

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 conduit 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—

(a) “conduit system” has the same meaning as in the electronic communications code and references to providing a conduit system shall be construed in accordance with paragraph 1(3A) of that code;

(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).

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.

Law of Property Act 1925

3 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.”

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”.

London Overground Wires, etc Act 1933

5 (1) The [London Overground Wires, etc. Act 1933 \(c. xliv\)](#) 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”;

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- (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.”

Wireless Telegraphy Act 1949

- 6 (1) Section 1 of the Wireless Telegraphy Act 1949 (c. 54) (licensing wireless telegraphy) shall be amended as follows.
 - (2) In subsection (1)—
 - (a) for paragraphs (a) and (b) there shall be substituted “by OFCOM;”;
 - (b) in the proviso, for the words from “Provided” to “by regulations” there shall be substituted “Provided that OFCOM may by regulations”.
 - (3) After subsection (1) there shall be inserted—

“(1AA) Subsection (1) shall not apply to the use of a television receiver (within the meaning of Part 4 of the Communications Act 2003) for receiving a television programme or to the installation of a television receiver for use solely for that purpose.”
 - (4) In subsection (2), for paragraphs (a) and (b) there shall be substituted “as OFCOM think fit,”.
 - (5) In subsection (3), for the words from “revoked by” to “BBC” there shall be substituted “revoked by OFCOM”.
 - (6) In subsection (4), for the words from “notice in writing of” to “served”, in the first place where it occurs, there shall be substituted “notice in writing from OFCOM served by them”.
 - (7) In subsection (5), for the words from “surrendered” to “so to do” there shall be substituted “surrendered to OFCOM if required by them to do so”.
- 7 In section 1C of that Act (prohibition on Acts facilitating unauthorised broadcasting), for subsection (4) there shall be substituted—

“(4) The cases in which a person is to be taken for the purposes of this section as advertising by means of a broadcast include any case in which he causes or allows it to be stated, suggested or implied that entertainment included in the broadcast—
 - (a) has been supplied by him; or
 - (b) is provided wholly or partly at his expense.”
- 8 (1) Section 1D of that Act (procedure for grant of licences for providing a telecommunications service) shall be amended as follows.
 - (2) For the words “the Secretary of State”, “himself” and “he”, wherever occurring, there shall be substituted, respectively, “OFCOM”, “themselves” and “they”.
 - (3) Subsections (1) and (2) (which confine sections 1D to 1F to licences for the purposes of a telecommunications service) shall cease to have effect.
 - (4) For subsection (3) there shall be substituted—

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- “(3) An application for a grant of a wireless telegraphy licence shall be determined in accordance with procedures prescribed in regulations made by OFCOM.”
- (5) In subsection (4), for “specified under subsection (3) shall include” there shall be substituted “must include provision for”.
- (6) After subsection (4) there shall be inserted—
- “(4A) The time limits fixed for the purposes of subsection (4) in relation to any application made after the coming into force of this subsection must require a decision on the application to be made, notified to the applicant and published—
- (a) in the case of an application for a licence relating to a frequency allocated in accordance with the United Kingdom Plan for Frequency Authorisation, not more than six weeks after the day of the receipt of the application; and
 - (b) in any other case, as soon as possible after the receipt of the application.
- (4B) The period of six weeks specified in subsection (4A)(a) may be extended by OFCOM where it appears to them necessary to do so—
- (a) for the purpose of enabling the requirements of any international agreement relating to frequencies or to orbital positions or to satellite Co-ordination to be complied with; or
 - (b) in a case where a determination falls to be made as to which of a number of applicants is the more or most suitable to be licensed, for the purpose of securing that the procedure for the making of that determination is fair, reasonable, open and transparent.
- (4C) That period shall not be extended by virtue of subsection (4B)(b) by more than eight months.”
- (7) In subsection (5) for “requires” there shall be substituted “require”.
- (8) In subsection (6)—
- (a) for “proposes” there shall be substituted “propose”;
 - (b) for “28 days” there shall be substituted “one month”.
- (9) Subsections (7) and (8) shall cease to have effect.
- (10) For subsection (9) there shall be substituted—
- “(9) In imposing terms, provisions or limitations of a wireless telegraphy licence, OFCOM shall impose only those that they are satisfied are—
- (a) objectively justifiable in relation to the networks and services to which they relate;
 - (b) not such as to discriminate unduly against particular persons or against a particular description of persons;
 - (c) proportionate to what they are intended to achieve; and
 - (d) in relation to what they are intended to achieve, transparent.”
- 9 (1) Section 3 of that Act (regulations as to wireless telegraphy) shall be amended as follows.

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- (2) In subsection (1), for the words before paragraph (a) there shall be substituted “OFCOM may make regulations—”.
- (3) After subsection (2) there shall be inserted—
- “(2A) The approval of the Secretary of State is required for the making by OFCOM of any regulations under this section.
- (2B) A statutory instrument containing regulations made by OFCOM under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- 10 No appeal shall be brought to the tribunal established under section 9 of that Act (appeals tribunal in relation to decisions about interference) in respect of any decision made after the coming into force of section 192 of this Act.
- 11 (1) Section 10 of that Act (regulations as to radiation of electro-magnetic energy etc.) shall be amended as follows.
- (2) In subsection (1), for the words before paragraph (a) there shall be substituted “OFCOM may make regulations for either or both of the following purposes—”.
- (3) In subsection (2), for the words from the beginning to “fit” there shall be substituted “The requirements prescribed under subsection (1) shall be such as OFCOM think fit”.
- (4) After subsection (4) there shall be inserted—
- “(4A) The approval of the Secretary of State is required for the making by OFCOM of any regulations under this section.
- (4B) A statutory instrument containing regulations made by OFCOM under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- 12 (1) Section 11 of that Act (enforcement of regulations as to apparatus) shall be amended as follows.
- (2) In subsection (1)—
- (a) for the words before paragraph (a) there shall be substituted “If OFCOM are of the opinion—”;
- (b) for “he considers” there shall be substituted “they consider”;
- (c) for “he may” there shall be substituted “OFCOM may”;
- (d) for the words from “or, if” to “fit” there shall be substituted “or, if OFCOM think fit”;
- (e) in paragraph (ii) of the proviso, for the words from the beginning to “satisfied” there shall be substituted “if OFCOM are satisfied”.
- (3) In subsection (2), for the words from “notice in writing by” to “served”, in the first place where it occurs, there shall be substituted “notice in writing from OFCOM served by them”.
- (4) In subsection (7), for the words from “notice” to “section” there shall be substituted “notice from OFCOM under this section”.
- 13 (1) Section 12 of that Act (enforcement of regulations as to sales etc.) shall be amended as follows.

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- (2) In subsection (1)—
- (a) for the words from the beginning to “opinion” there shall be substituted “If OFCOM are of the opinion”; and
 - (b) for “he” there shall be substituted “OFCOM”.
- (3) In subsection (5), for the words from “by” onwards there shall be substituted “by OFCOM, be guilty of an offence.”
- 14 (1) Section 14 of that Act (penalties and legal proceedings) shall be amended as follows.
- (2) In subsection (1), for paragraph (a) substitute—
- “(a) any offence under section 5(1)(a) of this Act; or”.
- (3) In subsection (1A)—
- (a) in paragraph (c), for “of the Secretary of State” there shall be substituted “from OFCOM”; and
 - (b) paragraph (e) shall cease to have effect.
- (4) In subsection (3)—
- (a) paragraph (b) shall cease to have effect; and
 - (b) for “the Secretary of State” there shall be substituted “OFCOM”.
- (5) In subsections (3A), (3B), (3D) and (3E), for “the Secretary of State” there shall be substituted “OFCOM”.
- (6) In subsection (3B), for “he thinks” there shall be substituted “they think”.
- (7) In subsection (3D), for “him” there shall be substituted “them”.
- (8) In subsection (7) (enforcement by civil proceedings)—
- (a) after the words “the Crown”, in the first place where they occur, there shall be inserted “or by OFCOM,”; and
 - (b) for the words from “In the application” onwards there shall be substituted—
- “In the application of this section to Scotland for the words from “civil proceedings” to “appropriate relief” there shall be substituted “civil proceedings by the Advocate General for Scotland, or by OFCOM, for an interdict or for any other appropriate remedy or relief.””
- 15 (1) Section 15 of that Act (powers of entry) shall be amended as follows.
- (2) In subsection (1), for paragraphs (a) and (b) and the words “, with or without any constables,” there shall be substituted “any constable or any person or persons authorised for the purpose by OFCOM or the Secretary of State”.
- (3) After that subsection there shall be inserted—
- “(1A) Where a person authorised by OFCOM or the Secretary of State is authorised by a warrant under subsection (1) to enter any premises, he is to be entitled to exercise that warrant alone or to exercise it accompanied by one or more constables.”
- (4) In subsection (2)—
- (a) in paragraph (b), for the words from “enable” to “decide” there shall be substituted “enable OFCOM to decide”;

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- (b) in paragraph (c), for the words from “behalf” to “producing” there shall be substituted “behalf by OFCOM and producing”;
 - (c) in the words after paragraph (c), for the words from “behalf” to “with” there shall be substituted “behalf by OFCOM, with”;
 - (d) in paragraph (i) of the proviso, for the words from “that”, in the first place where it occurs, to “satisfied” there shall be substituted “that OFCOM are satisfied”.
- (5) In subsection (2A) for “the BBC” there shall be substituted “OFCOM”.
- 16 (1) Section 16 of that Act (regulations and orders) shall be amended as follows.
- (2) 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 regulations under a provision of this Act.”
- (3) In subsection (2), for the words from the beginning to “him” there shall be substituted “Any power conferred on the Secretary of State”.
- 17 In section 19 of that Act (interpretation), after subsection (2) there shall be inserted—
- “(2AA) In this Act “OFCOM” means the Office of Communications.”
- 18 In Schedule 1 to that Act (procedures in relation to wireless personnel), for paragraph 3 there shall be substituted—
- “3 The Secretary of State is to pay—
- (a) the expenses incurred by an advisory committee under this Schedule, to the extent determined by him; and
 - (b) such sums as he may determine in respect of the expenses of the members of the committee.”

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”.

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”.

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- (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”.

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

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”.

Army Act 1955

- 23 In section 44B(1)(b) of the [Army Act 1955 \(3 & 4 Eliz. 2 c. 18\)](#) (interference etc. with equipment, messages or signals), for “a telecommunication system” there shall be substituted “an electronic communications network”.

Air Force Act 1955

- 24 In section 44B(1)(b) of the [Air Force Act 1955 \(3 & 4 Eliz. 2 c. 19\)](#) (interference etc. with equipment, messages or signals), for “a telecommunication system” there shall be substituted “an electronic communications network”.

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”.

Naval Discipline Act 1957

- 26 In section 29B(1)(b) of the Naval Discipline Act 1957 (c. 53) (interference etc. with equipment, messages or signals), for “a telecommunication system” there shall be substituted “an electronic communications network”.

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)—
- (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”.

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”.

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”.

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”.

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.

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- (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”.

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

- 32 In each of sections 4 and 5 of the Marine, &c., Broadcasting (Offences) Act 1967 (c. 41) (prohibition of acts facilitating or otherwise relating to broadcasts from ships etc.), the following subsection shall be inserted after subsection (3)—
- “(3A) Section 46 of the Consumer Protection Act 1987 (meaning of supply) shall have effect for construing references in this section to the supply of any thing as it has effect for the purpose of construing references in that Act to the supply of goods.”
- 33 (1) Section 5 of that Act shall be further amended as follows.
- (2) In subsection (3) (offences of doing things with intent that an unlawful broadcast may be made)—
- (a) in paragraph (a), for “with intent that a broadcast of it may” there shall be substituted “knowing, or having reasonable cause to believe, that a broadcast of it is to”;
 - (b) in paragraph (b), for “with intent that a broadcast of the work may” there shall be substituted “knowing, or having reasonable cause to believe, that a broadcast of the work is to”;
 - (c) in paragraph (c), for “with intent that the work may” there shall be substituted “knowing, or having reasonable cause to believe, that the work is to”.
- (3) For subsection (4) (presumption as to advertising) there shall be substituted—
- “(4) The cases in which a person is to be taken for the purposes of this section as advertising by means of a broadcast include any case in which he causes or allows it to be stated, suggested or implied that entertainment included in the broadcast—
- (a) has been supplied by him; or
 - (b) is provided wholly or partly at his expense.”
- 34 In section 6(5) of that Act (restrictions on prosecutions), after the words “otherwise than”, wherever occurring, there shall be inserted “by OFCOM or”.
- 35 (1) Section 7A of that Act (powers of enforcement in relation to marine offences) shall be amended as follows.
- (2) In subsection (1), after “the Secretary of State” there shall be inserted “or OFCOM”.

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- (3) In subsections (2) and (4), for “the Secretary of State has issued a written authorisation” there shall be substituted “a written authorisation has been issued by the Secretary of State or OFCOM”.
- (4) In subsection (3)(a), for “the Secretary of State has issued an authorisation” there shall be substituted “an authorisation has been issued by the Secretary of State or OFCOM”.
- (5) In subsection (7), after “powers” there shall be inserted “except so far as exercisable by virtue of an authorisation issued by OFCOM”.
- 36 In section 9(1) of that Act (interpretation), after the definition of “the high seas” there shall be inserted—
- ““OFCOM” means the Office of Communications;”.

Wireless Telegraphy Act 1967

- 37 (1) Section 7 of the Wireless Telegraphy Act 1967 (c. 72) (restrictions on dealing in, and custody of, certain apparatus) shall be amended as follows.
- (2) In subsection (2), for “the Secretary of State” and “he” there shall be substituted, respectively, “OFCOM” and “they”.
- (3) In subsections (5) to (11), for the words “the Secretary of State” and “The Secretary of State”, wherever occurring, there shall be substituted “OFCOM”.
- (4) In subsection (9), for “is satisfied” and “is so satisfied” there shall be substituted, respectively, “are satisfied” and “are so satisfied”.
- (5) After subsection (11) there shall be inserted—
- “(11A) Section 403 of the Communications Act 2003 (procedure for regulations and orders made by OFCOM) applies to the power of OFCOM to make an order under this section.
- (11B) The approval of the Secretary of State is required for the making by OFCOM of an order under this section.
- (11C) A statutory instrument containing an order made by OFCOM under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11D) In this section “OFCOM” means the Office of Communications.”
- 38 (1) Section 8 of that Act (provisions for securing enforcement in relation to vehicles) shall be amended as follows.
- (2) In subsection (1)—
- (a) for “to make regulations under the Vehicle Excise and Registration Act 1994 as to” there shall be substituted “of the Secretary of State under section 7(1) of the Vehicle Excise and Registration Act 1994 to specify”; and
- (b) for “provisions included in the regulations” there shall be substituted “a requirement imposed”.
- (3) In subsection (2), for “regulations made” there shall be substituted “a requirement imposed”.

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- 39 In section 13(1) of that Act (regulations and order to be made by statutory instrument), for “or orders under” there shall be substituted “under Part 1 of”.

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

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”.

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”.

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”.

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

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Telecommunications Act 1984, for the sharing of the use of any electronic communications apparatus, and”.

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”.

Water and Sewerage Services (Northern Ireland) Order 1973

- 46 (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)—
- (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”.

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”.

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”.

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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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”.

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”.

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”.

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”.
- 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.”
- 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”.
- 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”.

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”;
 - (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”;

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- (f) for “such system” and “the system”, wherever occurring, there shall be substituted, respectively, “such network” and “the network”.

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”.

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”.

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”.

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”.
- 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)—

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- (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.”

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.
- 64 In sections 79, 83, 85 and 86 of that Act (wireless telegraphy provisions), for the words “the Secretary of State” and “The Secretary of State”, wherever occurring, there shall be substituted “OFCOM”.
- 65 In section 79(6)(b) of that Act (seizure of apparatus etc.), for “section 80 or 81 below” there shall be substituted “Schedule 7 to the Communications Act 2003”.
- 66 (1) Section 83 of that Act (disposal of seized apparatus and property) shall be further amended as follows.
- (2) In subsections (1)(b) and (2)(b), for “section 80 or 81 above”, in each place, there shall be substituted “Schedule 7 to the Communications Act 2003”.
- (3) In subsection (3), for “him” there shall be substituted “them”.
- (4) In subsection (4), for “he thinks” there shall be substituted “they think”.
- 67 (1) Section 84 of that Act (approval of wireless telegraphy apparatus) shall be amended as follows.
- (2) For the words “Secretary of State”, wherever occurring, except in subsection (9), there shall be substituted “relevant authority”.
- (3) In subsection (5), for “him” there shall be substituted “the relevant authority”.
- (4) In subsection (8) for “his” there shall be substituted “the relevant authority's”.
- (5) After subsection (8) there shall be inserted—
- “(8A) Subject to subsection (8B), in this section “the relevant authority” means—
- (a) in such cases as may be specified in an order made by the Secretary of State, the Secretary of State; and
 - (b) in any other case, OFCOM.

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- (8B) Where an application for the purposes of this section is made to the Secretary of State or OFCOM and it appears to the person to whom it is made that it should have been made to the other—
- (a) that person shall refer the application to the other; and
- (b) the application shall be proceeded with as if made to the person to whom it is referred.”
- 68 Section 90 of that Act (funding of wireless interference service by the Secretary of State) shall cease to have effect.
- 69 (1) Section 91 of that Act (construction of references to the conclusion of proceedings) shall be amended as follows.
- (2) In subsection (1), for “under the 1949 Act or for the forfeiture of any apparatus under section 80 or 81 above” there shall be substituted “to which section 79 above applies or for the forfeiture of any apparatus under Schedule 7 to the Communications Act 2003”.
- 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.”
- 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”.
- 72 (1) Section 101 of that Act (general restrictions on disclosure of information) shall be amended as follows.
- (2) In subsection (1)(a), after “this Act” there shall be inserted “(except Part 6)”.
- (3) In subsection (2)(a)—

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- (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”.
- 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.”
- 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;”.
- 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)”.

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”.

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”.

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Bankruptcy (Scotland) Act 1985

- 78 (1) Section 70 of the Bankruptcy (Scotland) Act 1985 (c. 66) (supplies by utilities) shall be amended as follows.
- (2) 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.”
- (3) For subsection (5) there shall be substituted—
- “(5) In subsection (4), “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).”

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”.

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”.

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—

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“(i) communications services and electronic communications apparatus, or”.

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—
- “(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.”

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;”.

Channel Tunnel Act 1987

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

“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.”

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- 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”.
- 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”.

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”.

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”.

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;”.

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”.

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

- (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.”

- 92 (1) Section 73 of that Act (no breach of copyright by certain retransmissions of broadcasts in cable programme service) 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—

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“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).”
- 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—
- “(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.”

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”;

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- (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”.

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

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;”.

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)—
(a) in the definition of “relevant undertaker”, for paragraph (b) there shall be substituted—

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- “(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”.

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”.
- 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”.

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”.

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,

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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).”

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”.

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”.

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”.

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

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or the provision by a former PTO of a public electronic communications network or a public electronic communications service, or”.

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”.

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.
- (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.”

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”.

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”.

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”.
- 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”.
- 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.”

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”.

Status: This is the original version (as it was originally enacted).

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

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;*”.

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*”.

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*”.

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*”.

Electricity (Northern Ireland) Order 1992

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

Leasehold Reform, Housing and Urban Development Act 1993

- 123 (1) Part 2 of Schedule 20 to the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) (provisions about land acquired by the Urban Regeneration Agency) 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”.

Cardiff Bay Barrage Act 1993

- 124 In Schedule 2 to the Cardiff Bay Barrage Act 1993 (c. 42) (supplementary provisions about Development Corporation works)—

Status: This is the original version (as it was originally enacted).

- (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”.
- 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.”
- 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”.

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;*”.

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—

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- (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”.

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—
 - “(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”.

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

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(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.”

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”.

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”.

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—

“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.”

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”.

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”.

Housing Act 1996

- 136 In section 16(7)(a) of the Housing Act [1996 \(c. 52\)](#) (use of electronic communications by tenant in exercise of right to acquire dwelling), for “a telecommunication system (within the meaning of the Telecommunications Act 1984)” there shall be substituted “an electronic communications network”.

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”.

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”.
- 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”.
- (3) In paragraphs 2 to 4—
- (a) for “telecommunications code”, wherever occurring, there shall be substituted “electronic communications code”;

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- (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”.

Gas (Northern Ireland) Order 1996

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

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.*”

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”.

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”.

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”.

Wireless Telegraphy Act 1998

- 145 Subject to any other amendment made by any other provision of this Act, in sections 1 to 4 of the Wireless Telegraphy Act 1998 ([c. 6](#)), for the words “the Secretary of State”, “Secretary of State” and “The Secretary of State”, wherever occurring, there shall be substituted “OFCOM”.
- 146 In section 1 of that Act (charges for wireless telegraphy licences)—
- (a) in subsection (2)(b), for “the issue or renewal of the licence” there shall be substituted “the issue of the licence or the making of the grant”;
 - (b) in subsection (3)(c), for the words “the Secretary of State thinks”, there shall be substituted “OFCOM think”;
 - (c) in subsection (4), for the words “he thinks”, there shall be substituted “they think”; and
 - (d) in subsection (5), at the end there shall be inserted “or any grant of recognised spectrum access made in accordance with regulations under section 3A”.
- 147 For section 2 of that Act there shall be substituted—

“2 Matters to be taken into account

- (1) This section applies where OFCOM exercise any of their powers under section 1 to prescribe sums payable in respect of any description of wireless telegraphy licence or of grant of recognised spectrum access, other than a power to prescribe sums payable where—
- (a) a wireless telegraphy licence is varied or revoked at the request or with the consent of the licence holder; or
 - (b) a grant of recognised spectrum access is varied or revoked at the request or with the consent of the holder of the grant.
- (2) OFCOM may, if they think fit in the light (in particular) of the matters to which they are required to have regard under section 154 of the Communications Act 2003, prescribe sums which would be greater than those that would be necessary for the purposes of recovering costs incurred by them in connection with functions under the enactments relating to the management of the radio spectrum.
- (3) In this section—
- “the enactments relating to the management of the radio spectrum” has the same meaning as in the Communications Act 2003;

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“prescribe” means prescribe by regulations or determine in accordance with regulations.”

148 (1) Section 4 of that Act (restriction on revocation or variation of licences) shall be amended as follows.

(2) In subsection (1), for the words “him” and “his” there shall be substituted, respectively, “them” and “their”.

(3) In subsection (5), for the word “him” there shall be substituted “them”.

149 (1) After section 4 of that Act there shall be inserted—

“4A Recovery of sums payable to OFCOM

Where any sum is required to be paid to OFCOM—

- (a) under any provision of this Act,
- (b) in pursuance of any provision of regulations under this Act, or
- (c) by virtue of any terms or conditions contained by virtue of this Act in a wireless telegraphy licence, or in a grant of recognised spectrum access,

that sum shall be so paid to them as soon as it becomes due in accordance with that provision, or those terms or conditions, and if not paid is to be recoverable by them accordingly.”

(2) This paragraph does not apply to a sum that first became payable before the coming into force of this paragraph.

150 For section 6 of that Act there shall be substituted—

“6 Regulations

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

(2) Subsections (4) to (6) of that section shall not apply in any case in which it appears to OFCOM that by reason of the urgency of the matter it is inexpedient to publish a notice in accordance with subsection (4)(b) of that section.

(3) Subsections (4) to (6) of that section shall not apply in the case of any regulations under section 3 or 3A modifying previous regulations under that section in a case not falling within subsection (2) if it appears to OFCOM—

- (a) that the modifications would not adversely affect the interests of any person or otherwise put him in a worse position or, as regards someone else, put him at a disadvantage; and
- (b) in so far as the modifications affect a procedure that has already begun, that no person would have acted differently had the modifications come into force before the procedure began.”

151 (1) Section 8 of that Act (interpretation) shall be amended as follows.

(2) After “In this Act—” there shall be inserted—

Status: This is the original version (as it was originally enacted).

“grant of recognised spectrum access” means a grant of recognised spectrum access made under section 159 of the Communications Act 2003;

“OFCOM” means the Office of Communications;”.

(3) After the definition of “wireless telegraphy licence” there shall be inserted—

“and references in this Act to the issue of a wireless telegraphy licence or the making of a grant of recognised spectrum access include references to the issue of such a licence, or the making of a grant of such access, by way of renewal of a previous licence or grant.”

Finance Act 1998

152 In section 118(1) of the Finance Act 1998 (c. 36) (claims for income tax purposes), for “a telecommunication system (within the meaning of the Telecommunications Act 1984)” there shall be substituted “an electronic communications service”.

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.”

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)”.

Regional Development Agencies Act 1998

155 (1) Schedule 6 to the Regional Development Agencies Act 1998 (c. 45) (land acquired by regional development agencies) shall be amended as follows.

(2) In paragraphs 1, 2, 8, 9 and 11—

- (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”.

Status: This is the original version (as it was originally enacted).

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”.

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,*”.

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”.

Television Licences (Disclosure of Information) Act 2000

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

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”.

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”.

Status: This is the original version (as it was originally enacted).

- (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.”

Postal Services Act 2000

- 162 (1) The Postal Services Act 2000 (c. 26) shall be amended as follows.
- (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”.
- (3) In paragraph 3 of Schedule 7 (disclosure of information)—
- (a) in sub-paragraph (2), for paragraph (f) there shall be substituted—
- “(f) the Office of Communications;”;
- (b) in sub-paragraph (3), after paragraph (gh) there shall be inserted—
- “(gi) the Communications Act 2003.”

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.”

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.”

Countryside and Rights of Way Act 2000

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

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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;”.

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

Vehicles (Crime) Act 2001

- 168 In sections 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”.

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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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”.

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.

172 (1) The Schedule to that Act shall be amended as follows.

(2) The following shall cease to have effect—

- (a) paragraph 1(4);
- (b) paragraph 8(5);
- (c) paragraph 17(8) and (9); and
- (d) 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 —

- (a) derive from the exercise of powers to impose charges or fees in respect of the carrying out of particular functions, and
- (b) 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—

- (a) is not the Content Board, but
- (b) 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.”

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

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- (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).”

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”.
 - (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.”

Income Tax (Earnings and Pensions) Act 2003

- 175 (1) The Income Tax (Earnings and Pensions) Act 2003 (c. 1) shall be amended as follows.
- (2) In section 319(3) (mobile telephones), in the definition of “telephone apparatus”, for “connected to a public telecommunication system (as defined in section 9(1) of the Telecommunications Act 1984 (c. 12))” there shall be substituted “used in connection with a public electronic communications service”.
- (3) In section 320(7)(c)(ii) (limited exemption for computer equipment), for “any public telecommunication system, and” there shall be substituted “a public electronic communications service.”