

## SCHEDULE 1

### AMENDMENTS

#### PART 1

#### AMENDMENTS TO PUBLIC GENERAL ACTS

##### **Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947**

1.—(1) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(1) is amended as follows.

(2) In section 3 (power to extinguish certain public rights of way over land acquired), in subsection (4A)(2)—

- (a) for “a telecommunications code system” substitute “an electronic communications code network”;
- (b) for “the system” substitute “the network”.

##### **Opencast Coal Act 1958**

2.—(1) The Opencast Coal Act 1958(3) is amended as follows.

(2) In section 45 (provisions as to telegraphic lines), in subsection (4), for “103(2)” substitute “108(2)”.

##### **Highways Act 1980**

3.—(1) The Highways Act 1980(4) is amended as follows.

(2) In section 334 (savings relating to electronic communications apparatus), in subsection (12), for “103(2)” substitute “108(2)”.

##### **Roads (Scotland) Act 1984**

4.—(1) The Roads (Scotland) Act 1984(5) is amended as follows.

(2) In section 132 (savings for operators of electronic communications code networks), in subsection (4), for “103(2)” substitute “108(2)”.

##### **Airports Act 1986**

5.—(1) The Airports Act 1986(6) is amended as follows.

(2) In section 62 (electronic communications apparatus), in subsection (6), for “103(2)” substitute “108(2)”.

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(1) 1947 c.42.

(2) Subsection (4A) is inserted by section 109 of, and paragraph 23 of Schedule 4 to, the Telecommunications Act 1984 (c.12).

(3) 1958 c.69.

(4) 1980 c.66.

(5) 1984 c.54.

(6) 1986 c.31.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Town and Country Planning Act 1990**

6.—(1) The Town and Country Planning Act 1990(7) is amended as follows.

(2) In section 256 (electronic communications apparatus: orders by the Secretary of State), in subsection (5), for “103(2)” substitute “108(2)”.

### **Town and Country Planning (Scotland) Act 1997**

7.—(1) The Town and Country Planning (Scotland) Act 1997(8) is amended as follows.

(2) In section 212 (electronic communications apparatus), in subsection (7), for “103(2)” substitute “108(2)”.

### **Communications Act 2003**

8.—(1) The Communications Act 2003 is amended as follows.

(2) In Schedule 17 (minor and consequential amendments), in paragraph 1 (interpretation)—

(a) in sub-paragraph (1), in paragraph (a) of the definition of “electronic communications code network” for “conduit system” substitute “infrastructure system”;

(b) in sub-paragraph (2)—

(i) omit paragraph (a);

(ii) after paragraph (b) insert—

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

### **Land Reform (Scotland) Act 2003**

9.—(1) The Land Reform (Scotland) Act 2003(9) is amended as follows.

(2) In Schedule 1 (path orders), in paragraph 12, for “103(2)” substitute “108(2)”.

### **Nature Conservation (Scotland) Act 2004**

10.—(1) The Nature Conservation (Scotland) Act 2004(10) is amended as follows.

(2) In section 58(1) (interpretation), for paragraph (b) of the definition of “statutory undertaker” substitute—

“(b) an operator of an electronic communications code network (within the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003);”.

### **Crossrail Act 2008**

11.—(1) The Crossrail Act 2008(11) is amended as follows.

(2) In Schedule 7 (planning conditions)—

(a) in the table in paragraph 6(4) (development in the area of a unitary authority), in entry 2 in the first column, for “telecommunications masts” substitute “electronic communications masts”;

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(7) 1990 c.8.

(8) 1997 c.

(9) 2003 asp 2.

(10) 2004 asp 6.

(11) 2008 c.18.

- (b) in the table in paragraph 15(4) (district conditions: qualifying authority), in entry 2 in the first column, for “telecommunications masts” substitute “electronic communications masts”.
- (3) In Schedule 17 (protective provisions), in Part 4 (protection of electronic communications code networks), in paragraph 3, for “paragraph 9” substitute “Part 8”.

### **Planning Act 2008**

- 12.**—(1) The Planning Act 2008(**12**) is amended as follows.
- (2) In section 138 (extinguishment of rights etc.), for subsection (4B) substitute—
  - “(4B) In this section—
    - “electronic communications apparatus” has the meaning given in paragraph 5 of the electronic communications code;
    - “electronic communications code” means the code set out in Schedule 3A to the Communications Act 2003;
    - “operator of an electronic communications code network” has the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003;”.

### **High Speed Rail (London-West Midlands) Act 2017**

- 13.**—(1) The High Speed Rail (London-West Midlands) Act 2017(**13**) is amended as follows.
- (2) In Schedule 33 (protective provisions), in Part 3 (electronic communications code networks) —
  - (a) in paragraph 32(2), in the definition of “electronic communications code”, for “Schedule 2 to the Telecommunications Act 1984” substitute “Schedule 3A to the Communications Act 2003”;
  - (b) in paragraph 33—
    - (i) in sub-paragraph (1), for “paragraph 23” substitute “Part 10”;
    - (ii) in sub-paragraph (2), for “Paragraphs 21 and 23” substitute “Parts 6 and 10”;
  - (c) in paragraph 34, for “paragraph 9” substitute “Part 8”.

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(12) 2008 c.29. Section 138(4B) is inserted by section 23(4)(b) of the Growth and Infrastructure Act 2013 (c.27).

(13) 2017 c.7.