

(2) In section 17(4) (byelaws not to interfere with certain rights), for paragraph (c) there shall be substituted—

“(c) with 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 operator of any such network.”

(3) In paragraph 8 of Schedule 1 (excepted land), for “a telecommunications code system” there shall be substituted “an electronic communications code network”.

#### Commencement Information

**I291** Sch. 17 para. 165 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))

**I292** Sch. 17 para. 165 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### Transport Act 2000

166 (1) Paragraph 3 of Schedule 9 to the Transport Act 2000 (c. 38) (air traffic information) shall be amended as follows.

(2) In sub-paragraph (2), for paragraph (d) there shall be substituted—

“(d) the Office of Communications;”.

(3) In sub-paragraph (3)—

(a) after paragraph (q) there shall be inserted—

“(qa) the Broadcasting Act 1996;”;

(b) after paragraph (ra) there shall be inserted—

“(rb) the Communications Act 2003;”.

#### Commencement Information

**I293** Sch. 17 para. 166(1)(2)(3)(b) in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))

**I294** Sch. 17 para. 166(1) (2) (3)(b) in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

**I295** Sch. 17 para. 166(3)(a) in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

#### Political Parties, Elections and Referendums Act 2000

167 (1) The Political Parties, Elections and Referendums Act 2000 (c. 41) shall be amended as follows.

(2) In section 11(3) (broadcasters to have regard to Electoral Commission’s views on political broadcasts), for the words from “and Sianel” to “regard” there shall be substituted “shall have regard, in determining its policy with respect to party political broadcasts, ”.

(3) In paragraph 4(6) of Schedule 12 (broadcasters to have regard to Electoral Commission’s views on referendum campaign broadcasts), for the words from “and

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Sianel” to “regard” there shall be substituted “ shall have regard, in determining its policy with respect to referendum campaign broadcasts by designated organisations,

**Commencement Information**

**I296** Sch. 17 para. 167 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

*Vehicles (Crime) Act 2001*

- 168 In sections [<sup>F22</sup>16(2)(a),] 31(2)(a) and 40(6) of the Vehicles (Crime) Act 2001 (c. 3) (transmission of representations and service of notices etc.), for “a telecommunication system (within the meaning of the Telecommunications Act 1984 (c. 12))” there shall be substituted “ an electronic communications network ”.

**Textual Amendments**

**F22** Word in Sch. 17 para. 168 repealed (E.W.) (1.10.2013) by [Scrap Metal Dealers Act 2013 \(c. 10\)](#), [ss. 19\(1\)\(e\), 23\(2\)](#); [S.I. 2013/1966](#), [art. 3\(r\)](#) (with [art. 5](#))

**Commencement Information**

- I297** Sch. 17 para. 168 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I298** Sch. 17 para. 168 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Criminal Justice and Police Act 2001*

- 169 In the table in section 1(1) of the Criminal Justice and Police Act 2001 (c. 16) (offences leading to penalties on the spot), after the entry relating to section 12 of that Act there shall be inserted—

“Section 127(2) of the Communications Act 2003	Using public electronic communications network in order to cause annoyance, inconvenience or needless anxiety”.
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**Commencement Information**

- I299** Sch. 17 para. 169 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I300** Sch. 17 para. 169 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

*Electronic Communications Act (Northern Ireland) 2001*

- 170 In section 4(1) of the Electronic Communications Act (Northern Ireland) 2001 (c. 9 (N.I.)) (interpretation), in the definition of “electronic communication”, for

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“a telecommunication system (within the meaning of the Telecommunications Act 1984)” there shall be substituted “ an electronic communications network ”.

#### Commencement Information

- I301** Sch. 17 para. 170 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I302** Sch. 17 para. 170 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

#### *Office of Communications Act 2002*

- 171 Sections 2, 4, 5 and 6 of the Office of Communications Act 2002 (c. 11) shall cease to have effect.

#### Commencement Information

- I303** Sch. 17 para. 171 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

- 172 (1) The Schedule to that Act shall be amended as follows.
- (2) The following shall cease to have effect—
- paragraph 1(4);
  - paragraph 8(5);
  - paragraph 17(8) and (9); and
  - paragraph 20.
- (3) For paragraph 8(1) there shall be substituted—
- “(1) It shall be the duty of OFCOM so to conduct their affairs as to secure that their revenues so far as they —
- derive from the exercise of powers to impose charges or fees in respect of the carrying out of particular functions, and
  - do not fall to be paid into the Consolidated Fund of the United Kingdom or of Northern Ireland,
- are at least sufficient to enable OFCOM to meet the costs of carrying out the functions to which the revenues relate.”
- (4) After paragraph 14(3) (executive committees of OFCOM to include member or employee of OFCOM) there shall be inserted—
- “(3A) Sub-paragraph (3) has effect in the case of a committee of OFCOM which—
- is not the Content Board, but
  - has functions that are confined to functions falling within section 13(2) of the Communications Act 2003 (functions within the Content Board’s remit),
- as if the reference in that sub-paragraph to a member of OFCOM included a reference to a member of the Content Board who is not a member of OFCOM.”

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**Commencement Information**

**I304** Sch. 17 para. 172 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

*Tobacco Advertising and Promotion Act 2002*

173 (1) Section 12 of the Tobacco Advertising and Promotion Act 2002 (c. 36) (exclusion from that Act of advertising on television and radio) shall be amended as follows.

(2) For subsection (3) there shall be substituted—

“(3) This subsection applies to —

- (a) a service falling within section 211(1) of the Communications Act 2003 (independent television services regulated by the Office of Communications) which is not an additional television service (within the meaning of Part 3 of that Act); and
- (b) an additional television service comprised in the public teletext service (within the meaning of that Part).”

(3) For subsection (5) there shall be substituted—

“(5) This subsection applies to a service which—

- (a) falls within section 245(1) of the Communications Act 2003 (independent radio services regulated by the Office of Communications); but
- (b) is not a digital additional sound service (within the meaning of Part 3 of that Act).”

**Commencement Information**

**I305** Sch. 17 para. 173 in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), [Sch. 1](#) (with [art. 11](#))

*Enterprise Act 2002*

174 (1) The Enterprise Act 2002 (c. 40) shall be amended as follows.

(2) In section 126(6) (service of documents electronically), for “a telecommunication system (within the meaning of the Telecommunications Act 1984 (c. 12))” there shall be substituted “ an electronic communications network ”.

(3) In section 128(5) (supply of services and market for services etc.), for “section 189(2) of the Broadcasting Act 1990 (c. 42)” there shall be substituted “ paragraph 29 of Schedule 2 to the Telecommunications Act 1984 ”.

(4) In section 136 (investigations and reports on market investigation references)—

(a) in subsection (7), after paragraph (g) there shall be inserted—

“(h) in relation to the Office of Communications, sections 370 and 371 of the Communications Act 2003.”;

(b) in subsection (8), for “or the Civil Aviation Authority” there shall be substituted “, the Civil Aviation Authority or the Office of Communications ”.

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- (5) In section 168 (regulated markets)—
- (a) in subsection (3)(e), for “section 39(1) of the Broadcasting Act 1990 (c. 42)” there shall be substituted “ section 290 of the Communications Act 2003 ”;
  - (b) for subsection (4)(e), there shall be substituted—
    - “(e) in relation to any networking arrangements (within the meaning given by section 290 of the Communications Act 2003), the duty of the Office of Communications under subsection (1) of section 3 of that Act to secure the matters mentioned in subsection (2)(c) of that section;”;
  - (c) for subsection (5)(g), there shall be substituted—
    - “(g) the Office of Communications;”.
- (6) In section 234(5) (supply of services), for “section 189(2) of the Broadcasting Act 1990 (c. 42)” there shall be substituted “ paragraph 29 of Schedule 2 to the Telecommunications Act 1984 ”.
- (7) In Schedule 15 (enactments conferring functions), in the appropriate place, there shall be inserted— “ Communications Act 2003. ”

#### Commencement Information

- I306** Sch. 17 para. 174(1)(2)(4)(6)(7) in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I307** Sch. 17 para. 174(1) (2) (4) (6) (7) in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)
- I308** Sch. 17 para. 174(3) (5) in force at 29.12.2003 by [S.I. 2003/3142](#), art. 3(1), [Sch. 1](#) (with art. 11)

#### *Income Tax (Earnings and Pensions) Act 2003*

175 (1) The Income Tax (Earnings and Pensions) Act 2003 (c. 1) shall be amended as follows.

<sup>F23</sup>(2) .....

<sup>F24</sup>(3) .....

#### Textual Amendments

- F23** Sch. 17 para. 175(2) repealed (19.7.2006 with effect in accordance with Sch. 26 Pt. 3(6) Note of the amending Act) by [Finance Act 2006 \(c. 25\)](#), [Sch. 26 Pt. 3\(6\)](#)
- F24** Sch. 17 para. 175(3) repealed (19.7.2006 with effect in accordance with Sch. 26 Pt. 3(7) Note of the amending Act) by [Finance Act 2006 \(c. 25\)](#), [Sch. 26 Pt. 3\(7\)](#)

#### Commencement Information

- I309** Sch. 17 para. 175 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I310** Sch. 17 para. 175 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), art. 3(2) (with art. 11)

**Status:**

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**Changes to legislation:**

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