Telecommunications Act 1984

1984 CHAPTER 12

An Act to provide for the appointment and functions of a Director General of Telecommunications; to abolish British Telecommunications' exclusive privilege with respect to telecommunications and to make new provision with respect to the provision of telecommunication services and certain related services; to make provision, in substitution for the Telegraph Acts 1863 to 1916 and Part IV of the Post Office Act 1969, for the matters there dealt with and related matters; to provide for the vesting of property, rights and liabilities of British Telecommunications in a company nominated by the Secretary of State and the subsequent dissolution of British Telecommunications; to make provision with respect to the finances of that company; to amend the Wireless Telegraphy Acts 1949 to 1967, to make further provision for facilitating enforcement of those Acts and otherwise to make provision with respect to wireless telegraphy apparatus and certain related apparatus; to give statutory authority for the payment out of money provided by Parliament of expenses incurred by the Secretary of State in providing a radio interference service; to increase the maximum number of members of British Telecommunications pending its dissolution; and for connected purposes. [12th April 1984]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1 Act amended (1.4.1996) by S.I. 1996/593, reg. 2, **Sch. 1**

C2 Act modified (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), **ss. 404**, 406, 408, 411 (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

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C3 Act modified (25.7.2003) by The Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 (S.I. 2000/730), reg. 6(2)(3) (as substituted by The Radio Equipment and Telecommunications Terminal Equipment (Amendment) Regulations 2003 (S.I. 2003/1903), **reg. 2(6)**

C4 Act applied (E.W.S.) (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), **art. 17(4)** (with arts. 4, 37)

PART I

INTRODUCTORY

1 The Director General of Telecommunications.

(1) The Secretary of State shall appoint an officer to be known as the Director General of Telecommunications (in this Act referred to as "the Director") for the purpose of performing the functions assigned or transferred to the Director by or under this Act.

(2) An appointment of a person to hold office as the Director shall not be for a term exceeding five years; but previous appointment to that office shall not affect eligibility for re-appointment.

(3) The Director may at any time resign his office as the Director by notice in writing addressed to the Secretary of State; and the Secretary of State may remove any person from that office on the ground of incapacity or misbehaviour.

(4) Subject to subsections (2) and (3) above, the Director shall hold and vacate office as such in accordance with the terms of his appointment.

(5) The Director may appoint such staff as he may think fit, subject to the approval of the Treasury as to numbers and as to terms and conditions of service.

(6) There shall be paid out of money provided by Parliament the remuneration of, and any travelling or other allowances payable under this Act to, the Director and any staff of the Director, any sums payable under this Act to or in respect of the Director and any expenses duly incurred by the Director or by any of his staff **[**[F1]in consequence of the provisions of—

(a) this Act;

(b) the Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998; or

(c) the Telecommunications (Data Protection and Privacy) Regulations 1999.**]**

(7) The provisions of Schedule 1 to this Act shall have effect with respect to the Director.

Textual Amendments

F1 Words in s. 1(6) substituted (1.3.2000) by S.I. 1999/2093, reg. 3(3), **Sch. 1 Pt. II para. 1**

2 Abolition of British Telecommunications' exclusive privilege.

[As from such day as the Secretary of State may by order appoint for the purposes of Parts II to IV of this Act (in this Act referred to as "the appointed day"), the exclusive privilege of running telecommunication systems conferred on British

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Telecommunications by section 12 of the [M1]British Telecommunications Act 1981 (in this Act referred to as "the 1981 Act") shall cease to exist.**]**

Modifications etc. (not altering text)

C5 S. 2 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M1 1981 c. 38.

3 General duties of Secretary of State and Director.

[[F2](1) The Secretary of State and the Director shall each have a duty to exercise the functions assigned or transferred to him by or under Part II or Part III of this Act in the manner which he considers is best calculated—

(a) to secure that there are provided throughout the United Kingdom, save in so far as the provision thereof is impracticable or not reasonably practicable, such telecommunication services as satisfy all reasonable demands for them including, in particular, emergency services, public call box services, directory information services, maritime services and services in rural areas; and

(b) without prejudice to the generality of paragraph (a) above, to secure that any person by whom any such services fall to be provided is able to finance the provision of those services.

(2) Subject to subsection (1) above, the Secretary of State and the Director shall each have a duty to exercise the functions assigned or transferred to him by or under Part II or Part III of this Act in the manner which he considers is best calculated—

(a) to promote the interests of consumers, purchasers and other users in the United Kingdom (including, in particular, those who are disabled or of pensionable age) in respect of the prices charged for, and the quality and variety of, telecommunication services provided and telecommunication apparatus supplied;

(b) to maintain and promote effective competition between persons engaged in commercial activities connected with telecommunications in the United Kingdom;

(c) to promote efficiency and economy on the part of such persons;

(d) to promote research into and the development and use of new techniques by such persons;

(e) to encourage major users of telecommunication services whose places of business are outside the United Kingdom to establish places of business in the United Kingdom;

(f) to promote the provision of international transit services by persons providing telecommunication services in the United Kingdom;

(g) to enable persons providing telecommunications services in the United Kingdom to compete effectively in the provision of such services outside the United Kingdom;

(h) to enable persons producing telecommunication apparatus in the United Kingdom to compete effectively in the supply of such apparatus both in and outside the United Kingdom.

(3) Subsections (1) and (2) above do not apply in relation to anything done—

(a) by the Secretary of State in the interests of national security or relations with the government of a country or territory outside the United Kingdom; or

(b) in the exercise of functions assigned or transferred by or under **[**[F3]section 50(1) or (2)**]** below;

and subsection (2) above does not apply in relation to anything done in the exercise of functions assigned by section 10(3) or (8) or 52 below.

[[F4](3A) Subsections (1) and (2) above do not apply in relation to the determination of disputes by the Director under or by virtue of section 27A, 27F, 27G or 27I below.**]**

[[F5](3B) Subsections (1) and (2) above do not apply in relation to anything done by the Director in the exercise of functions assigned to him by section 50(3) below ("Competition Act functions").

[F5](3C) The Director may nevertheless, when exercising any Competition Act function, have regard to any matter in respect of which a duty is imposed by subsection (1) or (2) above ("a general matter"), if it is a matter to which **[**[F6]the Office of Fair Trading**]** could have regard when exercising that function; but that is not to be taken as implying that, in relation to any of the matters mentioned in subsection (3) or (3A) above, regard may not be had to any general matter.**]**

(4) In this section "international transit service" means a telecommunications service consisting in the conveyance of sounds, visual images or signals which have been conveyed from, and are to be conveyed to, places outside the United Kingdom.**]**

Textual Amendments

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

F3 Words in s. 3(3)(b) substituted (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, s. 66(5), **Sch. 10 Pt. II para. 2(3)**; S.I. 1998/2750, **art. 2**; 2000/344, art. 2, Sch.

F4 S. 3(3A) inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), s. 56(6), **Sch. 1 para. 1**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

F5 S. 3(3B)(3C) inserted (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, s. 66(5), **Sch. 10 Pt. II para. 2(4)**; S.I. 1998/2750, **art. 2**; S.I. 2000/344, art. 2, **Sch.**

F6 Words in s. 3(3C) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(2); S.I. 2003/766, **art. 2**, Sch. (with transitional and transitory provisions in art. 3)

Modifications etc. (not altering text)

C6 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

4 Meaning of "telecommunication system" and related expressions.

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[F7(1) In this Act "telecommunication system" means a system for the conveyance, through the agency of electric, magnetic, electro-magnetic, electro-chemical or electro-mechanical energy, of—

(a) speech, music and other sounds;

(b) visual images;

(c) signals serving for the impartation (whether as between persons and persons, things and things or persons and things) of any matter otherwise than in the form of sounds or visual images; or

(d) signals serving for the actuation or control of machinery or apparatus.

(2) For the purposes of this Act telecommunication apparatus which is situated in the United Kingdom and—

(a) is connected to and comprised in a telecommunication system; or

(b) is connected to but not comprised in a telecommunication system which extends beyond the United Kingdom,

shall be regarded as a telecommunication system and any person who controls the apparatus shall be regarded as running the system.

(3) In this Act—

"commercial activities connected with telecommunications" means any of the following, that is to say, the provision of telecommunication services, the supply or export of telecommunication apparatus and the production or acquisition of such apparatus for supply or export;

"telecommunication apparatus" means (except where the extended definition in Schedule 2 to this Act applies) apparatus constructed or adapted for use—

(a) in transmitting or receiving anything falling within paragraphs (a) to (d) of subsection (1) above which is to be or has been conveyed by means of a telecommunication system; or

(b) in conveying, for the purposes of such a system, anything falling within those paragraphs;

"telecommunication service" means any of the following, that is to say—

(a) a service consisting in the conveyance by means of a telecommunication system of anything falling within paragraphs (a) to (d) of subsection (1) above;

(b) a directory information service, that is to say, a service consisting in the provision by means of a telecommunication system of directory information for the purpose of facilitating the use of a service falling within paragraph (a) above and provided by means of that system; and

(c) a service consisting in the installation, maintenance, adjustment, repair, alteration, moving, removal or replacement of apparatus which is or is to be connected to a telecommunication system.

(4) Subject to subsection (6) below, a telecommunication system is connected to another telecommunication system for the purposes of this Act if it is being used, or is installed or connected for use, in conveying anything falling within paragraphs (a) to (d) of subsection (1) above which is to be or has been conveyed by means of that other system.

(5) Subject to subsection (6) below, apparatus is connected to a telecommunication system for the purposes of this Act if it is being used, or is installed or connected for use—

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(a) in transmitting or receiving anything falling within paragraphs (a) to (d) of subsection (1) above which is to be or has been conveyed by means of that system; or

(b) in conveying, for the purposes of that system, anything falling within those paragraphs;

and references in this subsection to anything falling within those paragraphs shall include references to energy of any kind mentioned in that subsection.

(6) The connection to a telecommunication system of any other telecommunication system or any apparatus shall not be regarded as a connection for the purposes of this Act if that other telecommunication system or that apparatus would not be so connected but for its connection to another telecommunication system.

(7) In this section, except subsection (1) above, "convey" includes transmit, switch and receive and cognate expressions shall be construed accordingly.**]**

Textual Amendments

F7 S. 4 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Modifications etc. (not altering text)

C7 S. 4(1): definition of "telecommunication system" applied (E.W.) (14.7.1992) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 63(1), **Sch. 4 para. 7(4)**; S.I. 1992/1686, art. 3, **Sch.**

C8 S. 4(1): definition of "telecommunication system" applied (S.) (14.7.1992) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 122(1), **Sch. 6 para. 7(4)**; S.I. 1992/1671, art. 2, **Sch.**
Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

PART II

PROVISION OF TELECOMMUNICATION SERVICES

Modifications etc. (not altering text)

C9 Pt. II (ss. 5-46) excluded (23.6.1999) by S.I. 1999/1736, **art. 7(4)**

Licensing etc. of telecommunication systems

5 Prohibition on running unlicensed systems.

[[F8](1) Subject to the provisions of this section and section 6 below, a person who runs a telecommunication system within the United Kingdom shall be guilty of an offence unless he is authorised to run the system by a licence granted under section 7 below.

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(2) Subject to the provisions of this section, a person who runs within the United Kingdom a telecommunication system which he is authorised to run by a licence granted under section 7 below shall be guilty of an offence if—

(a) there is connected to the system—

(i) any other telecommunication system; or

(ii) any apparatus,

which is not authorised by the licence to be so connected; or

(b) there are provided by means of the system any telecommunication services which are not authorised by the licence to be so provided.

(3) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(4) Where the commission by any person of an offence under this section is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

(5) In any proceedings for an offence under this section it shall, subject to subsection (6) below, be a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(6) Where the defence provided by subsection (5) above involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

(7) No proceedings shall be instituted in England and Wales or Northern Ireland in respect of an offence under this section except by or on behalf of the Secretary of State or the Director.**]**

Textual Amendments

F8 Ss. 5-8 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(a), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Modifications etc. (not altering text)

C10 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

6 Exceptions to section 5.

[F9(1) F10. . . . . .

(2) Section 5(1) above is not contravened by—

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(a) the running of a telecommunication system in the case of which the only agency involved in the conveyance of things thereby conveyed is light and the things thereby conveyed are so conveyed as to be capable of being received or perceived by the eye and without more;

(b) the running by a person of a telecommunication system which is not connected to another telecommunication system and in the case of which all the apparatus comprised therein is situated either—

(i) on a single set of premises in single occupation; or

(ii) in a vehicle, vessel, aircraft or hovercraft or in two or more vehicles, vessels, aircraft or hovercraft mechanically coupled together; or

(c) the running by a single individual of a telecommunication system which is not connected to another telecommunication system and in the case of which—

(i) all the apparatus comprised therein is under his control; and

(ii) everything conveyed by it that falls within paragraphs (a) to (d) of section 4(1) above is conveyed solely for domestic purposes of his;

and references in paragraphs (b) and (c) above to another telecommunication system do not include references to **[**[F11]a telecommunication system to which subsection (2A) below applies**]** (whether run by a broadcasting authority or by any other person).

[[F12](2A) This subsection applies to a telecommunication system in the case of which every conveyance made by it is either—

(a) a transmission, by wireless telegraphy, from a transmitting station for general reception of sounds, visual images or such signals as are mentioned in paragraph (c) of section 4(1) above; or

(b) a conveyance within a single set of premises of sounds, visual images or such signals which are to be or have been so transmitted.**]**

(3) In the case of a business carried on by a person, section 5(1) above is not contravened by the running, for the purposes of that business, of a telecommunication system which is not connected to another telecommunication system and with respect to which the conditions specified in subsection (4) below are satisfied.

(4) The said conditions are—

(a) that no person except the person carrying on the business is concerned in the control of the apparatus comprised in the system;

(b) that nothing falling within paragraphs (a) to (d) of section 4(1) above is conveyed by the system by way of rendering a service to another;

(c) that, in so far as sounds or visual images are conveyed by the system, they are not conveyed for the purpose of their being heard or seen by persons other than the person carrying on the business or any employees of his engaged in the conduct thereof;

(d) that in so far as such signals are mentioned in paragraph (c) of section 4(1) above are conveyed by the system, they are not conveyed for the purpose of imparting matter otherwise than to the person carrying on the business, any employees of his engaged in the conduct thereof or things used in the course of the business and controlled by him; and

(e) that, in so far as such signals as are mentioned in paragraph (d) of section 4(1) above are conveyed by the system, they are not conveyed for the purpose of actuating or controlling machinery or apparatus used otherwise than in the course of the business.

(5) In this section—

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"broadcasting authority" means a person licensed under the [M2]Wireless Telegraphy Act 1949 to broadcast programmes for general reception;

"business" includes a trade, profession or employment and includes any activity carried on by a body of persons, whether corporate or unincorporate;

"vessel" means a vessel of any description used in navigation;

"wireless telegraphy" has the same meaning as in the said Act of 1949.**]**

Textual Amendments

F9 Ss. 5-8 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(a), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F10 S. 6(1) repealed by Broadcasting Act 1990 (c. 42, SIF 96), ss. 134, 203(1)(3), Sch. 12 Pt. II para. 1, Sch. 20 para. 38(1)(a), **Sch. 21**

F11 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 38(1)(b)**

F12 S. 6(2A) inserted by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 38(1)(c)**

Modifications etc. (not altering text)

C11 Ss. 3-7, 12-19, Pt. III (ss.47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

C12 S. 6(2)(b) excluded (with saving) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 2(1)(2)**

Marginal Citations

M2 1949 c. 54.

7 Power to license systems.

[[F13](1) A licence may be granted—

(a) by the Secretary of State after consultation with the Director; or

(b) with the consent of, or in accordance with a general authorisation given by, the Secretary of State, by the Director,

for the running of any such telecommunication system as is specified in the licence or is of a description so specified.

(2) A licence granted under this section shall be in writing and, unless previously revoked in accordance with any term in that behalf contained in the licence, shall continue in force for such period as may be specified in or determined by or under the licence.

(3) A licence granted under this section may be granted either to all persons, to persons of a class or to a particular person.

[[F14](3A) In granting a licence under this section for the running of a telecommunication system to which the Licensing Directive applies the Secretary of State and the Director shall ensure that the requirements of Article 7 of the Licensing Directive are complied with.**]**

(4) A licence granted under this section may authorise—

(a) the connection to any telecommunication system to which the licence relates of—

(i) any other telecommunication system specified in the licence or of a description so specified; and

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(ii) any apparatus so specified or of a description so specified; and

(b) the provision by means of any telecommunication system to which the licence relates of any telecommunication services specified in the licence or of a description so specified.

(5) A licence granted under this section may include—

(a) such conditions (whether relating to the running of a telecommunication system to which the licence relates or otherwise) as appear to the Secretary of State or the Director to be requisite or expedient having regard to the duties imposed on him by section 3 above **[**[F15]the provisions of Articles 4(1), 8(1) and 8(2) of the Licensing Directive and the obligations imposed on him in pursuance of the Telecommunications (Interconnection) Regulations 1997**][**[F16]or by regulation 30 of the Telecommunications (Data Protection and Privacy) Regulations 1999**]**;

(b) conditions requiring the rendering to the Secretary of State of a payment on the grant of the licence or payments during the currency of the licence or both of such amount or amounts as may be determined by or under the licence; and

[[F17](c) in the case of a licence granted to persons of a class, conditions requiring any person who falls within the class of persons to which the licence relates to notify the Secretary of State or the Director of his intention to run a telecommunication system under that licence.**]**

(6) Without prejudice to the generality of paragraph (a) of subsection (5) above, conditions included by virtue of that paragraph in a licence granted under this section to a particular person may require that person—

(a) to comply with any direction given by the Director as to such matters as are specified in the licence or are of a description so specified;

(b) except in so far as the Director consents to his doing or not doing them, not to do or to do such things as are specified in the licence or are of a description so specified; and

(c) to refer for determination by the Director such questions arising under the licence as are specified in the licence or are of a description so specified.

[[F18](6A) Where the Secretary of State or the Director receives an application for a licence to run a telecommunication system which cannot be run in accordance with the terms of a current licence which has been granted to persons of a class, he shall, subject to any time limits for the grant of licences specified in the procedures referred to in subsection (2) of section 7A below—

(a) grant a temporary licence containing such conditions as he considers appropriate to enable the applicant to commence running that system; or

(b) reject the application.

[F18](6B) Where the Secretary of State or the Director grants a temporary licence under subsection (6A) above he shall, as soon as possible thereafter, either replace it with another licence granted under this section containing such conditions as he considers appropriate, or revoke it.**]**

[[F19](7) A licence granted under this section otherwise than to a particular person, and the details of the procedures applying to the grant of such a licence, shall be published in such manner as the Secretary of State or the Director considers appropriate for bringing the licence or procedures to the attention of such persons who may be interested and a reference to such publication shall also be published in the London, Edinburgh and Belfast Gazettes.**]**

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(8) A copy of every licence granted under this section by the Secretary of State shall be sent to the Director.

(9) Any sums received by the Secretary of State under this section shall be paid into the Consolidated Fund.

(10) Neither the requirement to consult with the Director imposed by subsection (1)(a) above nor sections 8(5) and 10(6) below shall apply to the granting by the Secretary of State of the licence or licences which, having regard to the provisions of this Act, require to be granted (whether to British Telecommunications or to any other person) before the appointed day.

[[F20](10A) Before the Secretary of State or the Director decides whether to grant or revoke a licence under this section which authorises the running of a telecommunication system to which subsection (10B) below applies, he shall consult with the **[**[F21]Independent Television Commission**]**

(10B) A telecommunication system is one to which this subsection applies if—

(a) any person proposes to provide or is providing, by means of the system, a **[**[F22]local delivery service (within the meaning of Part II of the Broadcasting Act 1990)**]**; and

(b) notice of that fact has been given to the Secretary of State or the Director.**]**

(11) Where a licence granted under this section to a particular person includes a provision requiring that person to run any telecommunication system to which the licence relates through the agency of some other person, that other person, as well as the first mentioned person, shall be taken for the purposes of this section and the following provisions of this Part to be authorised by that licence to run that system.

[[F23](12) Where the Secretary of State or the Director proposes—

(a) to revoke a licence granted to persons of a class; or

(b) to refuse to grant a licence to, or to revoke a licence, granted to a particular person, including a temporary licence granted under subsection (6A) above,

he shall give notice of his proposal in accordance with subsection (13) below and shall consider any representations or objections which are duly made and not withdrawn.

[F23](13) The Secretary of State or the Director shall—

(a) in the case of a licence referred to in subsection (12)(a) above, publish in such manner as he thinks appropriate a notice stating the reasons why he proposes to revoke the licence and specifying the time (not being less than 28 days from the date of publication) within which representations or objections with respect to the revocation may be made;

(b) in the case of a licence referred to in subsection (12)(b) above, give to the person applying for or holding the licence a notice stating the reasons why he proposes to refuse to grant, or to revoke, the licence and specifying the time (not being less than 28 days from the date of the notice) within which representations or objections with respect to the refusal or revocation may be made.

[F23](14) After the Secretary of State or the Director has confirmed or withdrawn a proposal published or notified under subsection (13) above he shall—

(a) in the case of a licence referred to in subsection (12)(a) above, publish in such manner as he thinks appropriate;

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) in the case of a licence referred to in subsection (12)(b) above, give to the person applying for or holding the licence,

a notice in accordance with subsection (15) below.

[F23](15) The notice required by subsection (14) above shall—

(a) state whether the proposal has been confirmed or withdrawn;

(b) give reasons for that decision;

(c) in the case of a decision to revoke the licence, specify the date on which the licence ceases to have effect.

[F23](16) In this section—

"Licensing Directive" means Directive 97/13/EC of the European Parliament and of the Council on a common framework for general authorisations and individual licences in the field of telecommunication services. [F24].**]]**

Textual Amendments

F13 Ss. 5-8 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(a), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F14 S. 7(3A) inserted (31.12.1997) by S.I. 1997/2930, **reg. 3(2)**

F15 Words in s. 7(5)(a) inserted (31.12.1997) by S.I. 1997/2930, **reg. 3(3)(a)**

F16 Words in s. 7(5)(a) added (1.3.2000) by S.I. 1999/2390, reg. 3(3), **Sch. 1 Pt. II para. 2**

F17 S. 7(5)(c) substituted (31.12.1997) by S.I. 1997/2930, **reg. 3(3)(b)**

F18 S. 7(6A)(6B) inserted (31.12.1997) by S.I. 1997/2930, **reg. 3(4)**

F19 S. 7(7) substituted (31.12.1997) by S.I. 1997/2930, **reg. 3(5)**

F20 S. 7(10A)(10B) inserted by Cable and Broadcasting Act 1984 (c.46, SIF 96), s. 57(1), **Sch. 5 para. 45(1)**, the amendment being continued by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(4), **Sch. 22 para. 4**

F21 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), **ss. 4(6)**, 87(6),203(1), Sch. 20 para. 38(2)(a)

F22 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), **ss. 4(6)**, 87(6),203(1), Sch. 20 para. 38(2)(b)

F23 S. 7(12)-(16) inserted (31.12.1997) by S.I. 1997/2930, **reg. 3(6)**

F24 O.J. No. L117, 7.5.97, p.15.

Modifications etc. (not altering text)

C13 Ss. 3-7, 12-19, Pt. III (ss.47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**
S. 7 modified (7.1.1997) by S.I. 1996/3151, **reg. 4(1)(2)**

[[F25]7A Licensing procedures

[[F26](1) Licences granted under section 7 above to particular persons shall be granted on the basis of procedures established by the Secretary of State or the Director, details of which shall be contained in a notice given by him.

(2) The details given in a notice under subsection (1) above in relation to any licences shall include—

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) time limits for dealing with applications for the grant of a licence;
(b) requirements which must be met for the grant of a licence;
(c) information about the conditions to be included in a licence;
(d) details of the fees or the method of calculating the fees payable in respect of a licence.

(3) Where the person applying for a licence fails to provide any information which the Secretary of State or the Director reasonably requires in order to satisfy himself that the applicant is able to comply with the conditions in the licence the Secretary of State or the Director may refuse to grant the licence.

(4) A notice under this section shall be published in such manner as the Secretary of State or the Director considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of those likely to be affected by them, and a reference to such notice shall also be published in the London, Edinburgh and Belfast Gazettes.**]]**

Textual Amendments

F25 S. 7A inserted (31.12.1997) by S.I. 1997/2930, **reg. 3(7)**

F26 Ss. 5-8 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(a), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

8 Special provisions applicable to certain licences.

[[F27](1) This section applies to any licence granted under section 7 above to a particular person which includes conditions requiring that person—

(a) to provide such telecommunication services as are specified in the licence or are of a description so specified;
(b) to connect to any telecommunication system to which the licence relates, or permit the connection to any such system of, such other telecommunication systems and such apparatus as are specified in the licence or are of a description so specified;
(c) to permit the provision by means of any telecommunication system to which the licence relates of such services as are specified in the licence or are of a description so specified;
(d) not to show undue preference to, or to exercise undue discrimination against, particular persons or persons of any class or description (including, in particular, persons in rural areas) as respects any service provided, connection made or permission given in pursuance of such conditions as are mentioned in the foregoing paragraphs (whether in respect of the charges or other terms or conditions applied or otherwise); and
(e) to publish, in such manner and at such times as are specified in the licence, a notice specifying, or specifying the method that is to be adopted for determining, the charges and other terms and conditions that are to be applicable to such services so provided, such connections so made and such permissions so given as are specified in the licence or are of a description so specified.

(2) Where a licence granted under section 7 above to a particular person includes a condition requiring that person to provide such directory information services to which this subsection applies as are specified in the licence or are of a description so specified, subsection (1) above shall have effect as if the conditions there mentioned included a condition requiring that person to provide without charge for subscribers who are blind or otherwise disabled such directory information services to which this subsection applies as are appropriate to meet the needs of those subscribers and are specified in the licence or are of a description so specified.

(3) Subsection (2) above applies to any directory information service which is provided for the purpose of facilitating the use of a voice telephony service and in that subsection "blind or otherwise disabled" means so blind or otherwise disabled as to be unable to use a telephone directory.

(4) It is immaterial for the purposes of subsections (1) and (2) above whether the person to whom the licence is granted is required to refer for determination by the Director such questions arising under the conditions mentioned in those subsections as are specified in the licence or are of a description so specified.

(5) Before granting a licence to which this section applies, the Secretary of State or the Director shall give notice—

(a) stating that he proposes to grant the licence and setting out its effect;

(b) stating the reasons why be proposes to grant the licence; and

(c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed licence may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(6) A notice under subsection (5) above shall be given by publication in such manner as the Secretary of State or the Director considers appropriate for bringing the matters to which the notice relates to the attention of persons likely to be affected by them.**]**

Textual Amendments

F27 Ss. 5-8 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(a), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

9 Public telecommunication systems.

[[F28](1) The Secretary of State may by order designate as a public telecommunication system any telecommunication system the running of which is authorised by a licence to which section 8 above applies; and any reference in this Act to a public telecommunication system is a reference to a telecommunication system which is so designed and the running of which is so authorised.

(2) An order under subsection (1) above shall not come into operation until after the end of the period of 28 days beginning with—

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the day on which copies of the order, and of the licence to which section 8 above applies, are laid before each House of Parliament; or

(b) if such copies are so laid on different days, the last of those days.

(3) In this Act "public telecommunications operator" means a person authorised by a licence to which section 8 above applies to run a public telecommunication system.

(4) In any case where it appears to the Secretary of State that it is expedient for transitional provision to be made in connection with a telecommunication system ceasing to be a public telecommunication system, or a person ceasing to be a public telecommunications operator, the Secretary of State may make a scheme giving effect to such transitional provision as he thinks fit.**]**

Textual Amendments

F28 Ss. 9-11 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(b), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Modifications etc. (not altering text)

C14 Definition of "public telecommunications operator" in s. 9(3) applied (E.W.) by London Docklands Railway Act 1991 (c. xxiii, SIF 200), s. 2(1).

10 The telecommunications code.

[[F29](1) Subject to the following provisions of this section, the code (to be known as "the telecommunications code") which is contained in Schedule 2 to this Act shall have effect—

(a) where it is applied to a particular person by a licence granted by the Secretary of State under section 7 above authorising that person to run a telecommunication system; and

(b) where the Secretary of State or a Northern Ireland department is running or is proposing to run a telecommunication system.

(2) The telecommunications code shall not be applied to a person authorised by a licence under section 7 above to run a telecommunication system unless—

(a) that licence is a licence to which section 8 above applies; or

(b) it appears to the Secretary of State—

(i) that the running of the system will benefit the public; and

(ii) that it is not practicable for the system to be run without the application of that code to that person.

(3) Where the telecommunications code is applied to any person by a licence under section 7 above it shall have effect subject to such exceptions and conditions as may be included in the licence for the purpose of qualifying the rights exercisable by that person by virtue of the code.

[[F30](3A) Where—

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the telecommunications code expressly or impliedly imposes any limitation on the use to which any telecommunication apparatus installed by a person authorised by a licence under section 7 above may be put, and

(b) that person is a party to a relevant agreement,

that limitation shall not have effect so as to preclude the doing of anything which is done in relation to that apparatus in pursuance of that agreement; and anything which is so done shall be disregarded in determining, for the purposes of the telecommunications code as it applies in relation to that person, the purposes for which the apparatus is used.

(3B) Subsection (3A) above shall not be construed, in relation to a person who is authorised by a relevant agreement to share the use of any apparatus installed by another party to the agreement, as affecting any requirement on him (whether imposed by any statutory provision or otherwise) to obtain any consent or permission in connection with the installation by him of any apparatus, or the doing by him of any other thing, in pursuance of the agreement.

(3C) In subsections (3A) and (3B) above "relevant agreement", in relation to any telecommunication apparatus, means an agreement in writing—

(a) to which the parties are two or more persons to whom the telecommunications code has been applied by a licence granted under section 7 above; and

(b) which relates to the sharing by those persons of the use of that apparatus,

and in subsection (3B) above "statutory provision" means any provision of an enactment or of an instrument having effect under an enactment.**]**

(4) Without prejudice to the generality of subsection (3) above, the exceptions and conditions there mentioned shall include such exceptions and conditions as appear to the Secretary of State to be requisite or expedient for the purpose of securing—

(a) that the physical environment is protected and, in particular, that the natural beauty and amenity of the countryside is conserved;

(b) that there is no greater damage to **[**[F31]streets**][**[F31]roads**]** or interference with traffic than is reasonably necessary;

(c) that funds are available for meeting any liabilities which may arise from the exercise of rights conferred by or in accordance with the code;

and any condition falling within this subsection may impose on the person to whom the code is applied a requirement to comply with directions given in a manner specified in the condition and by a person so specified or of a description so specified.

(5) A licence under section 7 above which applies the telecommunications code to any person in relation to any part or locality of the United Kingdom shall include a condition requiring that person to cause copies of—

(a) the exceptions and conditions subject to which the telecommunications code has effect as so applied; and

(b) every direction given in a manner specified in any such condition by a person so specified or of a description so specified,

to be open for inspection by members of the public free of charge at such premises in that part or locality as are specified in the licence or are of a description so specified.

(6) Before granting under section 7 above a licence which applies the telecommunications code to a particular person in relation to any part or locality of the United Kingdom, the Secretary of State shall publish a notice—

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(a) stating that he proposes to apply the code to that person in relation to that part or locality and setting out the effect of the exceptions and conditions subject to which he proposes that the code should have effect as so applied;

(b) stating the reasons why he proposes to apply the code to that person in relation to that part or locality and why he proposes that the code as so applied should have effect subject to those exceptions and conditions; and

(c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed application of the code to that person in relation to that part or locality and with respect to the proposed exceptions and conditions may be made,

and shall reconsider his proposals in the light of any representations or objections which are duly made and not withdrawn.

(7) If the Secretary of State, on reconsidering in pursuance of subsection (6) above any proposals specified in a notice under that subsection, grants a licence under section 7 above applying the telecommunications code to any person in relation to any part or locality of the United Kingdom, he shall on granting that licence publish a further notice—

(a) stating that the code has been applied to that person in relation to that part or locality and setting out the effect of the exceptions and conditions subject to which the code has effect as so applied; and

(b) stating the reasons why the code has been applied to that person in relation to that part or locality and why the code as so applied has effect subject to those exceptions and conditions.

(8) Where the Secretary of State has granted a licence under section 7 above which applies the telecommunications code to a particular person in relation to any part or locality of the United Kingdom, he may—

(a) with the consent of that person; or

(b) if it appears to him requisite or expedient to do so for the purpose mentioned in subsection (4) above,

modify the exceptions and conditions subject to which the code has effect as so applied.

(9) Before modifying the exceptions and conditions subject to which the telecommunications code has effect as applied to any person in relation to any part or locality of the United Kingdom by a licence granted under section 7 above, the Secretary of State shall publish a notice—

(a) stating that he proposes to make the modifications and setting out their effect;

(b) stating the reasons why he proposes to make the modifications; and

(c) specifying the time (not being less than 28 days from the date of publication of this notice) within which representations or objections with respect to the proposed modifications may be made,

and shall reconsider his proposals in the light of any representations or objections which are duly made and not withdrawn.

(10) If the Secretary of State, on reconsidering in pursuance of subsection (9) above any proposals specified in a notice under that subsection, modifies the exceptions and conditions subject to which the telecommunications code has effect as applied to any person in relation to any part or locality of the United Kingdom by a licence granted under section 7 above, he shall on making the modifications publish a further notice—

(a) stating that the modifications have been made and setting out their effect; and
(b) stating the reasons why the modifications have been made.

(11) A notice under this section shall be published in such manner as the Secretary of State considers appropriate for bringing the matters to which the notice relates to the attention of persons likely to be affected by them.**]**

Textual Amendments

F29 Ss. 9-11 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(b), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F30 S. 10(3A)-(3C) inserted (31.12.1997) by S.I. 1997/2930, **reg. 3(8)**

F31 Word substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 92(2)**

Modifications etc. (not altering text)

C15 S. 10 restricted by Channel Tunnel Act 1987 (c. 53, SIF 102), ss. 32, 45, **Sch. 7 Pt. VI**. para. 2

11 Provisions supplementary to section 10.

[[F32F33](1) . . . . . .

[F33](2) . . . . . .

(3) The Secretary of State may from time to time by order provide that the telecommunications code shall have effect for all purposes as if an amount specified in the order were substituted for the amount specified, or for the time being having effect as if specified, in sub-paragraph (3) of paragraph 16 of the code as the minimum amount of compensation payable under that paragraph; and an order under this subsection may contain such transitional provisions as the Secretary of State considers appropriate.

(4) In any case where it appears to the Secretary of State that it is expedient for transitional provision to be made in connection with the telecommunications code ceasing to apply to any person by reason of the expiry or revocation of a person's licence under section 7 above, the Secretary of State may make a scheme giving effect to such transitional provision as the Secretary of State thinks fit.

(5) Without prejudice to the generality of subsection (4) above, a scheme under that subsection may—
(a) impose obligations on a person to whom the telecommunications code has ceased to apply as mentioned in subsection (4) above to remove anything installed in pursuance of any right conferred by or in accordance with the telecommunications code, to restore land to its condition before anything was done in pursuance of any such right or to pay the expenses of any such removal or restoration;
(b) provide for those obligations to be enforceable in such manner (otherwise than by criminal penalties) and by such persons as may be specified in the scheme;
(c) authorise the retention of apparatus on any land pending the grant of a licence under section 7 above authorising the running by any person of a

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telecommunication system for the purposes of which that apparatus may be used;

(d) provide for the purposes of any provision contained in the scheme by virtue of paragraph (a), (b) or (c) above for such questions arising under the scheme as are specified in the scheme, or are of a description so specified, to be referred to, and determined by, the Director.**]**

Textual Amendments

F32 Ss. 9-11 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(b), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F33 S. 11(1)(2) repealed (3.6.1996) by S.I. 1995/3210 (N.I. 19), art. 60(2), **Sch. 4**; S.R. 1996/223, art. 2, **Sch.**

Modification of licences

12 Modification of licence conditions by agreement.

[[F34](1) Subject to the following provisions of this section, the Director may modify the conditions of a licence granted under section 7 above.

(2) Before making modifications under this section, the Director shall give notice—

(a) stating that he proposes to make the modifications and setting out their effect;

(b) stating the reasons why he proposes to make the modifications; and

(c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed modifications may be made,

[F35] . . .

(3) A notice under subsection (2) above shall be given by publication in such manner as the Director considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them and, in the case of a licence granted to a particular person, by sending a copy of the notice to **[**[F36]every relevant licensee**]**.

[[F37](4A) In the case of a licence granted to all persons, or to all persons of a particular class, the Director shall not make any modification unless—

(a) he has considered every representation made to him about the modification; and

(b) there has not been any objection by a person running a telecommunication system under the authority of the licence to the making of the modification.

(4B) In the case of a licence granted to a particular person, the Director shall not make any modification unless—

(a) he has considered every representation made to him about the modification or any modification in the same or similar terms that he is at the same time proposing to make in the case of other licences; and

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(b) the requirements of section 12A below are satisfied in the case of the modification and also in the case of every such modification in the same or similar terms.**]**

(5) The Director shall also send a copy of a notice under subsection (2) above to the Secretary of State; and if, within the time specified in the notice, the Secretary of State directs the Director not to make any modification, the Director shall comply with the direction.

(6) The Secretary of State shall not give a direction under subsection (5) above unless—

(a) it appears to him that the modification should be made, if at all, under section 15 below; or

(b) it appears to him to be requisite or expedient to do so in the interests of national security or relations with the government of a country or territory outside the United Kingdom.

[[F38](6A) Where the Director makes a modification under this section, he shall, as soon as reasonably practicable after making the modification, give notice of his reasons for doing so.

(6B) Subsection (3) above shall apply in the case of a notice under subsection (6A) above as it applies in the case of a notice under subsection (2) above.

(6C) Where the Director has given notice under subsection (2) above of a proposal to modify the conditions of a licence, he may in such manner and at such time as he considers appropriate publish—

(a) the identities of any or all of the persons who objected to the making of the modification; and

(b) to the extent that confidentiality for representations or objections in relation to the proposal for the modification has not been claimed by the persons making them, such other particulars of the representations or objections as he thinks fit.

(6D) In this section and section 12A below (except in subsection (6C) above), a reference to a representation or objection, in relation to a modification, is a reference only to a representation or objection which—

(a) was duly made to the Director within a time limit specified in the case of that modification under subsection (2)(c) above or section 12A(5)(d) below; and

(b) has not subsequently been withdrawn;

and for the purposes of this section and section 12A below representations against a modification shall be taken to constitute an objection only if they are accompanied by a written statement that they are to be so taken.

(6E) In this section and section 12A below "relevant licensee", in relation to a modification, means—

(a) in a case where the same or a similar modification is being proposed at the same time in relation to different licences granted to different persons, each of the persons who, at the time when notice of the proposals is given, is authorised by one or more of those licences to run a telecommunication system; and

(b) in any other case, the person authorised by the licence in question to run such a system.

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(6F) In this section references to a modification of the conditions of a licence do not include references to any modification to which effect is given by the exercise of a power under the terms of any licence to revoke it and by the grant of a new licence.**]**

(7) References in this section and in **[**[F39]sections 12A to 15**]** below to modifications of the conditions of a licence do not include references to modifications of conditions relating to the application of the telecommunications code.**]**

Textual Amendments

F34 Ss. 12-15 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(c), 406, 408, 411, **Sch. 19** (with Sch. 18, Sch. 19 Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F35 Words in s. 12(2) omitted (25.7.2000) by virtue of 2000 c. 7, **s. 11(5)** (with s. 14); S.I. 2000/1798, **art. 2**

F36 Words in s. 12(3) substituted (25.7.2000) by 2000 c. 7, **s. 11(1)** (with s. 14); S.I. 2000/1798, **art. 2**

F37 S. 12(4A)(4B) substituted for s. 12(4) (25.7.2000) by 2000 c. 7, **s. 11(2)** (with s. 14); S.I. 2000/1798, **art. 2**

F38 S. 12(6A)-(6F) inserted (25.7.2000) by 2000 c. 7, **s. 11(3)** (with s. 14); S.I. 2000/1798, **art. 2**

F39 Words in s. 12(7) substituted (25.7.2000) by 2000 c. 7, **s. 11(5)** (with s. 14); S.I. 2000/1798, **art. 2**

Modifications etc. (not altering text)

C16 Ss. 12-15 excluded (10.11.2000) by S.I. 2000/2998, **reg. 2**

C17 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

[[F40]12A Agreement required for the purposes of section 12.

[[F41](1) The requirements of this section are satisfied in the case of a modification if any of subsections (2) to (4) below applies.

(2) This subsection applies if—

(a) it appears to the Director that the relevant licensee or, as the case may be, each of the relevant licensees has been given a reminder, at least seven days before the making of the modification, of the Director's powers in the absence of objections; and

(b) there has not been an objection by a relevant licensee to the making of the modification.

(3) This subsection applies if—

(a) the modification is one which in the opinion of the Director is deregulatory; and

(b) the notice given under section 12(2) above in the case of the proposal for the modification contained a statement of that opinion and of the Director's reasons for it.

(4) This subsection applies if—

(a) the modification is in the same or similar terms as modifications that the Director has already proposed but not yet made in the case of other licences;

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(b) the licence in question is one issued since the making of the proposal for the modification of the conditions of the other licences;

(c) subsection (2) or (3) above applies in the case of the modifications of the conditions of the other licences;

(d) it appears to the Director that the person holding the licence in question has been given a reasonable opportunity of stating whether he objects to the modification; and

(e) that person has not objected.

(5) A reminder for the purposes of subsection (2)(a) above—

(a) must be contained in a notice given by the Director and, in the case of a relevant licensee which is a company with a registered office in the United Kingdom, must have been given to that company by being sent to that office;

(b) must remind the licensee of the contents of the notice which was copied to the licensee under section 12(3) above in the case of the modification in question;

(c) must state that the Director will be able to make the modification if no relevant licensee objects; and

(d) must specify a time (not being less than seven days from the date of the giving of the notice) at the end of which the final opportunity for the making of representations and objections will expire.

(6) Nothing in subsection (2) above shall require a reminder to be sent to a person who has consented to the making of the modification in question.

(7) For the purposes of this section a modification is deregulatory if—

(a) the effect of the conditions to be modified is to impose a burden affecting the holder of the licence in which those conditions are included;

(b) the modification would remove or reduce the burden without removing any necessary protection;

(c) the modification is such that no person holding a licence granted under section 7 above to a particular person would be unduly disadvantaged by the modification in competing with the holder of the licence in which those conditions are included.**]]**

Textual Amendments

F40 S. 12A inserted (25.7.2000) by 2000 c. 7, **s. 11(4)** (with s. 14); S.I. 2000/1798, **art. 2**

F41 Ss. 12-15 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(c), 406, 408, 411, **Sch. 19** (with Sch. 18, Sch. 19 Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Modifications etc. (not altering text)

C18 Ss. 12-15 excluded (10.11.2000) by S.I. 2000/2998, **reg. 2**

13 Licence modification references to Commission.

[[F42](1) The Director may make to the **[**[F43]Competition Commission**]** (in this Act referred to as "the Commission") a reference which is so framed as to require the Commission to investigate and report on the questions—

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(a) whether any matters which relate to the provision of telecommunication services or the supply of telecommunication apparatus by a person authorised by a licence under section 7 above to run a telecommunication system and which are specified in the reference operate, or may be expected to operate, against the public interest; and

(b) if so, whether the effects adverse to the public interest which those matters have or may be expected to have could be remedied or prevented by modifications of the conditions of that licence.

(2) The Director may, at any time, by notice given to the Commission vary a reference under this section by adding to the matters specified in the reference or by excluding from the reference some or all of the matters so specified; and, subject to subsection (5) below, on receipt of such notice the Commission shall give effect to the variation.

(3) The Director may specify in a reference under this section, or a variation of such a reference, for the purpose of assisting the Commission in carrying out the investigation on the reference—

(a) any effects adverse to the public interest which, in his opinion, the matters specified in the reference or variation have or may be expected to have; and

(b) any modifications of the conditions of the licence by which, in his opinion, those effects could be remedied or prevented.

(4) The Director shall publish particulars of a reference under this section, or of a variation of such a reference, in such manner as he considers appropriate for the purpose of bringing the reference or variation to the attention of persons likely to be affected by it and, in the case of a licence granted to a particular person, shall send a copy of the reference or variation to that person.

(5) The Director shall also send a copy of a reference under this section, or a variation of such a reference, to the Secretary of State; and if, before the end of the period of 14 days beginning with the day on which the Secretary of State receives the copy of the reference or variation, the Secretary of State directs the Commission not to proceed with the reference or, as the case may require, not to give effect to the variation, the Commission shall comply with the direction.

(6) The Secretary of State shall not give a direction under subsection (5) above unless it appears to him to be requisite or expedient to do so in the interests of national security or relations with the government of a country or territory outside the United Kingdom.

(7) It shall be the duty of the Director, for the purpose of assisting the Commission in carrying out an investigation on a reference under this section, to give to the Commission—

(a) any information which is in his possession and which relates to matters falling within the scope of the investigation, and which is either requested by the Commission for that purpose or is information which in his opinion it would be appropriate for that purpose to give to the Commission without any such request; and

(b) any other assistance which the Commission may require, and which it is within his power to give, in relation to any such matters,

and the Commission, for the purpose of carrying out any such investigation, shall take account of any information given to them for that purpose under this subsection.

(8) In determining for the purposes of this section whether any particular matter operates, or may be expected to operate, against the public interest, the Commission shall have

regard to the matters as respects which duties are imposed on the Secretary of State and the Director by section 3 above.

[[F44](9) [F45]. . . . . .

(9A) [F45]. . . . . .

(10) For the purposes of references under this section, the Secretary of State is to appoint not less than three members of the Competition Commission.

(10A) In selecting a group to perform the Commission's functions in relation to any such reference, the chairman of the Commission must select up to three of the members appointed under subsection (10) to be members of the group.**]]**

Textual Amendments

F42 Ss. 12-15 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(c), 406, 408, 411, **Sch. 19** (with Sch. 18, Sch. 19 Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F43 Words in s. 13(1) substituted (1.4.1999) by S.I. 1999/506, **art. 18(a)**

F44 S. 13(9)-(10A) substituted (1.4.1999) for s. 13(9)(10) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(2)** (with s. 73); S.I. 1999/505, art. 2, **Sch.**

F45 S. 13(9)(9A) repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(3), **Sch. 26**; S.I. 2003/1397 {art. 2(1)}, Sch. (with savings in arts. 8, 10)

Modifications etc. (not altering text)

C19 S. 12-15 excluded (9.11.2000) by S.I. 2000/2998, **reg. 2**

C20 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

[[F46]13A References under section 13: time limits

[[F47](1) Every reference under section 13 above shall specify a period (not longer than six months beginning with the date of the reference) within which a report on the reference is to be made.

(2) A report of the Commission on a reference under section 13 above shall not have effect (and no action shall be taken in relation to it under section 15 below) unless the report is made before the end of the period specified in the reference or such further period (if any) as may be allowed by the Director under subsection (3) below.

(3) The Director may, if he has received representations on the subject from the Commission and is satisfied that there are special reasons why the report cannot be made within the period specified in the reference, extend that period by no more than six months.

(4) No more than one extension is possible under subsection (3) above in relation to the same reference.

(5) The Director shall, in the case of an extension made by him under subsection (3) above—

(a) publish that extension in such manner as he considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by it; and

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(b) in the case of a licence granted to a particular person, send to that person a copy of what has been published by him under paragraph (a) above.**]]**

Textual Amendments

F46 S. 13A inserted (20.6.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 13(4)**; S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)

F47 Ss. 12-15 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(c), 406, 408, 411, **Sch. 19** (with Sch. 18, Sch. 19 Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[[F48]13B References under section 13: powers of investigation

[[F49](1) The following sections of Part 3 of the Enterprise Act 2002 shall apply, with the modifications mentioned in subsections (2) and (3) below, for the purposes of references under section 13 above as they apply for the purposes of references under that Part—

(a) section 109 (attendance of witnesses and production of documents etc.);
(b) section 110 (enforcement of powers under section 109: general);
(c) section 111 (penalties);
(d) section 112 (penalties: main procedural requirements);
(e) section 113 (payments and interest by instalments);
(f) section 114 (appeals in relation to penalties);
(g) section 115 (recovery of penalties); and
(h) section 116 (statement of policy).

(2) Section 110 shall, in its application by virtue of subsection (1) above, have effect as if—

(a) subsection (2) were omitted; and
(b) in subsection (9) the words from "or section" to "section 65(3))" were omitted.

(3) Section 111(5)(b)(ii) shall, in its application by virtue of subsection (1) above, have effect as if—

(a) for the words "published (or, in the case of a report under section 50 or 65, given)" there were substituted " made ";
(b) for the words "published (or given)", in both places where they appear, there were substituted " made "; and
(c) the words "by this Part" were omitted.

(4) Provisions of Part 3 of the Enterprise Act 2002 which have effect for the purposes of sections 109 to 116 of that Act (including, in particular, provisions relating to offences and the making of orders) shall, for the purposes of the application of those sections by virtue of subsection (1) above, have effect in relation to those sections as applied by virtue of that subsection.

(5) Accordingly, corresponding provisions of this Act shall not have effect in relation to those sections as applied by virtue of that subsection.**]]**

Textual Amendments

F48 S. 13B inserted (20.6.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 13(4)**; S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)

F49 Ss. 12-15 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(c), 406, 408, 411, **Sch. 19** (with Sch. 18, Sch. 19 Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

14 Reports on licence modification references.

[[F50](1) In making a report on a reference under section 13 above, the Commission—

(a) shall include in the report definite conclusions on the questions comprised in the reference together with such an account of their reasons for those conclusions as in their opinion is expedient for facilitating proper understanding of those questions and of their conclusions;

(b) where they conclude that any of the matters specified in the reference operate, or may be expected to operate, against the public interest, shall specify in the report the effects adverse to the public interest which those matters have or may be expected to have; and

(c) where they conclude that any adverse effects so specified could be remedied or prevented by modifications of the conditions of the licence, shall specify in the report modifications by which those effects could be remedied or prevented.

[[F51](1A) For the purposes of section 15 below, a conclusion contained in a report of the Commission is to be disregarded if the conclusion is not that of at least two-thirds of the members of the group constituted in connection with the reference concerned in pursuance of paragraph 15 of Schedule 7 to the Competition Act 1998.

(1B) If a member of a group so constituted disagrees with any conclusions contained in a report made on a reference under section 13 above as the conclusions of the Commission, the report shall, if the member so wishes, include a statement of his disagreement and of his reasons for disagreeing.**]**

[F52](2) . . . . . .

[[F53](3) For the purposes of the law relating to defamation, absolute privilege attaches to any report made by the Commission on a reference under section 13 above.

(3A) In making any report on a reference under section 13 above the Commission must have regard to the following considerations before disclosing any information.

(3B) The first consideration is the need to exclude from disclosure (so far as practicable) any information whose disclosure the Commission thinks is contrary to the public interest.

(3C) The second consideration is the need to exclude from disclosure (so far as practicable) —

(a) commercial information whose disclosure the Commission thinks might significantly harm the legitimate business interests of the undertaking to which it relates, or

(b) information relating to the private affairs of an individual whose disclosure the Commission thinks might significantly harm the individual's interests.

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(3D) The third consideration is the extent to which the disclosure of the information mentioned in subsection (3C)(a) or (b) is necessary for the purposes of the report.**]**

(4) A report of the Commission on a reference under section 16 above shall be made to the Director.

(5) On receiving such a report, the Director—

(a) shall send a copy of the report to the Secretary of State and, in the case of a licence granted to a particular person, to that person; and

(b) subject to any direction given under subsection (6) below, shall publish the report in such manner as he considers appropriate for bringing the report to the attention of persons likely to be affected by it.

(6) If it appears to the Secretary of State that the publication of any matter in such a report would be against the public interest or the commercial interests of any person, he may, before the end of the period of 14 days beginning with the day on which he receives the copy of the report, direct the Director to exclude that matter from the report as published under subsection (5) above.**]**

Textual Amendments

F50 Ss. 12-15 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(c), 406, 408, 411, **Sch. 19** (with Sch. 18, Sch. 19 Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F51 S. 14(1A)(1B) inserted (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. {13(5)(a)}; S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)

F52 S. 14(2) repealed (1.3.2000) by 1998 c. 41, ss. 54(3), 74(3), Sch. 10 Pt. IV para. 9(3), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

F53 S. 14(3)-(3D) substituted (20.6.2003) for s. 14(3) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 13(5)(b)**; S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)

Modifications etc. (not altering text)

C21 S. 12-15 excluded (10.11.2000) by S.I. 2000/2998, **reg. 2**

C22 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

15 Modification of licence conditions following report.

[[F54](1) Where a report of the Commission on a reference under section 13 above—

(a) includes conclusions to the effect that any of the matters specified in the reference operate, or may be expected to operate, against the public interest;

(b) specifies effects adverse to the public interest which those matters have or may be expected to have;

(c) includes conclusions to the effect that those effects could be remedied or prevented by modifications of the conditions of the licence; and

(d) specifies modifications by which those effects could be remedied or prevented,

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the Director shall, subject to the following provisions of this section, make such modifications of the conditions of the licence as appear to him requisite for the purpose of remedying or preventing the adverse effects specified in the report.

(2) Before making modifications under this section, the Director shall have regard to the modifications specified in the report.

(3) Before making modifications under this section, the Director shall give notice—

(a) stating that he proposes to make the modifications and setting out their effect;

(b) stating the reasons why he proposes to make the modifications; and

(c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed modifications may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(4) A notice under subsection (3) above shall be given by publication in such manner as the Director considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them and, in the case of a licence granted to a particular person, by sending a copy of the notice to that person.

(5) The Director shall also send a copy of a notice under subsection (3) above to the Secretary of State; and if, within the time specified in the notice, the Secretary of State directs the Director not to make any modification the Director shall comply with the direction.

(6) The Secretary of State shall not give a direction under subsection (5) above unless it appears to him requisite or expedient to do so in the interests of national security or relations with the government of a country or territory outside the United Kingdom.**]**

Textual Amendments

F54 Ss. 12-15 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(c), 406, 408, 411, **Sch. 19** (with Sch. 18, Sch. 19 Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Modifications etc. (not altering text)

C23 S. 12-15 excluded (10.11.2000) by S.I. 2000/2998, **reg. 2**

C24 Ss. 3-7, 12-19, Pt. III (ss.47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

Enforcement of licences

16 Securing compliance with licence conditions.

[[F55](1) Subject to subsections (2) and (5) and section 17 below, where the Director is satisfied that a person who is authorised by a licence granted under section 7 above to run a telecommunication system (in this Act referred to as a "telecommunications operator") is contravening, or has contravened and is likely again to contravene, any of the

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conditions of his licence, the Director shall by a final order make such provision as is requisite for the purpose of securing compliance with that condition.

(2) Subject to subsection (5) below, where it appears to the Director—
   (a) that a telecommunications operator is contravening, or has contravened and is likely again to contravene, any of the conditions of his licence; and
   (b) that it is requisite that a provisional order be made,

   the Director shall (instead of taking steps towards the making of a final order) by a provisional order make such provision as appears to him requisite for the purpose of securing compliance with that condition.

(3) In determining for the purposes of subsection (2)(b) above whether it is requisite that a provisional order be made, the Director shall have regard, in particular, to the extent to which any person is likely to sustain loss or damage in consequence of anything which, in contravention of the relevant condition, is likely to be done, or omitted to be done, before a final order may be made.

(4) Subject to subsection (5) and section 17 below, the Director shall confirm a provisional order with or without modifications if—
   (a) he is satisfied that the telecommunications operator is contravening, or has contravened and is likely again to contravene, any of the conditions of his licence; and
   (b) the provision made by the order (with any modifications) is requisite for the purpose of securing compliance with that condition.

(5) The duties imposed by subsections (1) to (4) above shall not apply where the Director gives notice that he is satisfied—
   (a) that the duties imposed on him by section 3 above preclude the making of a final or provisional order or, as the case may be, the confirmation of the provisional order; [F56]. . .
   (b) that the contraventions or apprehended contraventions are of a trivial nature; **[**[F57]or
   [F57](c) that the most appropriate way of proceeding is under the Competition Act 1998.**]**

   and a notice under this subsection shall be given by publication in such manner as the Director considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them and by sending a copy of the notice to the telecommunications operator.

(6) A final or provisional order—
   (a) shall require the telecommunications operator (according to the circumstances of the case) to do, or not to do, such things as are specified in the order or are of a description so specified;
   (b) shall take effect at such time, being the earliest practicable time, as is determined by or under the order; and
   (c) may be revoked at any time by the Director.

(7) In this section and sections 17 to 19 below—

   "contravention", in relation to any condition of a licence, includes any failure to comply with that condition and "contravene" shall be construed accordingly;

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"final order" means an order under this section other than a provisional order;

"provisional order" means an order under this section which, if not previously confirmed under subsection (4) above, will cease to have effect at the end of such period (not exceeding **[**[F58]two months**]**) as is determined by or under the order.

(8) References in this section to conditions of a licence do not include references to conditions relating to the application of the telecommunications code.**]**

Textual Amendments

F55 Ss. 16-19 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(d), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F56 Word in s. 16(5)(a) repealed (1.3.2000) by 1998 c. 41, ss. 54(3), 74(3), Sch. 10 Pt. IV para. 9(4), **Sch. 14 Pt. I**; S.I. 2000/344, art. 2, **Sch.**

F57 S. 16(5)(c) and word "or" immediately preceding it inserted (1.3.2000) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(4)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

F58 Words in s. 16(7) substituted (31.12.1997) by S.I. 1997/2930, **reg. 3(9)**

Modifications etc. (not altering text)

C25 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

17 Procedural requirements.

[[F59](1) Before making a final order or confirming a provisional order, the Director shall give notice—

(a) stating that he proposes to make or confirm the order and setting out its effect;

(b) stating the relevant condition of the licence and the acts or omissions which, in his opinion, constitute or would constitute contraventions of it; and

(c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections to the proposed order or confirmation of the order may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(2) The Director shall not make a final order, or confirm a provisional order, [F60]. . . except with the consent of the telecommunications operator or after complying with the requirements of **[**[F61] subsections (3) and (3A)**]** below.

(3) The said requirements are that the Director shall—

(a) give to the telecommunications operator such notice as appears to him requisite of his proposal to make or confirm the order [F62]. . .;

(b) specify the time (not being less than 28 days from the date of the service of the notice) within which representations or objections to the **[**[F63]proposal**]** may be made; and

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(c) consider any representations or objections which are duly made and not withdrawn.

[[F64](3A) If the Director makes a final order, such order shall be made within two months of the notice given under subsection (3)(a) above.**]**

(4) Before revoking a final order or a provisional order which has been confirmed, the Director shall give notice—

(a) stating that he proposes to revoke the order and setting out its effect; and

(b) specifying the time (not being less than 28 days) from the date of publication of the notice within which representations or objections to the proposed revocation may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(5) A notice under subsection (1) or (4) above shall be given by publication in such manner as the Director considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them and by sending a copy of the notice to the telecommunications operator.

(6) As soon as practicable after a final order is made or a provisional order is made or confirmed, the Director shall—

(a) publish the order in such manner as he considers appropriate for the purpose of bringing the order to the attention of persons likely to be affected by it; and

[[F65](b) serve a copy of the order on the telecommunications operator within one week of the order being made or confirmed with a statement of the reasons for his decision.**]]**

Textual Amendments

F59 Ss. 16-19 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(d), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F60 Words in s. 17(2) omitted (31.12.1997) by virtue of S.I. 1997/2930, **reg. 3(10)(a)**

F61 Words in s. 17(2) substituted (31.12.1997) by S.I. 1997/2930, **reg. 3(10)(b)**

F62 Words in s. 17(3) omitted (31.12.1997) by virtue of S.I. 1997/2930, **reg. 3(11)(a)**

F63 Words in s. 17(3)(b) substituted (31.12.1997) by S.I. 1997/2930, **reg. 3(11)(b)**

F64 S. 17(3A) inserted (31.12.1997) by S.I. 1997/2930, **reg. 3(12)**

F65 S. 17(6)(b) substituted (31.12.1997) by S.I. 1997/2930, **reg. 3(13)**

Modifications etc. (not altering text)

C26 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

18 Validity and effect of orders.

[[F66F67](1) . . . . . .

[F67](2) . . . . . .

Status: *Point in time view as at 12/03/2018.*
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(3) Except as provided by **[**[F68]section 46B**]**, the validity of a final or provisional order shall not be questioned by any legal proceedings whatever.

(4) No criminal proceedings shall, by virtue of the making of a final order or the making or confirmation of a provisional order, lie against any person on the ground that he has committed, or aided, abetted, counselled or procured the commission of, or conspired or attempted to commit, or incited others to commit, any contravention of the order.

(5) The obligation to comply with a final or provisional order is a duty owed to any person who may be affected by a contravention of it.

(6) Where a duty is owed by virtue of subsection (5) above to any person—

(a) any breach of the duty which causes that person to sustain loss or damage; and

(b) any act which, by inducing a breach of that duty or interfering with its performance, causes that person to sustain loss or damage and which is done wholly or partly for the purpose of achieving that result,

shall be actionable at the suit or instance of that person.

(7) In any proceedings brought against any person in pursuance of subsection (6)(a) above, it shall be a defence for him to prove that he took all reasonable steps and exercised all due diligence to avoid contavening the order.

(8) Without prejudice to any right which any person may have by virtue of subsection (6)(a) above to bring civil proceedings in respect of any contravention or apprehended contravention of a final or provisional order, compliance with any such order shall be enforceable by civil proceedings by the Director for an injunction or interdict or for any other appropriate relief.

(9) In this section—

"act", in relation to any person, includes any failure to do an act which he is under a duty to do and "done" shall be construed accordingly;

"contravention", in relation to a final or provisional order, includes any failure to comply with it;

"the court"—

(a) in relation to England and Wales and Northern Ireland, means the High Court; and

(b) in relation to Scotland, means the Court of Session.**]**

Textual Amendments

F66 Ss. 16-19 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(d), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F67 S. 18(1)(2) repealed (20.12.1999) by S.I 1999/3180, reg. 3(2)(a)

F68 Words in s. 18(3) substituted (20.12.1999) by S.I. 1999/3180, **reg. 3(2)(b)**

Modifications etc. (not altering text)

C27 Ss. 3-7, 12-19, Pt. III (ss.47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

Status: *Point in time view as at 12/03/2018.*
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19 Register of licences and orders.

[[F69](1) The Director shall keep a register of licences granted under section 7 above and final and provisional orders at such premises and in such form as he may determine.

(2) Subject to any direction given under subsection (3) below, the Director shall cause to be entered in the register the provisions of—

(a) every licence granted under section 7 above and every modification or revocation of, and every direction or consent given or determination made under, such a licence; and

(b) every final or provisional order, every revocation of such an order and every notice under section 16(5) above.

(3) If it appears to the Secretary of State that the entry of any provision in the register would be against the public interest or the commercial interests of any person, he may direct the Director not to enter that provision in the register.

(4) The register shall be open to public inspection during such hours and subject to payment of such fee as may be prescribed by an order made by the Secretary of State.

(5) Any person may, on payment of such fee as may be prescribed by an order so made, require the Director to supply to him a copy of or extract from any part of the register, certified by the Director to be a true copy or extract.

(6) Any sums received by the Director under this section shall be paid into the Consolidated Fund.**]**

Textual Amendments

F69 Ss. 16-19 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(d), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Modifications etc. (not altering text)

C28 Ss. 3-7, 12-19, Pt. III (ss.47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

Approvals etc. for the purposes of licences

20 Approval of contractors.

[[F70](1) Where licences granted under section 7 above include provisions which are framed by reference to the carrying out of relevant operations by persons for the time being approved under this section then, for the purposes of those provisions, persons may be approved under this section in relation to such operations—

(a) by the Secretary of State; or

(b) with the consent of, or in accordance with a general authorisation given by, the Secretary of State, by the Director.

(2) A person applying for an approval under this section may be required by the person to whom the application is made to comply with such requirements as the person to

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whom the application is made may think appropriate; and those requirements may include a requirement to satisfy some other person with respect to any matter.

(3) An approval under this section may apply either to a particular person or to persons of a description specified in the approval, and may so apply either in relation to particular relevant operations or in relation to relevant operations of a description so specified.

(4) An approval under this section may specify conditions which must be complied with if the approval is to apply, for any purposes specified in the approval, to any person who is so specified or is of a description so specified; and any such condition may impose on the person to whom the approval is given a requirement from time to time to satisfy any person with respect to any matter.

(5) Nothing in this section shall preclude a person (not being the Secretary of State or the Director) by whom any matter falls to be determined for the purposes of any requirement imposed in pursuance of subsection (2) or (4) above from charging any fee in respect of the carrying out of any test or other assessment made by him.

(6) Any power conferred by this section to give an approval includes power to vary or withdraw an approval given in exercise of that power.

(7) The Secretary of State shall send to the Director—
  (a) a copy of every approval given by him under this section; and
  (b) particulars of every variation or withdrawal of an approval so given.

(8) The Secretary of State may by order provide for the charging of fees in respect of the exercise of any functions conferred by or under this section.

(9) Any sums received by the Secretary of State or the Director under this section shall be paid into the Consolidated Fund.

(10) In this section "relevant operations" means the installation, maintenance, adjustment, repair, alteration, moving, removal or replacement of apparatus which is or is to be connected to any telecommunication system to which a licence under section 7 above relates.**]**

Textual Amendments

F70 S. 20 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

21 Register of approved contractors.

[[F71](1) The Director shall keep a register of approvals given under section 20 above at such premises and in such form as he may determine.

(2) The Director shall cause particulars of every such approval, and of every variation or withdrawal of such an approval, to be entered in the register.

(3) Subsections (4) to (6) of section 19 above shall apply for the purposes of this section as they apply for the purposes of that section.**]**

Status: *Point in time view as at 12/03/2018.*
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Textual Amendments

F71 S. 21 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

22 Approval etc. of apparatus.

[F72(1) Where licences granted under section 7 above include provisions which are framed by reference to apparatus for the time being approved under this section for connection to telecommunication systems to which the licences relate, then, for the purposes of those provisions, apparatus may be approved for connection to those systems—

(a) by the Secretary of State; or

(b) with the consent of, or in accordance with a general authorisation given by, the Secretary of State, by the Director.

(2) A person applying for an approval under this section may be required by the person to whom the application is made to comply with such requirements as the person to whom the application is made may think appropriate; and those requirements may include a requirement to satisfy some other person with respect to any matter.

(3) An approval under this section may apply either to particular apparatus or to any apparatus of a description specified in the approval, and may so apply either for the purposes of a particular telecommunication system or for the purposes of any telecommunication system of a description so specified.

(4) An approval under this section may specify conditions which must be complied with if the approval is to apply, for any purposes specified in the approval, to any apparatus which is so specified or is of a description so specified; and any such condition may impose on the person to whom the approval is given a requirement from time to time to satisfy any person with respect to any matter.

(5) Nothing in this section shall preclude a person (not being the Secretary of State or the Director) by whom any matter falls to be determined for the purposes of any requirement imposed in pursuance of subsection (2) or (4) above from charging any fee in respect of the carrying out of any test or other assessment made by him.

(6) Standards to which apparatus of a description specified in the designation must conform if it is to be approved for connection to a telecommunication system so specified or of a description so specified may be designated—

(a) by the Secretary of State; or

(b) with the consent of, or in accordance with a general authorisation given by, the Secretary of State, by the Director;

and a standard so designated may apply subject to such exceptions as may be determined by or under the designation.

(7) A designation under this section may specify conditions which must be complied with if any apparatus of a description specified in the designation is to be regarded, for any purposes so specified, as conforming to the standard to which the designation relates.

Status: *Point in time view as at 12/03/2018.*
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(8) Before designating a standard under this section, the Secretary of State or the Director shall give notice—

(a) stating that he proposes to make the designation and setting out its effect;

(b) stating any conditions which he proposes to specify in the designation; and

(c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed designation may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(9) A notice under subsection (8) above shall be given by sending a copy of the notice to the person running the system and such other persons (if any) as the Secretary of State or the Director considers appropriate.

(10) Any power conferred by this section to give an approval or designate a standard includes power to vary or withdraw an approval given or designation made in the exercise of that power.

(11) The Secretary of State shall send to the Director—

(a) a copy of every approval given or designation made by him under this section; and

(b) particulars of every variation or withdrawal of an approval so given or a designation so made,

except where it appears to him requisite or expedient not to do so in the interests of national security.

(12) The Secretary of State may by order provide for the charging of fees in respect of the exercise of any functions conferred by or under this section.

(13) Any sums received by the Secretary of State or the Director under this section shall be paid into the Consolidated Fund.**]**

Textual Amendments

F72 S. 22 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

23 Register of approved apparatus etc.

[[F73](1) The Director shall keep a register of approvals given and designations made under section 22 above at such premises and in such form as he may determine.

(2) Subject to subsection (3) below and to any direction given under subsection (4) below, the Director shall cause particulars of every such approval or designation, and of every variation or withdrawal of such an approval or designation, to be entered in the register.

(3) The Director shall not enter in the register particulars of—

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(a) any approval given or designation made by the Secretary of State under section 22 above a copy of which is not sent to the Director under subsection (11) of that section; or

(b) any variation or withdrawal of an approval so given or a designation so made particulars of which are not so sent.

(4) Subsections (3) to (6) of section 19 above shall apply for the purposes of this section as they apply for the purposes of that section.**]**

Textual Amendments

F73 S. 23 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

24 Approval etc. of meters.

[[F74](1) Where licences granted under section 7 above include provisions which are framed by reference to meters for the time being approved under this section for use in connection with telecommunication systems to which the licences relate, then, for the purposes of those provisions, meters may be approved for use in connection with those systems—

(a) by the Secretary of State; or

(b) with the consent of, or in accordance with a general authorisation given by, the Secretary of State, by the Director.

(2) A person applying for an approval under this section may be required by the person to whom the application is made to comply with such requirements as the person to whom the application is made may think appropriate; and those requirements may include a requirement to satisfy some other person with respect to any matter.

(3) An approval under this section may apply either to a particular meter or to any meter of a description specified in the approval, and may so apply either for the purposes of a particular telecommunication system or for the purposes of any telecommunication system of a description so specified.

(4) An approval under this section may specify conditions which must be complied with if the approval is to apply, for any purpose specified in the approval, to any meter which is so specified or is of a description so specified; and any such condition may impose on the person to whom the approval is given a requirement from time to time to satisfy any person with respect to any matter.

(5) Nothing in this section shall preclude a person (not being the Secretary of State or the Director) by whom any matter falls to be determined for the purposes of any requirement imposed in pursuance of subsection (2) or (4) above from charging any fee in respect of the carrying out of any test or other assessment made by him.

(6) Standards to which any meter of a description specified in the designation must conform if it is to be approved for use in connection with a telecommunication system so specified or of a description so specified may be designated—

(a) by the Secretary of State; or

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(b) with the consent of, or in accordance with a general authorisation given by, the Secretary of State, by the Director;

and a standard so designated may apply subject to such exceptions as may be determined by or under the designation.

(7) A designation under this section may specify conditions which must be complied with if any meter of a description specified in the designation is to be regarded, for any purposes so specified, as conforming to the standard to which the designation relates.

(8) A meter shall not be approved under this section for use in connection with any telecommunication system unless either—

(a) the meter conforms to a standard designated under this section which applies to it for the purposes of that system; or

(b) the Secretary of State or the Director is satisfied that, if used in connection with that system in accordance with the approval, the meter would be sufficiently accurate and reliable.

(9) Before giving an approval under this section by virtue of subsection (8)(b) above or designating a standard under this section, the Secretary of State or the Director shall give notice—

(a) stating that he proposes to give the approval or make the designation and setting out its effect;

(b) stating any conditions which he proposes to specify in the approval or designation; and

(c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed approval or designation may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(10) A notice under subsection (9) above shall be given by sending a copy of the notice—

(a) in the case of an approval, to the person applying for the approval;

(b) in the case of a designation, to the person running the system,

and (in either case) to such other persons (if any) as the Secretary of State or the Director considers appropriate.

(11) Any power conferred by this section to give an approval or designate a standard includes power to vary or withdraw an approval given or designation made in the exercise of that power.

(12) The Secretary of State shall send to the Director—

(a) a copy of every approval given or designation made by him under this section; and

(b) particulars of every variation or withdrawal of an approval so given or a designation so made.

(13) The Secretary of State may by order provide for the charging of fees in respect of the exercise of any functions conferred by or under this section.

(14) Any sums received by the Secretary of State or the Director under this section shall be paid into the Consolidated Fund.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(15) In this section "meter" means any system or apparatus constructed or adapted for use in ascertaining the extent of telecommunication services provided by means of a telecommunication system.**]**

Textual Amendments

F74 S. 24 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

25 Delegation of functions under sections 22 and 24.

[[F75](1) The functions conferred on the Secretary of State by sections 22 and 24 above (other than the powers to make orders) shall be exercisable by any person appointed by the Secretary of State for the purpose to such extent and subject to such conditions as may be specified in the appointment; and an appointment under this section may authorise the person appointed to retain any fees received by him.

(2) Before appointing any person under this section, the Secretary of State shall consult with the persons running the telecommunication systems concerned, or with such organisations as appear to the Secretary of State to be representative of those persons.**]**

Textual Amendments

F75 S. 25 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

26 Grants and loans to persons exercising certain functions.

[[F76](1) The Secretary of State may, with the approval of the Treasury, make grants or loans—

(a) to persons by whom any matter falls to be determined for the purposes of any requirement imposed in pursuance of subsection (2) or (4) of section 20, 22 or 24 above; or

(b) to persons appointed under section 25 above.

(2) Any loans under this section shall be repaid to the Secretary of State at such times and by such methods and interest thereon shall be paid to him at such rates and at such times as he may, with the approval of the Treasury, from time to time direct.

(3) There shall be paid out of money provided by Parliament any sums required by the Secretary of State for making grants or loans under this section.

(4) Any sums received by the Secretary of State under subsection (2) above shall be paid into the Consolidated Fund.**]**

Status: *Point in time view as at 12/03/2018.*
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Textual Amendments

F76 S. 26 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

27 Recognition of bodies representing consumers etc.

[[F77](1) Where licences granted under section 7 above include provisions which are framed by reference to bodies for the time being recognised under this section to be representing the interests of consumers, purchasers and other users of telecommunication services provided by means of, or telecommunication apparatus connected to, telecommunication systems to which the licences relate, then, for the purposes of those provisions, bodies may be so recognised by the Secretary of State.

(2) A recognition under this section may apply either to a particular body or to bodies of a description specified in the recognition, and may so apply either for the purposes of a particular telecommunication system or for the purposes of any telecommunication system of a description so specified.

(3) The Secretary of State may pay such allowances as he may determine to members of a body recognised by him under this section, and may pay such expenses of a body so recognised as he may determine.

(4) Any power conferred by this section to give a recognition includes power to withdraw a recognition given in the exercise of that power.

(5) There shall be paid out of money provided by Parliament any sums required by the Secretary of State for making payments under this section.**]**

Textual Amendments

F77 S. 27 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[[F78] *Standards of performance*

Textual Amendments

F78 Ss. 27A, 27B and cross heading inserted (1.7.1992) by Competition and Services (Utilities) Act 1992 (c. 43), **s. 1**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order, art. 3, Sch.

[F79]27A Standards of performance in individual cases.

Status: *Point in time view as at 12/03/2018.*
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[[F80](1) The Director may make regulations prescribing, for any designated operator, such standards of performance in connection with the provision of relevant services by that operator as, in his opinion, ought to be achieved in individual cases.

(2) Regulations under subsection (1) above may only be made—
- (a) with the consent of the Secretary of State;
- (b) after consulting—
  - (i) the designated operator; and
  - (ii) persons or bodies appearing to the Director to be representative of persons likely to be affected by the regulations; and
- (c) after arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be so affected and considering the results.

(3) Regulations under this section may—
- (a) prescribe circumstances in which the designated operator is to inform persons of their rights under this section;
- (b) prescribe such standards of performance in relation to any duty arising under paragraph (a) above as, in the Director's opinion, ought to be achieved in all cases;
- (c) prescribe circumstances in which the designated operator is to be exempted from any requirements of the regulations or this section.

(4) If the designated operator fails to meet a prescribed standard, he shall make to any person who is affected by the failure such compensation as may be determined by or under the regulations.

(5) The making of compensation under this section in respect of any failure to meet a prescribed standard shall not prejudice any other remedy which may be available in respect of the act or omission which constituted that failure.

(6) Any dispute arising under this section or regulations made under this section—
- (a) may be referred to the Director by either party; and
- (b) on such a reference, shall be determined by order made—
  - (i) by the Director; or
  - (ii) by such other person as may be prescribed.

(7) Any person making an order under subsection (6) above shall include in the order his reasons for reaching his decision with respect to the dispute.

(8) The practice and procedure to be followed in connection with any such determination shall be such as may be prescribed.

(9) An order under subsection (6) above shall be final and shall be enforceable—
- (a) in England and Wales and in Northern Ireland, as if it were a judgment of a county court; and
- (b) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.

(10) In this section "prescribed" means prescribed by regulations under this section.**]**

Textual Amendments

F79 Ss. 27A, 27B and cross heading inserted (1.7.1992) by Competititon and Service (Utilities) Act 1992 (c. 43), **s. 1**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order, art. 3, Sch. Pt. I

F80 Ss. 27A-27L repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 5); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[F81]27B Overall standards of performance.

[[F82](1) The Director may from time to time—

(a) determine such standards of overall performance in connection with the provision of relevant services by the designated operator as, in his opinion, ought to be achieved by that operator; and

(b) arrange for the publication, in such form and in such manner as he considers appropriate, of the standards so determined.

(2) The Director may only make a determination under subsection (1)(a) above after—

(a) consulting the designated operator concerned and persons or bodies appearing to the Director to be representative of persons likely to be affected; and

(b) arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considering the results.**]]**

Textual Amendments

F81 Ss. 27A, 27B and cross heading inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), **s. 1**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

F82 Ss. 27A-27L repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 5); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[F83]27C Information with respect to levels of performance.

[[F84](1) The Director shall from time to time collect information with respect to—

(a) the compensation made by designated operators under section 27A above; and

(b) the levels of overall performance achieved by designated operators in connection with the provision of relevant services.

(2) At such times as the Director may direct, each designated operator shall give the following information to the Director—

(a) as respects each standard prescribed by regulations under section 27A above, the number of cases in which compensation was made and the aggregate amount or value of that compensation; and

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(b) as respects each standard determined under section 27B above, such information with respect to the level of performance achieved by the operator as may be so specified.

(3) A designated operator who, without reasonable excuse, fails to do anything required of him by subsection (2) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) The Director shall, at least once in every year, arrange for the publication, in such form and in such manner as he considers appropriate, of such of the information collected by or furnished to him under this section as it may appear to him expedient to give to users or potential users of any relevant services provided by designated operators.

(5) In arranging for the publication of any such information the Director shall have regard to the need for excluding, so far as practicable—

(a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that individual; and

(b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that body.**]]**

Textual Amendments

F83 S. 27C inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), **s. 2**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order, art. 3, Sch. Pt. I

F84 Ss. 27A-27L repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 5); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[[F85]27D Information to be given to customers about overall performance.

[[F86](1) Each designated operator shall, in such form and manner and with such frequency as the Director may direct, take steps to inform those of his customers to whom he supplies relevant services of—

(a) the standards of overall performance determined under section 27B above which are applicable to that operator; and

(b) that operator's level of performance as respects each of those standards.

(2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.**]]**

Textual Amendments

F85 S. 27D inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), **s.3**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

F86 Ss. 27A-27L repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 5); S.I.

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2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[F87 27E Procedures for dealing with complaints.

[F88 (1) Each designated operator shall establish a procedure for dealing with complaints made by his customers or potential customers in connection with the provision by the designated operator of relevant services.

(2) No such procedure shall be established, and no modification of such a procedure shall be made, unless—

(a) the designated operator has consulted persons or bodies appearing to him to be representative of customers for whom he provides relevant services; and

(b) the proposed procedure or modification has been approved by the Director.

(3) The designated operator shall—

(a) publicise the procedure in such manner as may be approved by the Director; and

(b) send a description of the procedure, free of charge, to any person who asks for one.

(4) The Director may give a direction to a designated operator requiring the operator to review his procedure or the manner in which it operates.

(5) A direction under subsection (4) above—

(a) may specify the manner in which the review is to be conducted; and

(b) shall require a written report of the review to be made to the Director.

(6) Where the Director receives a report under subsection (5)(b) above, he may, after consulting the designated operator, direct him to make such modifications of—

(a) the procedure; or

(b) the manner in which the procedure operates,

as may be specified in the direction.

(7) Subsection (2) above does not apply to any modification made in compliance with a direction under subsection (6) above.**]]**

Textual Amendments

F87 S. 27E inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), **s. 4**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

F88 Ss. 27A-27L repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 5); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[F89 27F Disputes about discrimination etc. in fixing charges.

[F90 (1) Any dispute, of a kind to which this section applies, between—

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(a) a person ("the customer") who is, or wishes to be, provided with any relevant service by a designated operator, and
(b) that designated operator,

may be referred to the Director by either party.

(2) This section applies to any dispute as to whether the designated operator—
(a) has exercised undue discrimination against the customer in respect of charges applied, or to be applied, in connection with the provision of the service in question;
(b) has shown undue preference to any other person in respect of such charges, to the detriment of the customer; or
(c) has applied, or proposes to apply, any charge in connection with the provision of the service in question to the customer which is neither specified in, nor determined in accordance with a method specified in, a notice required by a condition of a kind mentioned in section 8(1)(e) above.

(3) Where a dispute is referred to him under this section, the Director, or an arbitrator (or in Scotland an arbiter) appointed by him, shall determine whether the customer's allegation is well founded and, if it is, make such order as he considers appropriate.

(4) Any person making an order under subsection (3) above shall include in the order his reasons for reaching his decision with respect to the dispute.

(5) No act or omission of a designated operator which is permitted by any condition—
(a) relating to any of the matters referred to in section 8(1)(d) above, and
(b) included in the licence granted to him under section 7 above,

shall be taken to constitute undue discrimination or undue preference for the purposes of this section.

(6) The practice and procedure to be followed in connection with a reference under this section shall be determined by the Director.

(7) An order under this section—
(a) may include such incidental, supplemental and consequential provision (including provision requiring either party to pay a sum in respect of the costs or expenses incurred by the person making the order) as that person considers appropriate; and
(b) shall be final and—
(i) in England and Wales and in Northern Ireland enforceable, in so far as it includes such provision as to costs or expenses, as if it were a judgment of a county court; and
(ii) in Scotland, enforceable as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.

(8) In including in an order under this section any such provision as to costs or expenses, the person making the order shall have regard to the conduct and means of the parties and any other relevant circumstances.**]]**

Textual Amendments

F89 S. 27F inserted (1.9.1992) by Competition and Service (Utilities) Act 1992 (c. 43), **s. 5(1)**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 4, Sch. Pt.II

F90 Ss. 27A-27L repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 5); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[F91 27G Billing disputes.

[F92 (1) The Secretary of State may by regulations make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.

(2) In this section "billing dispute" means a dispute between a designated operator and a customer concerning the amount of the charge which the operator is entitled to recover from the customer in connection with the provision of any relevant service.

(3) Regulations under this section may only be made after consulting—
- (a) the Director; and
- (b) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations.

(4) Regulations under this section may provide that, where a billing dispute is referred to the Director, he may either—
- (a) determine the dispute, or
- (b) appoint an arbitrator (or in Scotland an arbiter) to determine it.

(5) Any person determining any billing dispute in accordance with regulations under this section shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.

(6) Regulations under this section may provide—
- (a) that disputes may be referred to the Director under this section only by prescribed persons; and
- (b) for any determination to be final and enforceable—
  - (i) in England and Wales and in Northern Ireland, as if it were a judgment of a county court; and
  - (ii) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.

(7) Except in such circumstances (if any) as may be prescribed by regulations under this section—
- (a) the Director or an arbitrator (or in Scotland an arbiter) appointed by him shall not determine any billing dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court; and
- (b) neither party to any billing dispute which has been referred to the Director for determination in accordance with regulations under this section shall commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.

(8) No designated operator may commence proceedings before any court in respect of any charge in connection with the provision by him of any relevant service unless, not less than 28 days before doing so, the customer concerned was informed by him, in such form and manner as may be prescribed by regulations under this section, of—
- (a) his intention to commence proceedings;

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(b) the customer's rights by virtue of this section; and
(c) such other matters (if any) as may be so prescribed.**]]**

Textual Amendments

F91 Section 27G inserted (*prosp.*) by Competition and Service (Utilities) Act 1992 (c. 43) ss. 6(1), 56(2), which insertion is in force at 1.7.1992 except as regards subsection (8) by Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt.I

F92 Ss. 27A-27L repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 5); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[F93 27H Deposits.

[F94 (1) Each designated operator shall, with the agreement of the Director, settle criteria by reference to which the operator will determine—
(a) whether a customer is required to pay a deposit before being provided with any relevant service; and
(b) if so, the amount which he is required to pay.

(2) The criteria may be varied by the designated operator with the consent of the Director.

(3) Before settling, or varying, the criteria the designated operator shall consult persons or bodies appearing to him to be representative of persons likely to be affected.

(4) Except in such circumstances as may be specified in the criteria, no person who is disabled (as defined by the criteria) shall be required to pay a deposit before being provided with any relevant service by the designated operator.

(5) The designated operator shall—
(a) prepare a summary of the criteria, with the agreement of the Director;
(b) publicise it in such manner as may be approved by the Director; and
(c) send a copy of it, free of charge, to any person who asks for one.

(6) The Director may, after consulting the designated operator, direct him to vary the criteria as specified in the direction.

(7) Subsection (3) above does not apply to any variation made in compliance with a direction under subsection (6) above.**]]**

Textual Amendments

F93 S. 27H inserted (*prosp.*) by Competition and Service (Utilities) Act 1992 (c. 43), **ss.7**, 56(2), which insertion is in force at 1.7.1992 except as regards subsection (4) by Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

F94 Ss. 27A-27L repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 5); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

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[F95]27I Complaints about deposits.

[[F96](1) Any person who is aggrieved by—

(a) the decision of a designated operator to require him to pay a deposit before he is provided with a relevant service, or

(b) by the amount which he is so required to pay,

may refer the matter to the Director.

(2) On any such reference the Director, or an arbitrator (or in Scotland an arbiter) appointed by him, shall consider whether the criteria settled under section 27H above—

(a) have been applied correctly, or

(b) are inappropriate in the particular case.

(3) If the Director or arbitrator (or arbiter) considers that the criteria have not been correctly applied, or that they are inappropriate in the particular case, he shall, unless the complaint has been withdrawn or it is otherwise inappropriate to proceed, determine—

(a) whether the person concerned is to be required to pay a deposit, and

(b) if so, the amount which he is to be required to pay,

and give the appropriate direction to the designated operator.

(4) Any person giving a direction under subsection (3) above shall include in the direction his reasons for reaching his decision with respect to the complaint.

(5) The practice and procedure to be followed in connection with a complaint under subsection (1) above shall be determined by the Director.

(6) A direction under this section—

(a) may include such incidental, supplemental and consequential provision (including provision requiring either party to pay a sum in respect of the costs or expenses incurred by the person giving the direction) as that person considers appropriate; and

(b) shall be final and—

(i) in England and Wales and in Northern Ireland enforceable, in so far as it includes such provision as to costs or expenses, as if it were a judgment of a county court; and

(ii) in Scotland, enforceable as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.

(7) In including in a direction under this section any such provision as to costs or expenses, the person giving the direction shall have regard to the conduct and means of the parties and any other relevant circumstances.**]**

Textual Amendments

F95 S. 27I inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), **s. 7**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order, art. 3, Sch. Pt.I

F96 Ss. 27A-27L repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 5); S.I.

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2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[F97]27J Disconnections.

[[F98]Where any person has failed to pay any charges in connection with the provision of any relevant service by a designated operator, no power of that designated operator to discontinue the provision of that service shall be exercised against him as respects any amount which is genuinely in dispute.**]**

Textual Amendments

F97 S. 27J inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), **s. 8**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order, art. 3, Sch. Pt. I

F98 Ss. 27A-27L repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 5); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[F99]27K Enforcement of standards of performance, etc.

[[F100](1) Sections 16 to 18 above shall apply in relation to a designated operator as if it were a condition of the licence granted to him under section 7 above that he shall—

(a) achieve the standards of overall performance determined in relation to him under section 27B above;

(b) take steps to inform those of his customers to whom he supplies relevant services about—

(i) those standards, and

(ii) the levels of performance which he has achieved as respects those standards,

in accordance with section 27D above;

(c) comply with—

(i) the requirements of section 27E above, and

(ii) any direction given by the Director under subsection (4) or (6) of that section;

(d) comply with any order made under section 27F(3) above;

(e) comply with any direction given by the Director under section 27H(6) above;

(f) comply with any direction given under section 27I(3) above; and

(g) comply with the requirements of section 27J above.

(2) For the purposes of the application by this section of sections 16 to 18 above, any term of a licence granted under section 7 above which has or which might have the effect—

(a) of excepting a designated operator from liability for a contravention of a condition of that licence, or

(b) otherwise restricting any such liability,

shall not apply in relation to any contravention of the condition mentioned in subsection (1) above.**]**

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Textual Amendments

F99 S. 27K inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), **s. 9**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order, art. 3, Sch. Pt.I

F100 Ss. 27A-27L repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 5); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[F101 27L Definitions for sections 27A to 27K.

[F102 (1) For the purposes of sections 27A to 27K above—

"designated operator" means any public telecommunications operator designated for the purposes of those sections by order made by the Secretary of State; and

"relevant services" means—

(a) any voice telephony service, telephone rental service, directory service, directory information service or facsimile transmission service provided for occupiers of residential or single line premises; and

(b) any public call box service.

(2) The Secretary of State shall not exercise his power under subsection (1) above to designate a telecommunications operator unless he is satisfied that the operator provides at least 25 per cent. of the voice telephony services supplied within the area in relation to which he is a public telecommunications operator.

(3) For the purposes of this section—

"public call box service" means a service which is provided by a designated operator and which consists of the provision of telecommunication apparatus which—

(a) is owned and operated by the designated operator;

(b) gives access to a voice telephony service; and

(c) is intended for use by members of the public generally;

"directory service" means a service which consists of the preparation and provision of a list (which may be made available in separate parts and through different media) of customers of a designated operator which is not arranged by reference to a description of the trades, professions or businesses carried on by those customers;

"directory information service" has the same meaning as in section 4(3) above;

"facsimile transmission service" means a telecommunication service for the transmission of electronic signals by a designated operator, over exchange lines provided by him, for the purposes of making a facsimile of a document;

"hard wired telephone" means a telephone of a kind which can only be connected to a public telecommunication system by means other than—

(a) the insertion of a plug into a socket; or

(b) wireless telegraphy;

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"single line premises" means premises which are not residential premises but which are served by a single exchange line provided by the designated operator;

"telephone rental service" means a service consisting in the hiring out of any hard wired telephone which is capable of emitting or receiving signals which have been, or are to be, conveyed by means of a public telecommunication system run by a designated operator;

"voice telephony service" means a telecommunication service for the conveyance of speech over exchange lines provided by the designated operator.**]]**

Textual Amendments

F101 S. 27L inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), **s. 10**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

F102 Ss. 27A-27L repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 147(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 5); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marking etc. of telecommunication apparatus

28 Information etc. to be marked on or to accompany telecommunication apparatus.

[[F103](1) Where it appears to the Secretary of State expedient that any description of telecommunication apparatus should be marked with or accompanied by any information or instruction relating to the apparatus or its connection or use, the Secretary of State may by order impose requirements for securing that apparatus of that description is so marked or accompanied, and regulate or prohibit the supply of any such apparatus with respect to which the requirements are not complied with; and the requirements may extend to the form and manner in which the information or instruction is to be given.

(2) Where an order under this section is in force with respect to telecommunication apparatus of any description, any person who, in the course of any trade or business, supplies or offers to supply telecommunication apparatus of that description in contravention of the order shall, subject to subsection (3) below, be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(3) Subsections (4) to (6) of section 5 above shall apply for the purposes of this section as they apply for the purposes of that section.

(4) An order under this section may, in the case of telecommunication apparatus supplied in circumstances where the information or instruction required by the order would not be conveyed until after delivery, require the whole or part thereof to be also displayed near the apparatus.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) For the purposes of this section a person exposing telecommunication apparatus for supply or having telecommunication apparatus in his possession for supply shall be deemed to offer to supply it.

(6) In this section and section 29 below "supply" shall **[**[F104]have the same meaning as it has in Part II of the Consumer Protection Act 1987**].]**

Textual Amendments

F103 S. 28 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F104 Words substituted by Consumer Protection Act 1987 (c. 43, SIF 109), ss. 41(2), 47(1)(2), 48, **Sch. 4 para. 9(1)**

29 Information etc. to be given in advertisements.

[[F105](1) Where it appears to the Secretary of State expedient that any description of advertisements of telecommunication apparatus should contain or refer to any information relating to the apparatus or its connection or use, the Secretary of State may by order impose requirements as to the inclusion of that information, or an indication of the means by which it may be obtained, in advertisements of that description.

(2) Where an advertisement of any telecommunication apparatus to be supplied in the course of any trade or business fails to comply with any requirement imposed under this section, any person who publishes the advertisement shall, subject to subsections (3) and (4) below, be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(3) Subsections (4) to (6) of section 5 above shall apply for the purposes of this section as they apply for the purposes of that section.

(4) In any proceedings for an offence under this section it shall be a defence for the person charged to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisements for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under this section.

(5) An order under this section may specify the form and manner in which any information or indication required by the order is to be included in advertisements of any description.

(6) In this section "advertisement" includes a catalogue, a circular and a price list.**]**

Textual Amendments

F105 S. 29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**,

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3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

30 Enforcement provisions.

[[F106](1) The Director or a relevant authority shall have power to purchase telecommunication apparatus, and to authorise any of his or their officers to purchase telecommunication apparatus on his or their behalf, for the purpose of ascertaining whether sections 28 and 29 above and orders made under those sections (in this section referred to as "the relevant provisions") are being complied with.

(2) The Director shall have power to enforce the relevant provisions and every local weights and measures authority in Great Britain shall have power to enforce those provisions within their area; but nothing in this subsection shall be construed as authorising the Director or a local weights and measures authority to institute proceedings in Scotland for an offence.

(3) In this section "relevant authority" means—

(a) in relation to Great Britain, the Secretary of State or a local weights and measures authority on whom a power to enforce the relevant provisions is conferred by subsection (2) above;

(b) in relation to Northern Ireland, the Department of Economic Development for Northern Ireland.**]**

Textual Amendments

F106 S. 30 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Rating of telecommunications operators

[F107 31 Rating in England and Wales.

(1) In Schedule 3 to the [M3]Local Government Act 1974 (hereditaments to which section 19(1) of that Act applies) for paragraph 5A (hereditaments occupied by British Telecommunications by certain property used for the purposes of telecommunication services) there shall be substituted the following paragraph—

"5A Any hereditament occupied by a telecommunications operator (within the meaning of the Telecommunications Act 1984) by any such property as follows, namely, posts, wires, underground cables and ducts, telephone kiosks and other equipment being property used for the purpose of providing telecommunication services."

(2) Where an order made under the said section 19 applies to hereditaments occupied by a telecommunications operator by any such property as aforesaid, that operator shall be treated, for the purposes of the law relating to rating, as not being a public utility undertaking.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) This section extends to England and Wales only.**]**

Textual Amendments

F107 S. 31 repealed (E.W.) by S.I. 1990/776, art. 3, **Sch. 1**

Marginal Citations

M3 1974 c. 7.

32 Rating in Scotland.

(1) In paragraph 5 of Schedule 1 to the [M4]Local Government (Scotland) Act 1975 (lands and heritages to which section 6(1) of that Act applies and occupied by British Telecommunications by certain property used for the purposes of telecommunication services)—

(a) for the words "British Telecommunications" there shall be substituted the words " a telecommunications operator (within the meaning of the Telecommunications Act 1984) "; and

(b) for the words from "not within" to "purposes of" there shall be substituted the words " , being property used for the purpose of providing ".

(2) This section extends to Scotland only.

Marginal Citations

M4 1975 c. 30.

[F108]33 . . . . . .

Textual Amendments

F108 S. 33 repealed (20.2.1997) by S.I. 1996/3162 (N.I. 25), art. 13, **Sch.**

Acquisition etc. of land by public telecommunications operators

34 Compulsory purchase of land in England and Wales.

[[F109](1) Subject to subsection (2) below, the Secretary of State may authorise a public telecommunications operator to purchase compulsorily any land in England and Wales which is required by the operator for, or in connection with, the establishment or running of the operator's system or as to which it can reasonably be foreseen that it will be so required; and the [M5]Acquisition of Land Act 1981 shall apply to any compulsory purchase under this section as if the operator were a local authority within the meaning of that Act.

(2) No order shall be made authorising a compulsory purchase under this section except with the consent of the Director.

Status: *Point in time view as at 12/03/2018.*
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(3) The power of purchasing land compulsorily under this section includes power to acquire an easement or other right over land by the creation of a new right.

(4) The following provisions of [M6][F110]the Town and Country Planning Act 1990] shall have effect in relation to land acquired compulsorily by a public telecommunications operator under this section as they have effect in relation to land acquired compulsorily by statutory undertakers under any other enactment, namely—

(a) [F110]sections 238 to 240] (use and development of consecrated land and burial grounds);

(b) [F110]section 241] (use and development of land for open spaces); and

(c) [F110]sections 271 to 274] (extinguishment of rights of way, and rights as to apparatus, of statutory undertakers).

(5) Where a public telecommunications operator has acquired any land under this section, he shall not dispose of that land or of any interest or right in or over it except with the consent of the Director.]

Textual Amendments

F109 S. 34 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F110 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 63(1)**

Marginal Citations

M5 1981 c. 67.

M6 1990 c. 8.

35 Compulsory purchase of land in Scotland.

[F111(1) Subject to subsection (2) below, the Secretary of State may authorise a public telecommunications operator to purchase compulsorily any land in Scotland which is required by the operator for, or in connection with, the establishment or running of the operator's system or as to which it can reasonably be foreseen that it will be so required; and the [M7]Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to any compulsory purchase under this section as if the operator were a local authority within the meaning of that Act and as if this section had been in force immediately before the commencement of that Act.

(2) No order shall be made authorising a compulsory purchase under this section except with the consent of the Director.

(3) The power of purchasing land compulsorily under this section includes power to acquire a servitude or other right over land by the creation of a new right.

(4) The following provisions of [F112]the Town and Country Planning (Scotland) Act 1997] shall have effect in relation to land acquired compulsorily by a public telecommunications operator under this section as they have effect in relation to land acquired compulsorily by statutory undertakers under any other enactment, namely—

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Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) **[**[F112]section 197**]** (provisions as to churches and burial grounds);
(b) **[**[F112]section 198**]** (use and development of land for open spaces); and
(c) **[**[F112]sections 224 to 227**]** (extinguishment of rights of way, and rights as to apparatus, of statutory undertakers).

(5) Where a public telecommunications operator has acquired land under this section, he shall not dispose of that land or of any interest or right in or over it except with the consent of the Director.**]**

Textual Amendments

F111 S. 35 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F112 Words in s. 35(4) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 37(1)**

Marginal Citations

M7 1947 c. 42.

36 Compulsory purchase of land in Northern Ireland.

[[F113](1) Where a public telecommunications operator proposes to acquire, otherwise than by agreement, any land in Northern Ireland required by him for, or in connection with, the establishment or running of his system or as to which it can reasonably be foreseen that it will be so required, he may, with the consent of the Director, apply to the Secretary of State for an order vesting that land in him and the Secretary of State shall have power to make such an order.

(2) The power of acquiring land compulsorily under this section shall include power to acquire, by the creation of a new right, an easement or other right over land.

(3) Where a public telecommunications operator has acquired any land under this section, he shall not dispose of it except with the consent of the Director.

(4) For the purposes of the acquisition of land by means of a vesting order under this section, Schedule 6 to the [M8]Local Government Act (Northern Ireland) 1972 and Schedule 8 to the [M9] Health and Personal Social Services (Northern Ireland) Order 1972 are hereby incorporated in this Act subject to the modifications specified in subsection (5) below.

(5) The said modifications are as follows—
(a) for any reference in the said Schedule 6 to a council there shall be substituted a reference to the operator;
(b) for any reference in either Schedule to the Department there shall be substituted a reference to the Secretary of State;
(c) for any reference in either Schedule to the Act or Order in question there shall be substituted a reference to this Act;
(d) in paragraph 6(2) of the said Schedule 6, for the words from “the fund” onwards there shall be substituted the words “ funds of the operator (in this Schedule referred to as "the compensation fund’) and shall be discharged by payments made by the operator ”; and

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(e) in paragraph 12(2) of that Schedule for the words "the clerk of the council" there shall be substituted the words " such person as may be designated for the purposes of this Schedule by the operator ".

(6) The enactments for the time being in force relating to the assessment of compensation in respect of land vested in a district council by an order made under Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall, subject to any necessary modifications, apply in relation to any land vested in a public telecommunications operator by an order made under this section.

(7) In this section "land" has the meaning assigned to it by section 45(1)(a) of the Interpretation Act (Northern Ireland) 1954.**]**

Textual Amendments

F113 S. 36 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M8 1972 c.9 (N.I.)
M9 S.I. 1972/1265 (N.I. 14)

37 Entry, for exploratory purposes, on land in England and Wales.

[[F114](1) A person nominated by a public telecommunications operator and duly authorised in writing by the Secretary of State may, at any reasonable time, enter upon and survey any land in England and Wales, other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use by the operator for, or in connection with, the establishment or running of the operator's system.

(2) **[**[F115]Sections 324(8), 325(1) to (5), (8) and (9) of the [M10]Town and Country Planning Act 1990**]** (which contain supplementary provisions relating to the powers of entry conferred by **[**[F115]section 324(1) to (7)**]** thereof) shall have effect in relation to the power conferred by this section as they have effect in relation to the powers conferred by **[**[F115]the said section 324**]**, subject however to the following modifications, namely—

(a) that **[**[F115]section 324(8)**]** (which relates to power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein) shall so have effect as if the words "or the presence of minerals therein" were omitted; and

(b) that **[**[F115]section 325(1)**]** (which requires twenty-four hours' notice to be given of an intended entry upon occupied land) shall so have effect as if for the words "twenty-four hours" there were substituted the words " twenty-eight days ".

(3) Where, in an exercise of the power conferred by this section, any damage is caused to land or to chattels, the operator shall make good the damage or pay to every person interested in the land or chattels compensation in respect of the damage; and where, in consequence of an exercise of that power, any person is disturbed in his enjoyment

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of any land or chattels, the operator shall pay to that person compensation in respect of the disturbance.

(4) **[**[F116]Section 118 of the said Act of 1990**]** (which provides for the determination of disputes as to compensation under **[**[F116]Part IV of that Act**]**) shall apply to any question of disputed compensation under this section.**]**

Textual Amendments

F114 S. 37 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F115 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 63(2)(a)**

F116 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 63(2)(b)**

Marginal Citations

M10 1990 c. 8.

38 Entry, for exploratory purposes, on land in Scotland.

[[F117](1) A person nominated by a public telecommunications operator and duly authorised in writing by the Secretary of State may, at any reasonable time, enter upon and survey any land in Scotland, other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use by the operator for, or in connection with, the establishment or running of the operator's system.

(2) **[**[F118]Sections 269(6) and 270(1) to (5), (8) and (9) of the Town and Country Planning (Scotland) Act 1997**]** (supplementary provisions as to powers of entry) shall have effect in relation to the power conferred by this section as they have effect in relation to the powers conferred by **[**[F118]the said section 269**]**, subject to the following modifications, namely—

(a) that **[**[F118]section 270(1)**]** (twenty-four hours' notice to be given of an intended entry upon occupied land) shall so have effect as if for the words "twenty-four hours" there were substituted the words " twenty-eight days "; and

(b) that **[**[F118]section 269(6)**]** (power to search and bore for minerals etc.) shall so have effect as if the words "or the presence of minerals therein" were omitted.

(3) Where, in an exercise of the power conferred by this section, any damage is caused to land or to corporeal moveables, the operator shall make good the damage or pay to every person interested in the land or corporeal moveables compensation in respect of the damage; and where, in consequence of an exercise of that power, any person is disturbed in his enjoyment of any land or corporeal moveables, the operator shall pay to that person compensation in respect of the disturbance.

(4) Any question arising under this section as to the effect of damage or as to the amount of compensation shall, in the case of dispute, be determined by arbitration, and the reference in such an arbitration shall be to a single arbiter to be appointed by agreement between the parties or, in default of an agreement, by the Secretary of State.**]**

Status: *Point in time view as at 12/03/2018.*
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Textual Amendments

F117 S. 38 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F118 Words in s. 38(2) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 37(2)**

39 Entry, for exploratory purposes, on land in Northern Ireland.

[[F119](1) A person nominated by a public telecommunications operator and duly authorised in writing by the Secretary of State may, at any reasonable time, enter upon and survey any land in Northern Ireland, other than land covered by buildings or used as a garden or pleasure ground, for the purpose of ascertaining whether the land would be suitable for use by the operator for, or in connection with, the establishment or running of the operator's system.

(2) Section 40(2) to (5) and (8) of the Land Development Values (Compensation) Act (Northern Ireland) 1965 (which contains supplementary provisions relating to the power of entry conferred by subsection (1) of that section) shall have effect in relation to the power conferred by this section as it has effect in relation to the power conferred by the said subsection (1), subject however to the following modifications, namely—

(a) that section 40(2) (which relates to power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein) shall so have effect as if the words "or the presence of minerals therein" were omitted; and

(b) that section 40(3)(b) (which requires three days' notice to be given of an intended entry upon occupied land) shall so have effect as if for the word "three" there were substituted the word " twenty-eight ".

(3) Where, in an exercise of the power conferred by this section, any damage is caused to land or to chattels, the operator shall make good the damage or pay to every person interested in the land or chattels, compensation in respect of the damage; and where in consequence of an exercise of that power, any person is disturbed in his enjoyment of any land or chattels, the operator shall pay to that person compensation in respect of the disturbance.

(4) Section 31 of the said Act of 1965 (which provides for the determination of disputes as to compensation under Part III of that Act) shall apply to any question of disputed compensation under this section.**]**

Textual Amendments

F119 S. 39 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

40 Acquisition of land by agreement.

Status: *Point in time view as at 12/03/2018.*
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[[F120](1) For the purpose of the acquisition by agreement by a public telecommunications operator of land in England and Wales the provisions of Part I of the [M11]Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 27 and section 31 shall apply.

(2) For the purpose of the acquisition by agreement by a public telecommunications operator of land in Scotland, section 109(2) of the [M12]Town and Country Planning (Scotland) Act 1972 (incorporation of Lands Clauses Acts) shall, with any necessary modifications, apply for the purposes of this Act as it applies for the purposes of that Act.

(3) For the purpose of the acquisition by agreement by a public telecommunications operator of land in Northern Ireland, the Lands Clauses Acts shall be incorporated with this Act except for sections 127 to 133 (sale of superfluous land) and sections 150 and 151 (access to the special Act) of the [M13]Lands Clauses Consolidation Act 1845.**]**

Textual Amendments

F120 S. 40 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M11 1965 c. 56.
M12 1972 c. 52.
M13 1845 c. 18.

41 Purchase of Duchy of Lancaster land.

[[F121]The Chancellor and Council of the Duchy of Lancaster may, if they think fit, agree with a public telecommunications operator for the sale, and absolutely make sale, for such sum of money as appears to them to be sufficient consideration for the same, of any land belonging to Her Majesty in right of the Duchy of Lancaster which the operator seeks to acquire for, or in connection with, the establishment or running of his system.**]**

Textual Amendments

F121 S. 41 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Offences

42 Fraudulent use of telecommunication system.

Status: *Point in time view as at 12/03/2018.*
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[[F122](1) A person who dishonestly obtains a **[**[F123]service to which this subsection applies**]** with intent to avoid payment of any charge applicable to the provision of that service shall be guilty of an offence and liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding **[**[F124]five years**]** or to a fine or to both.

(2) **[**[F125]Subsection (1) above applies to any service (other than a service **[**[F126]such as is mentioned in section 297(1) of the Copyright, Designs and Patents Act 1988)**]** which is provided by means of**]** a telecommunication system the running of which is authorised by a licence granted under section 7 above.**]**

Textual Amendments

F122 S. 42 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F123 Words substituted by Cable and Broadcasting Act 1984 (c. 46, SIF 96), **Sch. 5 para.45(2)**

F124 Words in s. 42(1)(b) substituted (27.4.1997) by 1997 c. 4, **ss. 2(1)** 3(3) (with s. 2(2))

F125 Words substituted by Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1), **Sch. 5 para. 45(3)**

F126 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 38(3)**

[F127]42A Possession or supply of anything for fraudulent purpose in connection with use of telecommunication system.

[[F128](1) Subsection (2) below applies if a person has in his custody or under his control anything **[**[F129](other than an unauthorised decoder as defined in section 297A(4) of the [M14]Copyright, Designs and Patents Act 1988)**]** which may be used for the purpose of obtaining, or for a purpose connected with the obtaining of, a service to which section 42(1) above applies.

(2) If the person intends—

(a) to use the thing—

(i) to obtain such a service dishonestly, or

(ii) for a purpose connected with the dishonest obtaining of such a service,

(b) dishonestly to allow the thing to be used to obtain such a service, or

(c) to allow the thing to be used for a purpose connected with the dishonest obtaining of such a service,

he shall be guilty of an offence.

(3) Subsection (4) below applies if a person supplies or offers to supply anything **[**[F130](other than an unauthorised decoder as defined in section 297A(4) of the Copyright, Designs and Patents Act 1988)**]**which may be used for the purpose of obtaining, or for a purpose connected with the obtaining of, a service to which section 42(1) above applies.

(4) If the person supplying or offering to supply the thing knows or believes that the person to whom it is supplied or offered intends or intends if it is supplied to him—

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(a) to use it—
(i) to obtain such a service dishonestly, or
(ii) for a purpose connected with the dishonest obtaining of such a service,
(b) dishonestly to allow it to be used to obtain such a service, or
(c) to allow it to be used for a purpose connected with the dishonest obtaining of such a service,

he shall be guilty of an offence.

(5) A person guilty of an offence under this section shall be liable—
(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both, and
(b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.

(6) In this section, references to use of a thing include, in the case of a thing which is used to record any data, use of any of the data.**]]**

Textual Amendments

F127 S. 42A inserted (27.4.1997) by 1997 C. 4, ss. 1, 3(3)

F128 S. 42A repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F129 Words in s. 42A(1) inserted (28.5.2000) by S.I. 2000/1175, **reg. 3**

F130 Words in s. 42A(3) inserted (28.5.2000) by S.I. 2000/1175, **reg. 3**

Marginal Citations

M14 1988 c. 48.

43 Improper use of public telecommunication system.

[[F131](1) A person who—
(a) sends, by means of a public telecommunication system, a message or other matter that is grossly offensive or of an indecent, obscene or menacing character; or
(b) sends by those means, for the purpose of causing annoyance, inconvenience or needless anxiety to another, a message that he knows to be false or persistently makes use for that purpose of a public telecommunication system,

shall be guilty of an offence and liable on summary conviction to **[**[F132]imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both**]**.

(2) Subsection (1) above does not apply to anything done in the course of providing a **[**[F133]programme service (within the meaning of the Broadcasting Act 1990)**]**.**]**

Textual Amendments

F131 S. 43 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**,

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3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F132 Words in s. 43(1) substituted (3.2.1995) by 1994 c. 33, **s. 92(1)(2)**; S.I. 1995/127, art. 2(1), **Sch. 1**

F133 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 38(4)**

44 Modification etc. of messages.

[F134(1) A person engaged in the running of a public telecommunication system who otherwise than in the course of his duty intentionally modifies or interferes with the contents of a message sent by means of that system shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) above shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.]

Textual Amendments

F134 Ss. 44-46 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, Sch. 17 para. 63(1), **Sch. 19(1)** (with Sch. 17 para. 63(2)(3), Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[F135 45 Disclosure of messages etc.

[F136(1) A person engaged in the running of a public telecommunication system who otherwise than in the course of his duty intentionally discloses to any person —

(a) the contents of any message which has been intercepted in the course of its transmission by means of that system; or

(b) any information concerning the use made of telecommunication services provided for any other person by means of that system,

shall be guilty of an offence.

[F137(2) Subsection (1) above does not apply to any disclosure made—

(a) in accordance with the order of any court or for the purposes of any criminal proceedings;

(b) in accordance with any warrant, authorisation or notice issued, granted or given under any provision of the Regulation of Investigatory Powers Act 2000;

(c) in compliance with any requirement imposed (apart from that Act) in consequence of the exercise by any person of any statutory power exercisable by him for the purpose of obtaining any document or other information; or

(d) in pursuance of any duty under that Act of 2000, or under Part III of the [M15]Police Act 1997, to provide information or produce any document to the Interception of Communications Commissioner or to the tribunal established under section 65 of that Act of 2000.

Status: *Point in time view as at 12/03/2018.*
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[F137](3) In subsection (2) above "criminal proceedings" and "statutory power" have the same meanings as in the Regulation of Investigatory Powers Act 2000.**]**

(4) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.**]]**

Textual Amendments

F135 S. 45 substituted by Interception of Communications Act 1985 (c. 56, SIF 96), s. 11(1)(4), **Sch. 2**

F136 Ss. 44-46 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, Sch. 17 para. 63(1), **Sch. 19(1)** (with Sch. 17 para. 63(2)(3), Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F137 S. 45(2)(3) substituted (2.10.2000) by 2000 c. 23, s. 82, **Sch. 4 para. 3** (with s. 82(3)); S.I. 2000/2543, **art. 3** (with art. 5(2))

Marginal Citations

M15 1997 c. 50.

46 Assaults etc. on persons engaged in the business of public telecommunications operator.

[[F138](1) A person who—

(a) assaults or intentionally obstructs a person engaged in the business of a public telecommunications operator; or

(b) whilst in any premises used for the purposes of the business of such an operator, intentionally obstructs the course of business of the operator,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Any person engaged in the business of a public telecommunications operator may require any person guilty of an offence under subsection (1) above to leave premises used for the purposes of that business and, if any such offender who is so required refuses or fails to comply with the requirement, he shall be liable on summary conviction to a further fine not exceeding level 3 on the standard scale and may be removed by a person engaged in that business; and any constable shall on demand remove or assist in removing any such offender.**]**

Textual Amendments

F138 Ss. 44-46 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, Sch. 17 para. 63(1), **Sch. 19(1)** (with Sch. 17 para. 63(2)(3), Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

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[F139 Regulations

Textual Amendments

F139 S. 46A and cross heading inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), **s.49**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt.I.

F140 46A Powers to make regulations.

[F141(1) Any power under this Part of this Act to make regulations shall be exercisable by statutory instrument.

(2) Any statutory instrument containing regulations made by the Secretary of State under this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any such regulations may—

(a) provide for the determination of questions of fact or of law which may arise in giving effect to the regulations;

(b) make provision regulating (otherwise than in relation to any court proceedings) any matters relating to the practice and procedure to be followed in connection with the determination of such questions;

(c) make provision as to the mode of proof of any matter;

(d) make provision as to parties and their representation;

(e) provide for the right to appear before and be heard by the Secretary of State, the Director and other authorities;

(f) make provision as to awarding costs or expenses of proceedings for the determination of such questions, including the amount of the costs or expenses and the enforcement of the awards;

(g) provide for anything falling to be determined under the regulations to be determined by such persons, in accordance with such procedure and by reference to such matters and to the opinion of such persons, as may be prescribed by the regulations;

(h) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and

(i) make such supplemental, consequential and transitional provision as the Secretary of State or, as the case may be, the Director considers appropriate.

(4) Any such regulations which prescribe a period within which things are to be done may provide for extending the period so prescribed.**]]**

Textual Amendments

F140 S. 46A and cross heading inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), **s.49**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt.I

F141 S. 46A repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts.

1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[F142 *Appeals*

Textual Amendments

F142 S. 46B and cross heading inserted (20.12.1999) by S.I. 1999/3180, **reg. 3(3)**

46B Appeals

[F143(1) This section shall apply to the following decisions of the Secretary of State or the Director under this Part taken on or after 20th December 1999—

(a) a decision to grant or refuse to grant a licence under section 7;

(b) a decision to include within a licence on its grant particular provisions—

(i) describing the telecommunication systems authorised to be run under the licence;

(ii) describing the connections authorised to be made;

(iii) describing the telecommunication services authorised to be provided;

(iv) imposing a condition; or

(v) applying the telecommunications code to the licensee subject to such exceptions and conditions as may be included in the licence;

(c) a decision with regard to the designation under section 9 of a telecommunication system as a public telecommunication system;

(d) a decision with regard to the modification of any exception or condition included in a licence as mentioned in section 10(3);

[F144(da) a decision with regard to the modification under section 12 of a condition of a licence granted under section 7 above to a particular person;]

(e) a decision to exercise any power contained in a licence to give a direction or consent or to make any determination;

(f) a decision with regard to the enforcement of conditions in a licence;

(g) a decision to revoke a licence;

(h) a decision with regard to approval of any person, apparatus or meter; and

(j) any other decison (other than a decision made under sections 12 to 15) in respect of which the rights or interests of a person running or wishing to run a telecommunication system under a licence or making or wishing to make any connection or providing or wishing to provide any telecommunication service by means of a telecommunication system licensed under this Act are materially affected.

(2) Subject to subsection (5) below, a person aggrieved by a decision to which this section applies may appeal against the decision on one or more of the following grounds—

(a) that a material error as to the facts has been made;

(b) that there was a material procedural error;

(c) that an error of law has been made; or

(d) that there was some other material illegality, including unreasonableness or lack of proportionality.

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(3) In England and Wales and Northern Ireland, an appeal lies to the High Court, and in Scotland, an appeal lies to the Court of Session.

(4) The court determining an appeal may—
  (a) dismiss the appeal; or
  (b) quash the decision,

and where the court quashes a decision it may refer the matter to the Secretary of State or the Director (as the case may be) with a direction to reconsider it and reach a decision in accordance with the findings of the court.

(5) No appeal under this section shall be brought unless the leave of the court has been obtained.

(6) An appeal under this section shall be brought—
  (a) in respect of a decision made under section 16, without unreasonable delay and in any event not later than 42 days from the date on which the Secretary of State or the Director made his decision; or
  (b) in respect of any other decision to which this section applies, without unreasonable delay and in any event not later than three months from the date on which the Secretary of State or the Director made his decision, or within such other period as may be specified by rules of court.

(7) The effect of a decision to which an appeal under this section relates shall not, except where the court so orders, be suspended in consequence of the bringing of the appeal.

(8) Any proceedings under this section in the Court of Session shall be before the Lord Ordinary.**]]**

Textual Amendments

F143 S. 46B repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F144 S. 46B(1)(da) inserted (25.7.2000) by 2000 c. 7, **s. 12** (with s. 14); S.I. 2000/1798, **art. 2**

Modifications etc. (not altering text)

C29 S. 46B applied (1.2.2003) by The Electronic Communications (Universal Service) Regulations 2003 (S.I. 2003/33), **reg. 6**

C30 S. 46B applied (24.2.2003) by The Electronic Communications (Market Analysis) Regulations 2003 (S.I. 2003/330), **reg 11**

PART III

OTHER FUNCTIONS OF DIRECTOR

47 General functions.

Status: *Point in time view as at 12/03/2018.*
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[[F145](1) It shall be the duty of the Director, so far as it appears to him practicable from time to time, to keep under review the carrying on both within and outside the United Kingdom of activities connected with telecommunications.

(2) It shall also be the duty of the Director, so far as it appears to him practicable from time to time, to collect information with respect to commercial activities connected with telecommunications carried on in the United Kingdom, and the persons by whom they are carried on, with a view to his becoming aware of, and ascertaining the circumstances relating to, matters with respect to which his functions are exercisable.

(3) The Secretary of State may give general directions indicating—

(a) considerations to which the Director should have particular regard in determining the order of priority in which matters are to be brought under review in the performance of his duty under subsection (1) or (2) above; and

(b) considerations to which, in cases where it appears to the Director that any of his functions are exercisable, he should have particular regard in determining whether to exercise those functions.

(4) It shall be the duty of the Director, where either he considers it expedient or he is requested by the Secretary of State or **[**[F146]the Office of Fair Trading**]** to do so, to give information, advice and assistance to the Secretary of State or **[**[F146]the Office of Fair Trading**]** with respect to any matter in respect of which any function of the Director is exercisable.**]**

Textual Amendments

F145 S. 47 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F146 Words in s. 47(4) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 13(6)**; S.I. 2003/766, **art. 2**, Sch. (with transitional and transitory provisions in art. 3)

Modifications etc. (not altering text)

C31 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

48 Publication of information and advice.

[[F147](1) The Director may arrange for the publication, in such form and in such manner as he may consider appropriate, of such information and advice as it may appear to him to be expedient to give to consumers, purchasers and other users of telecommunication services or telecommunication apparatus in the United Kingdom.

(2) In arranging for the publication of any such information or advice, the Director shall have regard to the need for excluding, so far as that is practicable,—

(a) any matter which relates to the private affairs of an individual, where the publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that individual; and

(b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter

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would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that body.

(3) Without prejudice to the exercise of his powers under subsection (1) of this section, it shall be the duty of the Director to encourage relevant associations to prepare, and to disseminate to their members, codes of practice for guidance in safeguarding and promoting the interests of consumers, purchasers and other users of telecommunication services or telecommunication apparatus in the United Kingdom.

[[F148](3A) The Office of Fair Trading shall consult the Director before publishing under section 6 of the Enterprise Act 2002 any information or advice which may be published by the Director under this section.**]**

(4) In this section "relevant association" means any association (whether incorporated or not) whose membership consists wholly or mainly of persons engaged in the provision of telecommunication services or the supply of telecommunication apparatus or of persons employed by or representing persons so engaged and whose objects or activities include the promotion of the interests of persons so engaged.**]**

Textual Amendments

F147 S. 48 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F148 S. 48(3A) inserted (20.6.2003) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 13(7)**; S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)

Modifications etc. (not altering text)

C32 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

49 Investigation of complaints.

[[F149](1) It shall be the duty of the Director to consider any matter which—

(a) relates to telecommunication services provided or telecommunication apparatus supplied in the United Kingdom; and

(b) is the subject of a representation (other than one appearing to the Director to be frivolous) made to the Director by or on behalf of a person appearing to the Director to have an interest in that matter.

(2) [F150] . . . . . .

(3) Where any matter considered by the Director under subsection (1) above is one in respect of which any of his functions is exercisable, the Director shall, if he is required to do so or if he thinks fit, exercise that function with respect to that matter.

(4) Section 9 of the 1981 Act (users' councils), which is superseded by this section and section 54 below, shall cease to have effect.**]**

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Textual Amendments

F149 S. 49 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F150 S. 49(2) repealed by Broadcasting Act 1990 (c. 42, SIF 96), ss. 134, 203(1)(3), Sch. 12 Pt. II para. 1, Sch. 20 para. 38(5), **Sch. 21**

Modifications etc. (not altering text)

C33 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

50 Functions under 1973 and 1980 Acts.

(1) [F151] . . . . . .

[[F152](2) **[**[F153]The functions to which subsection (2A) below applies shall be concurrent functions of the Director and the Office of Fair Trading.**]**

(2A) **[**[F153]This subsection applies to the functions of the Office of Fair Trading under Part 4 of the Enterprise Act 2002 (other than sections 166 and 171) so far as relating to commercial activities connected with telecommunications.**]**

(2B) **[**[F153]So far as necessary for the purposes of, or in connection with, subsections (2) and (2A) above, references in Part 4 of the Act of 2002 to the Office of Fair Trading (including references in provisions of that Act applied by that Part) shall be construed as including references to the Director (except in sections 166 and 171 of that Act and in any other provision of that Act where the context otherwise requires).**]]**

[[F154](3) **[**[F153]The Director shall be entitled to exercise, concurrently with **[**[F155]the Office of Fair Trading**]**, the functions of **[**[F155]the Office of Fair Trading**]**under the provisions of Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51), so far as relating to—

(a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act, or

(b) conduct of the kind mentioned in section 18(1) of that Act,

which relate to commercial activities connected with telecommunications.**]**

[F154](3A) **[**[F153]So far as necessary for the purposes of, or in connection with, the provisions of subsection (3) above, references in Part I of the Competition Act 1998 to **[**[F156]the Office of Fair Trading**]** are to be read as including a reference to the Director (except in sections 38(1) to (6), 51, 52(6) and (8) and 54 of that Act and in any other provision of that Act where the context otherwise requires).**]]**

[[F157](4) **[**[F153]Before the Office of Fair Trading or the Director first exercises in relation to any matter functions which are exercisable concurrently by virtue of subsection (2) above, that person shall consult the other.**]**

(4A) **[**[F153]Neither the Office of Fair Trading nor the Director shall exercise in relation to any matter functions which are exercisable concurrently by virtue of subsection (2) above if functions which are so exercisable have been exercised in relation to that matter by the other.**]]**

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(5) **[**[F153]It shall be the duty of the Director, for the purpose of assisting the Commission in carrying out an investigation on a reference made to them by the Director by virtue of subsection (2) [F158]. . . above, to give to the Commission—

(a) any information which is in his possession and which relates to matters falling within the scope of the investigation, and which is either requested by the Commission for that purpose or is information which in his opinion it would be appropriate for that purpose to give to the Commission without any such request; and

(b) any other assistance which the Commission may require, and which it is within his power to give, in relation to any such matters,

and the Commission, for the purposes of carrying out any such investigation, shall take into account any information given to them for that purpose under this subsection.**]**

(6) **[**[F159]If any question arises **[**[F160]in any particular case as to the jurisdiction of the Director under any of the provisions mentioned in**][**[F161]subsection (2A)**]** or (3) above [F162]. . . [F163]. . ., that question shall be referred to and determined by the Secretary of State; and no objection shall be taken to anything done under—

(a) **[**[F164]Part 4 of the Enterprise Act 2002**]**; or

[[F165](b) Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51),**]**

by or in relation to the Director on the ground that it should have been done by or in relation to **[**[F166]the Office of Fair Trading**].]**

[[F167](6A) **[**[F153]Section 117 of the Enterprise Act 2002 (offences of supplying false or misleading information) as applied by section 180 of that Act shall have effect so far as relating to functions exercisable by the Director by virtue of subsection (2) above as if the references in section 117(1)(a) and (2) to the Office of Fair Trading included references to the Director.**]]**

[F168](7) . . . . . .

Textual Amendments

F151 S. 50(1) repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 {para. 13(8)(a)}, Sch. 26; S.I. 2003/1397, **art. 2(1)**, Sch. (with arts. 8, 10)

F152 S. 50(2)-(2B) substituted (20.6.2003) for s. 50(2) by 2002 c. 40, ss. 168(9), 279, Sch. 9 Pt. 2 para. 16(2); S.I. 2003/1397, **art. 2(1)**, Sch.

F153 S. 50(2)-(6A) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 5); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F154 S. 50(3)(3A) substituted for s. 50(3) (26.11.1998 for specified purpose and otherwise 1.3.2000) by 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(6)**; S.I. 1998/2750, **art. 2**; S.I. 2000/344, art. 2, **Sch.**

F155 Words in s. 50(3) substituted (1.4.2003) by 2002 c. 40, s. 278, 279, Sch. 25 {para. 13(8)(b)(i)(ii)}; S.I. 2003/766, **art. 2**, Sch. (with transitional provisions in art. 3)

F156 Words in s. 50(3A) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 {para. 13(8)(c)}; S.I. 2003/766, **art. 2**, Sch. (with transitional provisions in art. 3)

F157 S. 50(4)(4A) substituted (20.6.2003) for s. 50(4) by 2002 c. 40, ss. 168(9), 279, Sch. 9 Pt. 2 para. 16(3); S.I. 2003/1397, **art. 2(1)**, Sch.

F158 Words in s. 50(5) omitted (26.11.1998 for specified purposes and otherwise 1.3.2000) by virtue of 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(8)**; S.I. 1998/2750, **art. 2**; S.I. 2000/344, art. 2, **Sch.** and repealed (1.3.2000) by 1998 c. 41, s. 74(3), **Sch. 14 Pt. I**; S.I. 2000/344, art. 2, **Sch.**

F159 S. 50(2)-(6A) repealed (25.7.2003 for certain purposes otherwise prosp) by Communications Act 2003, (c. 21), ss. 406, 411(2)(3), {Sch. 19} (with transitional provisions in Sch. 18, Sch. 19 note 1); S.I. 2003/1900, **art. 2(1)**, Sch. 1 (with transitional provisions in arts. 3-6) (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))

F160 Words in s. 50(6) substituted (3.1.1995) by 1994 c. 40, ss. 12(7), 82(2), **Sch. 4 para. 3(a)**

F161 Words in s. 50(6) substituted (20.6.2003) by 2002 c. 40, ss. 168(9), 279, Sch. 9 Pt. 2 para. 16(4)(a); S.I. 2003/1397, **art. 2(1)**, Sch.

F162 Words in s. 50(6) repealed (20.6.2003) by 2002 c. 40, ss. 168(9), 278, 279, Sch. 9 Pt. 2 para. 16(4)(b), Sch. 26; S.I. 2003/1397, **art. 2(1)**, Sch. (with arts. 8, 10)

F163 Words in s. 50(6) repealed (3.1.1995) by 1994 c. 40, ss. 12, 81, 82(2), Sch. 4 para. 3, **Sch. 17**

F164 Words in s. 50(6) substituted (20.6.2003) by 2002 c. 40, ss. 168(9), 279, Sch. 9 Pt. 2 para. 16(4)(c); S.I. 2003/1397, **art. 2(1)**, Sch.

F165 S. 50(6)(b) substituted (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(9)**; S.I. 1998/2750, **art. 2** ; S.I. 2000/344, art. 2, **Sch.**

F166 Words in s. 50(6) substituted (1.4.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(8)(d); S.I. 2003/766, **art. 2**, Sch. (with transitional provisions in art. 3)

F167 S. 50(6A) substituted (20.6.2003) by 2002 c. 40, ss. 168(9), 279, Sch. 9 Pt. 2 para. 16(5); S.I. 2003/1397, **art. 2(1)**, Sch.

F168 S. 50(7) repealed (20.6.2003) by 2002 c. 40, ss. 168(9), 278, 279, Sch. 9 Pt. 2 para. 16(6), Sch. 26; S.I. 2003/1397, **art. 2(1)**, Sch. (with arts. 8, 10)

Modifications etc. (not altering text)

C34 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

C35 S. 50(3) restricted (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, s. 54(2), **Sch. 10 Pt. II para. 2(1)**; S.I. 1998/2750, **art. 2**; S.I. 2000/344, art. 2, **Sch.**

51 Co-ordination of functions under Part II and wireless telegraphy functions.

[[F169](1) With a view to co-ordinating the exercise of functions under Part II of this Act and the Secretary of State's licensing powers under section 1 of the [M16]Wireless Telegraphy Act 1949 (licensing of wireless telegraphy), it shall be the duty of the Director, where either he considers it expedient or he is requested by the Secretary of State to do so, to give to the Secretary of State—

(a) advice with respect to the exercise of those powers in cases where the running of a telecommunication system is involved; and

(b) information with respect to any matters appearing to him to be relevant to the exercise of those powers in such cases.

(2) The Director shall, in exercising his functions under Part II or Part III of this Act, have regard to such of the principles applied by the Secretary of State in exercising his licensing powers under section 1 of the said Act of 1949 as may from time to time be notified to the Director by the Secretary of State for the purposes of this subsection.

(3) For the purposes of this section—

(a) references to the licensing powers of the Secretary of State under section 1 of the said Act of 1949 are references to the powers of the Secretary of State with respect to the grant, variation or revocation of licences authorising the establishment, installation or use of stations for wireless telegraphy or wireless telegraphy apparatus; and

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) the running of a telecommunication system is involved in cases where those powers are exercisable in relation to any station or apparatus which is in use or intended for use in running a telecommunication system.

(4) In this section "station for wireless telegraphy" and "wireless telegraphy apparatus" have the same meanings as in the said Act of 1949.**]**

Textual Amendments

F169 S. 51 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Modifications etc. (not altering text)

C36 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

Marginal Citations

M16 1949 c. 54.

52 Power to give assistance in relation to certain proceedings.

[[F170](1) Where, in relation to any proceedings or prospective proceedings to which this section applies, any actual or prospective party to the proceedings (other than the telecommunications operator) applies to the Director for assistance under this section, the Director may grant the application if he thinks fit to do so—

(a) on the ground that the case raises a question of principle; or

(b) on the ground that it is unreasonable, having regard to the complexity of the case or to any other matter, to expect the applicant to deal with the case without any assistance under this section; or

(c) by reason of any other special consideration.

(2) This section applies to any proceedings in which there falls to be determined any question arising under or in connection with—

(a) the telecommunications code as applied to a telecommunications operator in relation to any part or locality of the United Kingdom; or

(b) any exception or condition subject to which that code has effect as so applied.

(3) Assistance by the Director under this section may include—

(a) giving advice;

(b) procuring or attempting to procure the settlement of the matter in dispute;

(c) arranging for the giving of advice or assistance by a solicitor or counsel;

(d) arranging for representation by a solicitor or counsel, including such assistance as is usually given by a solicitor or counsel in the steps preliminary or incidental to any proceedings, or in arriving at or giving effect to a compromise to avoid or bring to an end any proceedings;

(e) any other form of assistance which the Director may consider appropriate,

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Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

but paragraph (d) above shall not affect the law and practice regulating the descriptions of persons who may appear in, conduct, defend, and address the court in, any proceedings.

(4) In so far as expenses are incurred by the Director in providing the applicant with assistance under this section, the recovery of those expenses (as taxed or assessed in such manner as may be prescribed by rules of court) shall constitute a first charge for the benefit of the Director—

(a) on any costs or expenses which (whether by virtue of a judgment or order of a court or an agreement or otherwise) are payable to the applicant by any other person in respect of the matter in connection with which the assistance is given; and

(b) so far as relates to any costs or expenses, on his rights under any compromise or settlement arrived at in connection with that matter to avoid or bring to an end any proceedings.

[[F171](5) A charge conferred by subsection (4) above is subject to—

[[F172](a) any charge imposed by section 10(7) of the Access to Justice Act 1999 and any provision in, or made under, Part I of that Act for payment of any sum to the Legal Services Commission;**]**

(b) any charge or obligation for payment in priority to other debts under the Legal Aid (Scotland) Act 1986 and any provision of that Act for payment of any sum into the Scottish Legal Aid Fund; or

[[F173](c) any charge imposed by Article 17(7) of the Access to Justice (Northern Ireland) Order 2003 and any provision in, or made under, Part II of that Order for the payment of any sum to the Department of Justice.**]]**

(6) Any expenses incurred by the Director in providing assistance under this section shall be paid out of money provided by Parliament; and any sums received by the Director by virtue of any charge conferred by subsection (4) above shall be paid into the Consolidated Fund.**]**

Textual Amendments

F170 S. 52 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F171 S. 52(5) substituted by Legal Aid Act 1988 (c. 34, SIF 77:1), s. 45, **Sch. 5 para. 11**

F172 S. 52(5)(a) substituted (1.4.2000) by 1999 c. 22, s. 24, **Sch. 4 para. 26** (with s. 107); S.I. 2000/774, **art. 2** (with arts. 3-5)

F173 S. 52(5)(c) substituted (N.I.) (1.4.2015) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)), art. 1(2), **Sch. 4 para. 7** (with art. 45) (as amended (18.11.2014) by Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 (c. 11), Sch. 2 para 6(43)(a)(iv)); S.R. 2015/194, art. 2, Sch. (with art. 3)

Modifications etc. (not altering text)

C37 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

C38 S. 52(3)(c) and (d) amended (E.W.) by S.I. 1991/2684, arts. 2(1), 4, **Sch. 1**.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

53 Power to require information etc.

[[F174](1) The Director may, for any relevant purpose, by notice in writing signed by him—

(a) require any person to produce, at a time and place specified in the notice, to the Director or to any person appointed by him for the purpose, any documents which are specified or described in the notice and are in that person's custody or under his control; or

(b) require any person carrying on any business to furnish to the Director such estimates, returns or other information as may be specified or described in the notice, and specify the time, the manner and the form in which any such estimates, returns or information are to be furnished;

but no person shall be compelled for any such purpose to produce any documents which he could not be compelled to produce in civil proceedings before the court or, in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in such proceedings.

(2) A person who refuses or, without reasonable excuse, fails to do anything duly required of him by a notice under subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) A person who—

(a) intentionally alters, suppresses or destroys any document which he has been required by any such notice to produce; or

(b) in furnishing any estimate, return or other information required of him under any such notice, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,

shall be guilty of an offence.

(4) A person guilty of an offence under subsection (3) above shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(5) If a person makes default in complying with a notice under subsection (1) of this section, the court may, on the application of the Director, make such order as the court thinks fit for requiring the default to be made good; and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officers of a company or other association who are responsible for its default.

(6) In this section—

"the court" has the same meaning as in section 18 above;

"relevant purpose" means any purpose connected with—

(a) the investigation of any offence under section 5, 28 or 29 above or any proceedings for any such offence;

[[F175](aa) the determination of any dispute referred to the Director under section 27F above;**]**

[[F176] (ab) the determination of any dispute referred to the Director in accordance with regulations made under section 27G above;**]** or

(b) the exercise of the Director's functions under **[**[F177]section 16, 27E, 27H, 27I, 47, 49, 50, 51 or 52 above**][**[F178]or under the Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998**].]**

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F174 S. 53 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F175 S. 53(6): para. (aa) inserted (1.9.1992) in the definition of 'relevant purpose' by Competition and Service (Utilities) Act 1992 (c. 43), **s. 5(2)**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order, art. 4, Sch. Pt. II

F176 S. 53(6): para. (ab) inserted (1.7.1992) in the definition of 'relevant purpose' by Competition and Service (Utilities) Act 1992 (c. 43), **s. 6(2)**; Competition and Services (Utilities) Act 1992 (Commencement No. 1) Order, art. 3, Sch. Pt. I

F177 S. 53(6): words in para. (b) substituted (31.12.1997) by S.I. 1997/2930, **reg. 3(14)**

F178 S. 53(6): words in para. (b) added (21.7.1998) by S.I. 1998/1580, **reg. 40(2)**

Modifications etc. (not altering text)

C39 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

C40 S. 53 applied (24.2.2003) by The Electronic Communications (Market Analysis) Regulations 2003 (S.I. 2003/330), **reg. 10**

54 Power to establish advisory bodies.

F179 . . . . . .

Textual Amendments

F179 S. 54 repealed (29.12.2003) by Communications Act 2003 (c. 21), ss. 31(5), 406, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with arts. 5, 11)

55 Annual and other reports.

(1) The Director shall, as soon as practicable after the end of the year 1984 and of each subsequent calendar year, make to the Secretary of State a report on—

(a) his activities during that year; and

(b) the Commission's activities during that year so far as relating to references made by him.

(2) Every such report shall include—

(a) a general survey of developments, during the year to which it relates, in respect of matters falling within the scope of the Director's functions (including, in particular, those affecting small businesses or persons who are disabled or of pensionable age); and

(b) the reports which the advisory bodies established under section 54(1) or (4) above make to him on their activities during that year.

(3) The Secretary of State shall lay a copy of every report made by the Director under subsection (1) above before each House of Parliament, and shall arrange for every such report to be published in such manner as he may consider appropriate.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) The Director may also prepare such other reports as appear to him to be expedient with respect to such matters as are mentioned in subsection (2) above and may arrange for any such report to be published in such manner as he may consider appropriate.

(5) In making any report under this section the Director shall have regard to the need for excluding, so far as that is practicable, the matters specified in section 48(2)(a) and (b) above.

Modifications etc. (not altering text)

C41 Ss. 3-7, 12-19, Pt. III (ss. 47-55) applied (with modifications) (7.1.1997) by S.I. 1996/3151, reg. 8(2), **Sch. 1 para. 1**

[F180]PART IV

. . . . . .

Textual Amendments

F180 Pt. IV (ss. 56-59) repealed by Cable and Broadcasting Act 1984 (c. 46, SIF 96), **Sch. 6**

[F181]56– 59 . . . . . .

Textual Amendments

F181 Pt. IV (ss. 56-59) repealed by Cable and Broadcasting Act 1984 (c. 46, SIF 96), **Sch. 6**

PART V

TRANSFER OF UNDERTAKING OF BRITISH TELECOMMUNICATIONS

Vesting of property etc. of British Telecommunications in a company nominated by the Secretary of State

60 Vesting of property etc. of British Telecommunications in a company nominated by the Secretary of State.

[[F182](1) On such day as the Secretary of State may by order appoint for the purposes of this Part (in this Act referred to as "the transfer date"), all the property, rights and liabilities (other than the excepted liabilities) to which British Telecommunications was entitled or subject immediately before that date shall (subject to the following provisions of this section) become by virtue of this section property, rights and liabilities of a company nominated for the purposes of this section by the Secretary of State (in this Act referred to as "the successor company").

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In this Act "the excepted liabilities" means the liabilities which subsist by virtue of a deed of covenant dated 22nd November 1978 and made between the Post Office and the then trustees of the Post Office Staff Superannuation Scheme.

(3) The Secretary of State may, after consulting British Telecommunications, by order nominate for the purposes of this section any company formed and registered under the **[**[F183M17]Companies Act 1985 or the enactments thereby replaced**]**; but on the transfer date the company in question must be a company limited by shares which is wholly owned by the Crown.

(4) References in this Act to property, rights and liabilities of British Telecommunications are references to all such property, rights and liabilities, whether or not capable of being transferred or assigned by British Telecommunications.

(5) It is hereby declared for the avoidance of doubt that—

(a) any reference in this Act to property of British Telecommunications is a reference to property of British Telecommunications whether situated in the United Kingdom or elsewhere; and

(b) any such reference to rights or liabilities of British Telecommunications is a reference to rights to which British Telecommunications is entitled, or (as the case may be) liabilities to which British Telecommunications is subject, whether under the law of the United Kingdom or of any part of the United Kingdom or under the law of any country or territory outside the United Kingdom.

(6) In the [M18]House of Commons Disqualification Act 1975 in Part III of Schedule 1 (other disqualifying offices) there shall be inserted (at the appropriate place in alphabetical order) the following entry—

> "Director of the successor company within the meaning of Part V of the Telecommunications Act 1984, being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown";

and the like insertion shall be made in Part III of Schedule 1 to the [M19]Northern Ireland Assembly Disqualification Act 1975.**]**

Textual Amendments

F182 S. 60 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(2)(a), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F183 Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**

Marginal Citations

M17 1985 c. 6.

M18 1975 c. 24.

M19 1975 c. 25.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

61 Initial Government holding in the successor company.

(1) **[**[F184]As a consequence of the vesting in the successor company by virtue of section 60 above of property, rights and liabilities of British Telecommunications, the successor company shall issue such securities of the company as the Secretary of State may from time to time direct—

(a) to the Secretary of State; or

(b) to any person entitled to require the issue of the securities following their initial allotment to the Secretary of State.**]**

(2) **[**[F184]The Secretary of State shall not give a direction under subsection (1) above at a time when the successor company has ceased to be wholly owned by the Crown.**]**

(3) **[**[F184]Securities required to be issued in pursuance of this section shall be issued or allotted at such time or times and on such terms (as to allotment) as the Secretary of State may direct.**]**

(4) **[**[F184]Shares issued in pursuance of this section—

(a) shall be of such nominal value as the Secretary of State may direct; and

(b) shall be issued as fully paid and treated for the purposes of the **[**[F185]Companies Act 1985**]** as if they had been paid up by virtue of the payment to the successor company of their nominal value in cash.**]**

(5) **[**[F184]The Secretary of State may not exercise any power conferred on him by this section, or dispose of any securities issued or of any rights to securities initially allotted to him in pursuance of this section, without the consent of the Treasury.**]**

(6) **[**[F184]Any dividends or other sums received by **[**[F186]the Treasury or**]** the Secretary of State in right of or on the disposal of any securities or rights acquired by virtue of this section shall be paid into the Consolidated Fund.**]**

(7) [F187] . . . . . .

Textual Amendments

F184 S. 60(1)-(6) repealed (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 398(2)(b), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

F185 Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**

F186 Words inserted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 2**

F187 S. 61(7) repealed by Finance Act 1988 (c. 39, SIF 114), s. 148, **Sch. 14 Pt. XI**

62 Conversion of certain loans transferred to the successor company.

[[F188](1) The Secretary of State may by order extinguish all or any liabilities of the successor company to the Secretary of State in respect of the principal of such transferred loans as may be specified in the order; and the assets of the National Loans fund shall accordingly be reduced by amounts corresponding to any liabilities so extinguished.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) As a consequence of the extinguishment by an order under subsection (1) above of any such liabilities, the successor company shall issue such debentures of the company as the Secretary of State may direct—
  (a) to the Secretary of State; or
  (b) to any person entitled to require the issue of the debentures following their initial allotment to the Secretary of State.

(3) The Secretary of State shall not make an order or give a direction under this section at a time when the successor company has ceased to be wholly owned by the Crown.

(4) Except as may be agreed between the Secretary of State and the successor company—
  (a) the aggregate of the principal sums payable under debentures issued in pursuance of this section shall be equal to the aggregate of the sums the liability to repay which is extinguished by the order; and
  (b) the terms as to the payment of the principal sums so payable, and as to the payment of interest thereon, shall be the same as the corresponding terms of the transferred loans specified in the order.

(5) For the purposes of subsection (4) above any express or implied terms of a transferred loan shall be disregarded in so far as they relate to the early discharge of liabilities to make repayments of principal and payments of interest.

(6) Subsection (3) and subsections (5) to (7) of section 61 above shall apply for the purposes of this section as they apply for the purposes of that section.

(7) For the avoidance of doubt it is hereby declared that the principal sums payable under debentures issued in pursuance of this section are to be regarded as money lent for the purposes of **[**[F189]section 400(9) of the Income and Corporation Taxes Act 1988**]** (write-off of government investment: restriction of tax losses).

(8) In this section "transferred loan" means any sum borrowed or treated as borrowed by British Telecommunications the liability to repay which vests in the successor company by virtue of section 60 above.**]**

Textual Amendments

F188 S. 62 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(2)(c), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F189 Words substituted by Income and Corporation Taxes Act 1988 (c. 1, SIF 63:1), s. 844, Sch. 29 para. 32, **Sch. 30 para. 6(1)**

63 Government investment in securities of the successor company.

(1) **[**[F190]**[**[F191]The Treasury or, with the consent of the Treasury, the Secretary of State may at any time**]**, acquire—
  (a) securities of the successor company or of any subsidiary of the successor company; or
  (b) rights to subscribe for any such securities.**]**

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) **[**[F190]The Secretary of State may not dispose of any securities or rights acquired under this section without the consent of the Treasury.**]**

(3) **[**[F190]Any expenses incurred by **[**[F192]the Treasury or**]** the Secretary of State in consequence of the provisions of this section shall be paid out of money provided by Parliament.**]**

(4) **[**[F190]Any dividends or other sums received by **[**[F193]the Treasury or**]** the Secretary of State in right of, or on the disposal of, any securities or rights acquired under this section shall be paid into the Consolidated Fund.**]**

(5) [F194]. . . . . .

Textual Amendments

F190 S. 63(1)-(4) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(2)(d), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 2); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F191 Words substituted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 3(1)**

F192 Words inserted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 3(2)**

F193 Words inserted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 3(3)**

F194 S. 63(5) repealed by Finance Act 1988 (c. 39, SIF 114), s. 148, **Sch. 14 Pt. XI**

Modifications etc. (not altering text)

C42 Certain functions transferred by S.I. 1986/2237, **arts. 2(2)(a)**, 3(3)

64 Exercise of Secretary of State's functions through nominees.

[[F195](1) The Secretary of State may with the consent of the Treasury appoint such person or persons as he thinks fit to act as his nominees for the purposes of section 61, 62 or 63 above **[**[F196]and the Treasury may appoint such person or persons as they think fit to act as their nominees for the purposes of section 63 above**]**; and—

(a) securities of the successor company may be issued under section 61 or 62 above to any nominee of the Secretary of State appointed for the purposes of that section or to any person entitled to require the issue of the securities following their initial allotment to any such nominee; and

(b) any **[**[F197]nominee of the Treasury or the Secretary of State**]** appointed for the purposes of section 63 above may acquire securities or rights in accordance with that section,

in accordance with directions given from time to time **[**[F198]by the Treasury or**]** by the Secretary of State with the consent of the Treasury.

(2) Any person holding any securities or rights as a nominee of **[**[F199]the Treasury or**]** the Secretary of State by virtue of subsection (1) above shall hold and deal with them (or any of them) on such terms and in such manner as **[**[F200]the Treasury or the Secretary of State with the consent of the Treasury may direct**]**.**]**

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F195 Ss. 64-67 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(2)(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F196 Words inserted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 4(1)**

F197 Words substituted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 4(1)**

F198 Words inserted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 4(1)**

F199 Words inserted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 4(2)**

F200 Words substituted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 4(2)**

Modifications etc. (not altering text)

C43 Certain functions transferred by S.I. 1986/2237, **arts. 2(2)(a)**, 3(3)

65 Target investment limit for Government shareholding.

[[F201](1) As soon as the successor company ceases to be wholly owned by the Crown, the Secretary of State shall by order fix a target investment limit in relation to the shares for the time being held in that company by **[**[F202]the Treasury or the Secretary of State or their or his nominee**]** by virtue of any provision of this Part (in this section referred to as "the Government shareholding").

(2) The target investment limit shall be expressed as a proportion of the voting rights which are exercisable in all circumstances at general meetings of the successor company (in this section referred to as "the ordinary voting rights").

(3) The first target investment limit fixed under this section shall be equal to the proportion of the ordinary voting rights which is carried by the Government shareholding at the time when the order fixing the limit is made.

(4) **[**[F203]The Treasury or the Secretary of State**]** may from time to time by order fix a new target investment limit in place of the one previously in force under this section; but—

(a) any new limit must be lower than the one it replaces; and

(b) an order under this section may only be revoked by an order fixing a new limit.

(5) It shall be the duty of **[**[F204]the Treasury and of**]** the Secretary of State so to exercise—

(a) **[**[F205]their**]** powers under section 63 above and **[**[F205]their**]** power to dispose of any shares held by **[**[F206]them**]** by virtue of any provision of this Part; and

(b) **[**[F205]their**]** power to give directions to **[**[F205]their**]** nominees,

as to secure that the Government shareholding does not carry a proportion of the ordinary voting rights exceeding any target investment limit for the time being in force under this section.

(6) Notwithstanding subsection (5) above, **[**[F207]the Treasury or the Secretary of State may take up, or direct any nominee of the Treasury or the Secretary of State**]** to take up, any rights for the time being available to **[**[F208]the Treasury or the Secretary of State**]**, or to that nominee, as an existing holder of shares or other securities of the successor company or of any subsidiary of the successor company; but if as a result the ordinary voting rights carried by the Government shareholding at any time exceeds the target investment limit it shall be the duty of **[**[F209]the Treasury or, as the case may be,**]** the

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Secretary of State to comply with subsection (5) as soon after that time as is reasonably practicable.

(7) For the purposes of this section the temporary suspension of any of the ordinary voting rights shall be disregarded.**]**

Textual Amendments

F201 Ss. 64-67 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(2)(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F202 Words substituted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 5(1)**

F203 Words substituted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 5(2)**

F204 Words inserted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 5(3)**

F205 Word substituted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 5(3)**

F206 Word substituted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 5(3)**

F207 Words substituted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 5(4)**

F208 Words substituted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 5(4)**

F209 Words inserted by S.I. 1986/2237, art. 3(1), **Sch. 2 para. 5(4)**

Modifications etc. (not altering text)

C44 Certain functions transferred by S.I. 1986/2237, **arts. 2(2)(a)**, 3(3)

66 Financial structure of the successor company.

[[F210](1) If the Secretary of State so directs at any time before the successor company ceases to be wholly owned by the Crown, such sum (not exceeding the accumulated realised profits of British Telecommunications) as may be specified in the direction shall be carried by the successor company to a reserve (in this section referred to as "the statutory reserve").

(2) The statutory reserve may only be applied by the successor company in paying up unissued shares of the company to be allotted to members of the company as fully paid bonus shares.

(3) Notwithstanding subsection (2) above, the statutory reserve shall not count as an undistributable reserve of the successor company for the purposes of **[**[F211]section 264(3)(*d*) of the Companies Act 1985**]**; but for the purpose of determining under that section whether the successor company may make a distribution at any time any amount for the time being standing to the credit of the statutory reserve shall be treated for the purposes of **[**[F211]section 264(3)(*c*)**]** as if it were unrealised profits of the company.

(4) For the purposes of any statutory accounts of the successor company—

(a) the vesting effected by virtue of section 60 above shall be taken to have been a vesting of all the property, rights and liabilities (other than the excepted liabilities) to which British Telecommunications was entitled or subject immediately before the end of the last complete accounting year of British Telecommunications ending before the transfer date and to have been effected immediately after the end of that year; and

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(b) the value of any asset and the amount of any liability of British Telecommunications taken to have been vested in the successor company by virtue of paragraph (a) above shall be taken to be the value or (as the case may be) the amount assigned to that asset or liability for the purposes of the corresponding statement of accounts prepared by British Telecommunications in respect of that year.

(5) For the purposes of any statutory accounts of the successor company the amount to be included in respect of any item shall be determined as if anything done by British Telecommunications (whether by way of acquiring, revaluing or disposing of any asset or incurring, revaluing or discharging any liability, or by carrying any amount to any provision or reserve, or otherwise) had been done by the successor company.

Accordingly (but without prejudice to the generality of the preceding provision) the amount to be included from time to time in any reserves of the successor company as representing its accumulated realised profits shall be determined as if any profits realised and retained by British Telecommunications had been realised and retained by the successor company.

(6) References in this section to the statutory accounts of the successor company are references to any accounts prepared by the successor company for the purposes of any provision of the **[**[F212]Companies Act 1985**]** (including group accounts); and in this section "complete accounting year" means an accounting year ending with 31st March.**]**

Textual Amendments

F210 Ss. 64-67 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(2)(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F211 Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**

F212 Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**

67 Temporary restrictions on successor company's borrowings etc.

[[F213](1) If articles of association of the successor company confer on the Secretary of State powers exercisable with the consent of the Treasury for, or in connection with, restricting the sums of money which may be borrowed or raised by the group during any period, those powers shall be exercisable in the national interest notwithstanding any rule of law and the provisions of any enactment.

(2) For the purposes of this section any alteration of the articles of association of the successor company which—

(a) has the effect of conferring or extending any such power as is mentioned in subsection (1) above; and

(b) is made at a time when that company has ceased to be wholly owned by the Crown,

shall be disregarded.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In this section "group" means the successor company and all of its subsidiaries taken together.**]**

Textual Amendments

F213 Ss. 64-67 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(2)(e), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

68 Liability of Secretary of State in respect of liabilities vesting in successor company.

(1) This section applies where—

(a) a resolution has been passed, in accordance with the **[**[F214]Insolvency Act 1986**]**, for the voluntary winding up of the successor company, otherwise than merely for the purpose of reconstruction or amalgamation with another company; or

(b) without any such resolution having been passed beforehand, an order has been made for the winding up of the successor company by the court under that Act.

(2) The Secretary of State shall become liable on the commencement of the winding up to discharge any outstanding liability of the successor company **[**[F215]for the payment of pensions**]** which vested in that company by virtue of section 60 above.

(3) Any sums required by the Secretary of State for discharging any liability imposed on him by this section shall be paid out of money provided by Parliament.

(4) Where the Secretary of State makes a payment to any person in discharge of what appears to him to be a liability imposed on him by this section, he shall thereupon become a creditor of the successor company to the extent of the amount paid, his claim being treated for the purposes of the winding up as a claim in respect of the original liability.

(5) Any sums received by the Secretary of State in respect of any claim made by virtue of subsection (4) above in the winding up of the successor company shall be paid into the Consolidated Fund.

(6) The reference in subsection (2) above to the commencement of the winding up is a reference—

(a) in a case within subsection (1)(a) above, to the passing of the resolution; and

(b) in a case within subsection (1)(b) above, to the making of the order.

Textual Amendments

F214 Words substituted by virtue of Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2** and Insolvency Act 1986 (c. 45, SIF 66), s. 439(2), **Sch. 14**

F215 Words in s. 68(2) inserted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003, {ss. 398(3)}, 406, 408, 411 (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

Status: *Point in time view as at 12/03/2018.*
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Modifications etc. (not altering text)

C45 S. 68: power to amend conferred (27.4.2017) by Digital Economy Act 2017 (c. 30), **ss. 115**, 118(1)

69 Dissolution of British Telecommunications.

[[F216](1) British Telecommunications shall continue in existence after the transfer date until it is dissolved in accordance with subsection (2) below; and the period of its continued existence after the transfer date is in this Act referred to as "the transitional period".

(2) The Secretary of State may by order, after consulting British Telecommunications and the successor company, dissolve British Telecommunications on a day specified in the order, as soon as he is satisfied that nothing further remains to be done by British Telecommunications under Schedule 5 to this Act.

(3) During the transitional period section 1(4) of the 1981 Act (composition of British Telecommunications) shall have effect as if for the word "six" there were substituted the word " one " and paragraph 9 of Schedule 1 to that Act (quorum of British Telecommunications) shall have effect as if after the word "three" there were inserted the words " or the number of its members, whichever is the less ".**]**

Textual Amendments

F216 Ss. 69-71 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(2)(f), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Miscellaneous and supplemental

70 Application of law in relation to offer of shares or debentures of the successor company.

[[F217](1) This section applies where the Secretary of State or a nominee of his offers for sale to the public shares or debentures of the successor company at a time when that company is wholly owned by the Crown; and in this section "full prospectus" means a prospectus which complies, or is deemed to comply, with the requirements of **[**[F218]Schedule 3 to the [M20]Companies Act 1985**]** (matters to be specified in prospectus and reports to be set out therein).

(2) If the shares or debentures are offered by a full prospectus as respects which the conditions mentioned in subsection (3) below are fulfilled (in this section referred to as "the offer prospectus"), any form of application for the shares or debentures may (instead of being issued with a full prospectus) be issued with a notice given by the Secretary of State which includes—

(a) a brief description of the shares or debentures offered, the terms of the offer, the successor company's business and its financial position;

(b) an indication of the places in the United Kingdom where copies of the offer prospectus are to be available for inspection by members of the public; and

(c) a statement of the effect of subsections (4) and (5) below.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) The said conditions are—

(a) that a copy of the prospectus has been delivered to the registrar of companies in pursuance of **[**[F219]section 64(1) of the Companies Act 1985**]**; and

(b) that arrangements have been made with a view to securing—

(i) that on or before the date of receipt of the form of application by a member of the public a copy of the prospectus is published in not less than four national newspapers; and

(ii) that on that date copies of the prospectus are generally available in the United Kingdom for inspection by members of the public.

(4) Where a form of application is issued without a full prospectus but with a notice given by the Secretary of State under subsection (2) above, then, for the purposes of any enactment or any rule of law—

(a) the notice shall be taken to have incorporated the offer prospectus; and

(b) any application for the shares or debentures which is made in pursuance of the notice shall be taken to have been made in pursuance of that prospectus.

(5) Where a form of application is issued without a full prospectus, neither the form of application nor any document which is issued with it shall be regarded—

(a) as a prospectus for the purposes of **[**[F220]Chapter I of Part III of the Companies Act 1985**]** (prospectus requirements); or

(b) as a circular for the purposes of section 14 of the Prevention of Fraud (Investments) Act 1958 or section 13 of the [M21]Prevention of Fraud (Investments) Act (Northern Ireland) [M22]1940 (circulars relating to investments),

but only, where the form of application is issued without a notice given by the Secretary of State under subsection (2) above, for the purpose of determining the liability of persons other than the Secretary of State.**]**

Textual Amendments

F217 Ss. 69-71 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(2)(f), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F218 Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**

F219 Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**

F220 Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**

Marginal Citations

M20 1985 c. 6.

M21 1940 c. 9 (N.I.).

M22 1940 c. 9 (N.I.).

71 Application of Trustee Investments Act 1961 in relation to investment in the successor company.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[[F221](1) For the purpose of applying paragraph 3(b) of Part IV of Schedule 1 to the [M23]Trustee Investments Act 1961 (which provides that shares and debentures of a company shall not count as wider-range and narrower-range investments respectively within the meaning of that Act unless the company has paid dividends in each of the five years immediately preceding that in which the investment is made) in relation to investment in shares or debentures of the successor company during the calendar year in which the transfer date falls ("the first investment year") or during any year following that year, the successor company shall be deemed to have paid a dividend as there mentioned—

(a) in any year preceding the first investment year which is included in the relevant five years; and

(b) in the first investment year, if that year is included in the relevant five years and the successor company does not in fact pay such a dividend in that year.

(2) In subsection (1) above "the relevant five years" means the five years immediately preceding the year in which the investment in question is made or proposed to be made.**]**

Textual Amendments

F221 Ss. 69-71 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(2)(f), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M23 1961 c. 62.

72 Tax provisions.

(1) **[**[F222]Subject to subsection (2) below and paragraph 39 of Schedule 5 to this Act,**]** the successor company shall be treated for all purposes of corporation tax **[**[F222]and development land tax **]**as if it were the same person as British Telecommunications.

(2) **[**[F223]The successor company shall not by virtue of subsection (1) above be regarded as a body falling within section **[**[F224]170(12) of the Taxation of Chargeable Gains Act 1992**]** (bodies established for carrying on industries or undertakings under national ownership or control) or subsection (10) of section 23 of the [M24]Development Land Tax Act 1976 (statutory undertakers); and subsection (1) above shall not be regarded as preventing the vesting in the successor company of an interest of British Telecommunications constituting a disposal for the purposes of the said section 23.**]**

[[F225](3) Where, in the discharge of any liability which is vested in the successor company by this Act, the successor company makes payments—

(a) to an occupational pension scheme,

(b) with a view to the provision of benefits authorised under Chapter 3 of Part 4 of the Finance Act 2004, and

(c) for persons who are employees of the Post Office,

the Taxes Acts shall have effect in relation to those payments as if those persons were employees of the successor company and in this subsection expressions which are used in Part 4 of the Finance Act 2004 have the same meanings as in that Part.**]**

Status: *Point in time view as at 12/03/2018.*
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(4) **[**[F223]The vesting in the successor company by virtue of section 60 above of liability for any loan made to British Telecommunications shall not affect any direction in respect of the loan which has been given by the Treasury under section **[**[F226]581**]** of the Income and Corporation Taxes Act **[**[F226]1988**]** (income tax exemption for interest on foreign currency securities).**]**

(5) **[**[F223]If the transfer date falls before the end of the period of three years beginning with 1st October 1981, then, for the purposes of section 29 of the [M25]Value Added Tax Act 1983 (value added tax: group registration) the successor company, the Post Office and any bodies corporate resident in the United Kingdom which are subsidiaries of either of those bodies shall be eligible to be treated as members of a group from that date until the end of that period; and where, by virtue of this subsection, two or more bodies are so treated, the Commissioners of Customs and Excise shall, as soon as practicable after the end of that period, terminate that treatment from such date as may be specified in the notice.**]**

Textual Amendments

F222 Words in s. 72(1) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F223 S. 72(2)(4)(5) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(2)(g), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F224 Words in s. 72(2) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290(1), **Sch. 10 para. 7** (with ss. 60, 101(1), 201(3)).

F225 S. 72(3) substituted (6.4.2006) by The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), **art. 2**

F226 Words substituted by Income and Corporation Taxes Act 1988 (c. 1, SIF 63:1), s. 844, Sch. 29 para. 32, **Sch. 30 para. 6(1)**

Marginal Citations

M24 1976 c. 24.

M25 1983 c. 55.

73 Interpretation of Part V.

[[F227](1) In this Part—

"debenture" includes debenture stock;

"securities", in relation to a company, includes shares, debentures, bonds and other securities of the company, whether or not constituting a charge on the assets of the company;

"shares" includes stock;

"subsidiary" has **[**[F228]the meaning given by section 736 of**]** the [M26]**[**[F229]Companies Act 1985**]**.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) An order under section 60 above nominating any company for the purposes of that section and an order under subsection (1) of that section appointing the transfer date may be varied or revoked by a subsequent order at any time before any property, rights or liabilities vest in any company by virtue of section 60 above.

(3) A company shall be regarded for the purposes of this Part as wholly owned by the Crown at any time when all the issued shares in the company are held by or on behalf of the Crown.**]**

Textual Amendments

F227 S. 73 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(2)(h), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F228 Words substituted by Companies Act 1989 (c.40, SIF 27), s. 144(4), **Sch. 18 para. 28**

F229 Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**

Marginal Citations

M26 1985 c. 6.

F230F230PART VI

Textual Amendments

F230 Pt. 6 repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 124, 125(1), 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)

Amendment and enforcement of Wireless Telegraphy Acts

Approvals

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marking etc. of apparatus

Miscellaneous and supplemental

PART VII

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

93 Grants to promote interests of disabled persons.

[[F261](1) The Secretary of State may, with the approval of the Treasury, make grants for the purpose of defraying or contributing towards—

(a) any expenses which may be incurred by any person in supporting research into or the development of apparatus to which this section applies; or

(b) any fees incurred by any person in respect of the exercise in relation to apparatus to which this section applies of any function conferred by or under section 22 above.

(2) This section applies to—

(a) telecommunication apparatus which is constructed for use by disabled persons;

(b) telecommunication apparatus which is so constructed as to be capable of being adapted for such use; and

(c) apparatus by means of which telecommunication apparatus falling within paragraph (b) above may be so adapted.

(3) In making a grant under this section, the Secretary of State may impose such conditions as he thinks fit and may, in particular, impose a condition requiring the repayment of all or any part of the grant—

(a) if any other condition is not complied with; or

(b) in such other circumstances as he may specify.

(4) There shall be paid out of money provided by Parliament any sums required by the Secretary of State for making grants under this section.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) Any sums received by the Secretary of State under subsection (3) above shall be paid into the Consolidated Fund.**]**

Textual Amendments

F261 S. 93 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(4)(a), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

94 Directions in the interests of national security etc.

[[F262](1) The Secretary of State may, after consultation with a person to whom this section applies, give to that person such directions of a general character as appear to the Secretary of State to be **[**[F263]necessary**]** in the interests of national security or relations with the government of a country or territory outside the United Kingdom.

(2) If it appears to the Secretary of State to be **[**[F264]necessary**]** to do so in the interests of national security or relations with the government of a country or territory outside the United Kingdom, he may, after consultation with a person to whom this section applies, give to that person a direction requiring him (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction.

[[F265](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.**]**

(3) A person to whom this section applies shall give effect to any direction given to him by the Secretary of State under this section notwithstanding any other duty imposed on him by or under **[**[F266]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**]**.

(4) The Secretary of State shall lay before each House of Parliament a copy of every direction given under this section unless he is of opinion that disclosure of the direction is against the interests of national security or relations with the government of a country or territory outside the United Kingdom, or the commercial interests of any person.

(5) A person shall not disclose, or be required by virtue of any enactment or otherwise to disclose, anything done by virtue of this section if the Secretary of State has notified him that the Secretary of State is of the opinion that disclosure of that thing is against the interests of national security or relations with the government of a country or territory outside the United Kingdom, or the commercial interests of some other person.

(6) The Secretary of State may, with the approval of the Treasury, make grants to **[**[F267]providers of public electronic communications networks**]** for the purpose of defraying or contributing towards any losses they may sustain by reason of compliance with the directions given under this section.

Status: *Point in time view as at 12/03/2018.*
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(7) There shall be paid out of money provided by Parliament any sums required by the Secretary of State for making grants under this section.

(8) This section applies to **[**[F268]OFCOM and to providers of public electronic communications networks.**]]**

Textual Amendments

F262 S. 94 omitted (12.3.2018 for specified purposes) by virtue of Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 99** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/341, reg. 2(p) (with reg. 4)

F263 Words in s. 94(1) substituted (25.7.2003 for specified purposes and 18.9.2003 otherwise) by Communications Act 2003, (c. 21), ss. 406, 408, 411, {Sch. 17 para. 70(2)} (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2**, 3(1), Sch. 1, Sch. 2 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))

F264 Words in s. 94(2) substituted (25.7.2003 for specified purposes and 18.9.2003 otherwise) by Communications Act 2003, (c. 21), ss. 406, 408, 411, {Sch. 17 para. 70(3)} (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2**, 3(1), Sch. 1, Sch. 2 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))

F265 S. 94(2A) inserted (25.7.2003 for specified purposes and 18.9.2003 otherwise) by Communications Act 2003, (c. 21), ss. 406, 408, 411, {Sch. 17 para. 70(4)} (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2**, 3(1), Sch. 1, Sch. 2 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))

F266 Words in s. 94(3) substituted (25.7.2003 for specified purposes and 18.9.2003 otherwise) by Communications Act 2003, (c. 21), ss. 406, 408, 411, {Sch. 17 para. 70(5)} (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2**, 3(1), Sch. 1, Sch. 2 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))

F267 Words in s. 94(6) substituted (25.7.2003 for specified purposes and 18.9.2003 otherwise) by Communications Act 2003, (c. 21), ss. 406, 408, 411, {Sch. 17 para. 70(6)} (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2**, 3(1), Sch. 1, Sch. 2 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))

F268 Words in s. 94(8) substituted (25.7.2003 for specified purposes and 18.9.2003 otherwise) by Communications Act 2003, (c. 21), ss. 406, 408, 411, {Sch. 17 para. 70(7)} (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2**, 3(1), Sch. 1, Sch. 2 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))

95 Orders under the 1973 and 1980 Acts.

[[F269]**[**[F270](1) Where the Office of Fair Trading, the Commission or (as the case may be) the Secretary of State (in this section "the relevant authority") makes a relevant order, the order may also provide for the revocation or modification of licences granted under section 7 above to such extent as may appear to the relevant authority to be requisite or expedient for the purpose of giving effect to, or taking account of, any provision made by the order.

(2) In subsection (1) above, "relevant order" means—

(a) an order under section 75, 83 or 84 of, or paragraph 5, 10 or 11 of Schedule 7 to, the Enterprise Act 2002 where—

(i) one or more than one of the enterprises which have, or may have, ceased to be distinct enterprises was engaged in the carrying on of a commercial activity connected with telecommunications; or

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(ii) one or more than one of the enterprises which will or may cease to be distinct enterprises is engaged in the carrying on of a commercial activity connected with telecommunications; or

(b) an order under section 160 or 161 of that Act where the feature, or combination of features, of the market in the United Kingdom for goods or services which prevents, restricts or distorts competition relates to commercial activities connected with telecommunications.**]**

[[F271](3) Expressions used in subsection (2) above and in Part 3 or (as the case may be) Part 4 of the Enterprise Act 2002 have the same meanings in that subsection as in that Part.**]]**

Textual Amendments

F269 S. 95 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F270 S. 95(1)(2) substituted (20.6.2003) by 2002 c. 40, ss. 86(5), 164(2), 279, Sch. 9 Pt. 1 para. 1(2); S.I. 2003/1397, **art. 2(1)**, Sch.

F271 S. 95(3) substituted (20.6.2003) by 2002 c. 40, ss. 86(5), 164(2), 279, Sch. 9 Pt. 1 para. 1(3); S.I. 2003/1397, **art. 2(1)**, Sch.

Modifications etc. (not altering text)

C46 S. 95(2)(a) amended (20.6.2003) by The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592), art. 16, **Sch. 4 para. 4**

96 Prohibitions and restrictions applying to lessees with respect to telecommunications.

F272

. . . . . .

Textual Amendments

F272 S. 96 repealed (25.7.2003 for specified purposes, otherwise prosp.) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))

97 Contributions by local authorities towards provision of facilities.

[[F273](1) Where a local authority consider that it would be for the benefit of the whole or any part of their area that—

(a) any additional telecommunication facilities should be provided; or

(b) any existing telecommunication facilities should continue to be provided,

by a public telecommunications operator, whether within or outside the area to be benefited, the authority may undertake to pay to that operator any loss he may sustain by reason of the provision or continued provision of those facilities.

(2) In the application of this section to Scotland, nothing in subsection (1) above shall authorise the giving of an undertaking as respects the provision or continued provision of facilities outside the area to be benefited.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In this section "local authority"—

(a) in relation to England [F274]. . ., means a county council, [F275], a district council, a London borough council, the Common Council of the City of London **[**[F276]or**]**, a parish council [F277]. . .;

[[F278](aa) in relation to Wales, means a county council, a county borough council or a community council;**]**

(b) in relation to Scotland, means a **[**[F279]council constituted under section 2 of the Local Government etc. (Scotland) Act 1994**]**;

(c) in relation to Northern Ireland, means a district council.**]**

Textual Amendments

F273 S. 97 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 398(4)(b), 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F274 Words in s. 97(3)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 72(a), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F275 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**

F276 Word in s. 97(3)(a) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 72(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F277 Words in s. 97(3)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 72(a), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F278 S. 97(3)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 72(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F279 Words in s. 97(3)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 133(2)**; S.I. 1996/323, **art. 4(b)(c)**

98 Use of certain conduits for telecommunication purposes.

(1) The functions of an authority with control of a relevant conduit shall include the power—

(a) to carry out, or to authorise another person to carry out, any works in relation to that conduit for or in connection with the installation, maintenance, adjustment, repair or alteration of **[**[F280]electronic communications apparatus**]**;

(b) to keep **[**[F280]electronic communications apparatus**]** installed in that conduit or to authorise any other person to keep **[**[F280]electronic communications apparatus**]** so installed;

(c) to authorise any person to enter that conduit to inspect **[**[F280]electronic communications apparatus**]** kept installed there;

(d) to enter into agreements, on such terms (including terms as to the payments to be made to the authority) as it thinks fit, in connection with the doing of anything authorised by or under this section; and

(e) to carry on an ancillary business consisting in the making and carrying out of such agreements.

(2) Where any enactment or subordinate legislation expressly or impliedly imposes any limitation on the use to which a relevant conduit may be put, that limitation shall not have effect so as to prohibit the doing of anything authorised by or under this section.

Status: *Point in time view as at 12/03/2018.*
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(3) Where the doing by an authority with control of a public sewer of anything authorised by this section would, apart from this subsection, constitute a contravention of any obligation imposed (whether by virtue of any conveyance or agreement or otherwise) on the authority, the doing of that thing shall not constitute such a contravention to the extent that it consists in, or in authorising, the carrying out of works or inspections, or keeping of apparatus, wholly inside a public sewer.

(4) Subject to subsections (2) and (3) above, subsection (1) above is without prejudice to the rights of any person with an interest in land on, under or over which a relevant conduit is situated.

(5) Without prejudice to subsections (1) to (4) above, the Secretary of State may by order provide for any local Act under or in accordance with which any conduits (whether or not relevant conduits) are kept installed in **[**[F281]streets**]**[[F281]roads**]** to be amended in such manner as appears to him requisite or expedient for securing—

(a) that there is power for those conduits to be used for **[**[F282]the purposes of any electronic communications network or of any electronic communications service**]**;

(b) that the terms (including terms as to payment) on which those conduits are used for those purposes are reasonable; and

(c) that the use of those conduits for those purposes is not unreasonably inhibited (whether directly or indirectly) by reason of the terms of any consent, licence or agreement which has been given, granted or made in relation to any of those conduits for the purposes of that Act.

(6) In this section "relevant conduit" means—

(a) any conduit which, whether or not it is itself an electric line, is maintained by an electricity authority for the purpose of enclosing, surrounding or supporting such a line, including where such a conduit is connected to any box, chamber or other structure (including a building) maintained by an electricity authority for purposes connected with the conveyance, transmission or distribution of electricity, that box, chamber or structure; or

(b) a water main or any other conduit maintained by a water authority for the purpose of conveying water from one place to another; or

(c) a public sewer; or

(d) a culvert which is a designated watercourse within the meaning of the [M30]Drainage (Northern Ireland) Order **[**[F283]2006**]**.

(7) In this section a reference to the authority with control of a relevant conduit—

(a) in relation to a conduit or structure falling within paragraph (a) or (b) of subsection (6) above, shall be construed as a reference to the authority by whom the conduit or structure is maintained;

(b) in relation to a public sewer, shall be construed, subject to subsection (8) below, as a reference to the **[**[F284] person**]** in whom the sewer is vested; and

(c) in relation to a culvert falling within paragraph (d) of subsection (6) above, shall be construed as a reference to the Department of Agriculture for Northern Ireland.

(8) Where—

(a) the functions of an authority with control of a public sewer are, in pursuance of any enactment, discharged on its behalf by **[**[F285]another person**]**, and

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(b) the **[**[F286]other person**]** is authorised by the authority with control of the sewer to act on its behalf for the purposes of the matters referred to in subsection (1) above,

this section shall have effect in relation to that sewer as if any reference to the authority with control of the sewer included, to such extent as may be necessary for the **[**[F286]other person**]** so to act, a reference to the **[**[F286]other person**]**.

(9) In this section—

"alteration", "**[**[F287]street**]****[**[F287]road**]**" **[**[F288]and "telecommunication apparatus"**]** have the same meanings as in Schedule 2 to this Act;

"conduit" includes a tunnel or subway;

"electric line"—

(a) in Great Britain, has the same meaning as in **[**[F289]the Electricity Act 1989**]**; and

(b) in Northern Ireland, has the same meaning as in the **[**[F290]Electricity (Northern Ireland) Order 1992**]**;

"electricity authority" means **[**[F291]a person authorised by a licence under Part I of the Electricity Act 1989 to **[**[F292]supply or participate in the transmission of**]** electricity**]** or **[**[F293]a person authorised by a licence under Part II of the Electricity (Northern Ireland) Order 1992 to transmit or supply electricity**]**;

"public sewer"—

(a) in England and Wales, has the same meaning as in the [M31]Public Health Act 1936;

(b) in Scotland, means any sewer which is vested in **[**[F294]Scottish Water**]**; and

(c) in Northern Ireland, means a sewer as defined in the [M32]Water and Sewerage Services (Northern Ireland) Order **[**[F283]2006**]**;

[F295] . . . . . .

"subordinate legislation" means any subordinate legislation within the meaning of the Interpretation Act 1978 or any instrument, as defined in section 1 of the [M33]Interpretation Act (Northern Ireland) 1954;

"water authority"—

(a) **[**[F296]in England and Wales, **[**[F297]means the Environment Agency, the Natural Resources Body for Wales or**]** a water undertaker;**]**

(b) in Scotland, **[**[F298]means Scottish Water**]**; and

(c) in Northern Ireland, means the **[**[F299]a water undertaker (within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006)**]**;

"water main"—

(a) **[**[F300]in England and Wales, means a water main **[**[F301]or resource main within the meaning of the Water Industry Act 1991**]**;**]**

(b) in Scotland, means a main within the meaning of the [M34]Water (Scotland) Act 1980; and

(c) in Northern Ireland, means **[**[F302]a water main or resource main**]** within the meaning of the [M35]Water and Sewerage Services (Northern Ireland) Order **[**[F303]2006**]**.

Status: *Point in time view as at 12/03/2018.*
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Textual Amendments

F280 Words in s. 98(1) substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 71(2)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

F281 Word in s. 98(5) substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 92(3)(a)**

F282 Words in s. 98(5)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 71(3)**; S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

F283 Word in definition of "public sewer" in s. 98(9) substituted (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 19(1)(a)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F284 Word in s. 98(7)(b) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 para. 68(1)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F285 Words in s. 98(8)(a) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 paras. 68(1)(b)(i), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F286 Words in s. 98(8) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 paras. 68(1)(b)(i), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F287 Word in s. 98(9) substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 92(3)**(*b*)

F288 Words in s. 98(9) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F289 Words in s. 98(9) substituted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(2)(a), Sch. 17 paras. 33, **35(1)**

F290 Words in s. 98(9) substituted (N.I.) (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12**, para. 28(a); S.R. 1992/117, **art. 3(1)**

F291 Words in s. 98(9) substituted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(2)(b), Sch. 17 paras. 33, **35(1)**

F292 Words in s. 98(9) substituted (E.W.S.) (1.9.2004) by Energy Act 2004 (c. 20), s. 198(2), **Sch. 19 para. 2**; S.I. 2004/2184, art. 2(2), **Sch. 2**

F293 Words in s. 98(9) substituted (N.I.) (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 28(b)**; S.R. 1992/117, **art. 3(1)**

F294 Words in definition of "public sewer" in s. 98(9) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1, **Sch. Pt. 1 para. 12(a)**

F295 In s. 98(9) definition of "sewerage authority" repealed (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1, **Sch. Pt. 1 para. 12(b)**

F296 Para. (a) of definition of "water authority" in s. 98(9) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 68(c)(i), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F297 Words in s. 98(9) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 181** (with Sch. 7)

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F298 Words in definition of "water authority" in s. 98(9) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1, **Sch. Pt. 1 para. 12(c)**

F299 Words in definition of "water authority" in s. 98(9) substituted (N.I.) (1.4.2007) by virtue of The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 19(1)(b)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F300 Para. (a) of definition of "water main" in s. 98(9) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 para. 68(c)(ii), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F301 Words in para. (a) in definition of 'water main' in s. 98(9) substituted (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 38(1)**

F302 Words in definition of "water main" in s. 98(9) substituted (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 19(1)(c)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F303 Word in definition of "water main" in s. 98(9) substituted (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 19(1)(c)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Marginal Citations

M30 S.I. 1973/69 (N.I. 1).
M31 1936 c. 49.
M32 S.I. 1973/70 (N.I. 2).
M33 1954 c. 33 (N.I.).
M34 1980 c. 45.
M35 S.I. 1973/70 (N.I. 2).

99 F304(1) . . . . . .

F305(2) . . . . . .

F305(3) . . . . . .

Textual Amendments

F304 S. 99(1) repealed (26.3.2001) by 2000 c. 26, s. 127(6), **Sch. 9**; S.I. 2001/1148, art. 2, **Sch.** Table (with art. 34)

F305 S. 99(2)(3) repealed (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(2), **Sch. 2** (with art. 4(11))

F306**100** . . . . . .

Textual Amendments

F306 S. 100 repealed (6.9.1994) by Telecommunications Act 1984 (c. 12, SIF 96), ss. 109, 110(4), **Sch. 7 Pt. III**; S.I. 1994/2162, **art. 2**

Status: *Point in time view as at 12/03/2018.*
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Supplemental

101 General restrictions on disclosure of information.

(1) Subject to the following provisions of this section, no information with respect to any particular business which—

(a) has been obtained under or by virtue of the provisions of this Act [F307]... ; and

(b) relates to the private affairs of any individual or to any particular business,

shall during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.

(2) Subsection (1) above does not apply to any disclosure of information which is made—

(a) for the purpose of facilitating the performance of any functions assigned [F308]... to the Secretary of State, **[**[F309]or OFCOM by or under this Act [F310]... **]**;

(b) for the purpose of facilitating the performance of any functions of any Minister, any Northern Ireland department, the head of any such department, **[**[F311]the Competition and Markets Authority**][**[F312]; **[**[F313]the Water Services Regulation Authority**]][**[F314]the Director General of Electricity Supply**][**[F315]the Director General of Electricity Supply for Northern Ireland**][**[F316]or the Director General of Gas for Northern Ireland**][**[F317]the Office of Rail and Road**][**[F318], OFCOM**][**[F319], the Civil Aviation Authority**]** or a local weights and measures authority in Great Britain under any of the enactments **[**[F320]or subordinate legislation**]** specified in subsection (3) below;

[[F321](bb) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;**]**

(c) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;

(d) for the purpose of any civil proceedings brought under or by virtue of this Act or any of the enactments **[**[F320]or subordinate legislation**]** specified in subsection (3) below; or

(e) in pursuance of **[**[F322]an EU**]** obligation.

(3) The enactments **[**[F323]and subordinate legislation**]** referred to in subsection (2) above are—

(a) the Trade Descriptions Act 1968;

(b) the 1973 Act;

(c) the Consumer Credit Act 1974;

[F324](d) . . . . . .

[F324](e) . . . . . .

(f) the Estate Agents Act 1979; [F325]

(g) the 1980 Act.

[[F326](h) the Consumer Protection Act 1987.**]**

[[F327](i) the Consumer Protection (Northern Ireland) Order 1987.**]**

[F328](i) . . . . . .

[[F329](j) the Water Act 1989 **[**[F330], or the Water Act 2003**][**[F331]or the Water Act 2014**].]**

[[F332](k) the Electricity Act 1989.**]**

[[F333](l) the Electricity (Northern Ireland) Order 1992.**]**

[[F334](ll) The Gas (Northern Ireland) Order 1996;**]**

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[F335(m) the Railways Act 1993]
[F336(n) the Competition Act 1998]
[F337(o) Part I of the Transport Act 2000.]
[F338(p) the Enterprise Act 2002]
[F339(q) the Communications Act 2003 F340...]
[F341(r) the Railways Act 2005.]
[F342(s) the Energy (Northern Ireland Order 2003;
(t) the Water and Sewerage Services (Northern Ireland) Order 2006.]
[F343(u) the Business Protection from Misleading Marketing Regulations 2008;
(v) the Consumer Protection from Unfair Trading Regulations 2008.]
[F344(w) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013]

F345(4) . . . . . .

(5) Any person who discloses any information in contravention of this section shall be guilty of an offence and liable—
(a) on summary conviction, to a fine not exceeding the statutory maximum;
(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

[F346(6) Information obtained by [F347OFCOM] in the exercise of functions which are exercisable concurrently with [F348the Competition and Markets Authority] under Part I of the Competition Act 1998 is subject to [F349Part 9 of the Enterprise Act 2002 (Information)] and not to subsections (1) to (5) of this section.]

Textual Amendments

F307 Words in s. 101(1)(a) repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 124, 125(1), 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)

F308 Words in s. 101(2)(a) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(3)(a)**, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F309 Words in s. 101(2)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(3)(b)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F310 Words in s. 101(2)(a) repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 124, 125(1), 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)

F311 Words in s. 101(2)(b) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 40(2)** (with art. 3)

F312 Words inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 68(2)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F313 Words in s. 101(2)(b) substituted (1.4.2006) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 23(a)**; S.I. 2005/2714, **art. 4(f)** (with art. 5(1), Sch. 2 para. 8)

F314 Words inserted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(3)(a), Sch. 17 paras. 33, **35(1)**

F315 Words in s. 101(2)(b) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 29(a)**; S.R. 1992/117, **art. 3(1)**

F316 Words in s. 101(2)(b) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2), **Sch. 6** (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2** (with arts. 3, 4)

F317 Words in s. 101(2)(b) substituted (E.W.S.) (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 4(f)**

F318 Words in s. 101(2)(b) inserted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 72(4)** (with Sch. 18); S.I. 2003/3142, **art 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)

F319 Words in s. 101(2)(b) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 17(a)**

F320 Words inserted by S.I. 1988/915, **reg. 7(6)(f)(i)** for the purpose mentioned therein

F321 S. 101(2)(bb) inserted (1.7.1992) by Competition and Service (Utilities) Act 1992 (c. 43), s. 56(6), **Sch. 1 para. 3(a)**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

F322 Words in s. 101(2)(e) substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3**, 6 (with art. 3(2)(3), 4(2), 6(4)(5))

F323 Words inserted by S.I. 1988/915, **reg. 7(6)(f)(ii)** for the purpose mentioned therein

F324 S. 101(3)(d)(e) repealed (1.3.2000) by 1998 c. 41, s. 54(3), Sch. 10 Pt. IV para. 9(7)(a), **Sch. 14 Pt. I** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

F325 Words repealed by Consumer Protection Act 1987 (c. 43, SIF 109), ss. 41(2), 47(1)(2), 48, **Sch. 5**

F326 Paragraph (h) inserted by Consumer Protection Act 1987 (c. 43, SIF 109), ss. 41(2), 47(1)(2), 48, **Sch. 4 para. 9(1)**

F327 Paragraph (*i*) inserted (1.3.1989) after para. (h) by S.I. 1987/2049 (N.I.20), arts. 1(5), 31(5), **Sch. 3 para. 6**

F328 S. 101(3)(i) relating to Control of Misleading Advertisements 1988 repealed (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), regs. 1, 30(1)(3), Sch. 2 para. 29(a), **Sch. 4 Pt. 1** (with reg. 28(2)(3))

F329 Paragraph (j) inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 68(2)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F330 Words in s. 101(3)(j) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 7 para. 23(b)**; S.I. 2004/641 {art. 3(y)}, Sch. 2

F331 Words in s. 101(3)(j) inserted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **2**

F332 Paragraph (k) inserted (E.W.S) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(3)(b), Sch. 17 paras. 33, **35(1)**

F333 S. 101(3)(l) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 29(b)**; S.R. 1992/117, **art. 3** (1)

F334 S. 101(3)(ll) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2), art. 71(1), **Sch. 6** (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2** (with arts. 3, 4)

F335 S. 101(3)(m) inserted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), 154(2), **Sch. 12 para. 13(2)**; S.I. 1993/3237, **art. 2(2)**.

F336 S. 101(3)(n) inserted (11.1.1999) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(7)(b)** (with s. 73); S.I. 1998/3166, art. 2, **Sch.**

F337 S. 101(3)(o) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 17(b)**

F338 S. 101(3)(p) inserted (1.4.2003) by 2002 (c. 40), ss. 278, 279, {Sch. 25 para. 13(9)(b)}; S.I. 2003/766, **art. 2**, Sch. (with transitional and transitory provisions in art. 3)

F339 S. 101(3)(q) inserted (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(5)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F340 Words in s. 101(3)(q) repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 124, 125(1), 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)

F341 S. 101(3)(r) inserted (E.W.S) (8.6.2005) by Railways Act 2005 (c. 14), ss. 59, 60(2), **Sch. 12 para. 7**; S.I. 2005/1444, **art. 2(1)**, Sch. 1

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F342 S. 101(3)(s)(t) inserted (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order (S.I. 2006/3336 (N.I. 21), arts. 1, 308(1), **Sch. 12 para. 19(2)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F343 S. 101(3)(v)(u) inserted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), regs. 1, 30(1), **Sch. 2 para. 29(a)** (with reg. 28(2)(3))

F344 S. 101(3)(w) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 40(3)** (with art. 3)

F345 S. 101(4) repealed (25.7.2003 for specified purposes, otherwise prosp.) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 72(6)**, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))

F346 S. 101(6) inserted (1.3.2000) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. IV para. 9(8)** (with s. 73); S.I. 2000/344, art. 2, **Sch.**

F347 Words in s. 101(6) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 72(7)** (with Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)

F348 Words in s. 101(6) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 40(4)** (with art. 3)

F349 Words in s. 101(6) substituted (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(9)(c)(ii); S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)

Modifications etc. (not altering text)

C47 S. 101 restricted (31.10.2003) by Railways and Transport Safety Act 2003 (c. 20), **ss. 115**, 120(1); S.I. 2003/2681, **art. 2(b)**

C48 S. 101(2): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. I para. 23**

C49 S. 101(3)(q) modified (8.2.2007) by The Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006 (S.I. 2006/1391), arts. 1, 2, **Sch. para. 7(4)**

102 Offences by bodies corporate.

[[F350](1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.**]**

Textual Amendments

F350 S. 102 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

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Modifications etc. (not altering text)

C50 Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 110(1), Sch. 3 and Sch. 7 Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), **Sch. Pt. I**

C51 S. 102 extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), **art. 3(1)**, Sch. Pt. I (as amended (27.2.2004) by The Broadcasting and Communications (Jersey) Order 2004 (S.I. 2004/308), art. 6(1), Sch. 2 Pt. 1)

103 Summary proceedings.

[[F351](1)**]** Proceedings for any offence under this Act which is punishable on summary conviction may be commenced at any time within twelve months next after the commission of the offence.

[[F352](2) Subsection (1) above shall not apply for the purposes of an offence under any provision of the Enterprise Act 2002 as applied by virtue of section 13B above.**]**

Textual Amendments

F351 S. 103 renumbered (26.6.2003) as s. 103(1) by 2002 c. 40, ss. 278, 279, **Sch. 25 para. 13(10)(a)**; S.I. 2003/1397, art. 2(1), **Sch.** (with art. 8)

F352 S. 103(2) inserted (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 25 para. 13(10)(b); S.I. 2003/1397, **art. 2(1)**, Sch. (with art. 8)

104 Orders and schemes.

(1) Any power of the Secretary of State to make an order or a scheme under this Act shall be exercisable by statutory instrument subject, except in the case of an order under section [F353]. . . 110(5), [F353]. . . to annulment in pursuance of a resolution of either House of Parliament.

[[F354](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) [F355]. . . . . .

(1C) [F355]. . . . . .**]**

(2) Any order or scheme under this Act may make different provision with respect to different cases or descriptions of case.

(3) [F356]. . . . . .

Textual Amendments

F353 Words in s. 104(1) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F354 S. 104(1A)-(1C) inserted (25.7.2003 for specified purposes (except in respect of s. 104(1B)) and 29.12.2003 otherwise) by Telecommunications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 17 para. 73**

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F355 S. 104(1B)(1C) repealed (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 124, 125(1), 126(2), **Sch. 9 Pt. 1** (with Sch. 8 Pt. 1)

F356 S. 104(3) repealed (25.7.2003 for specified purposes, otherwise prosp.) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))

105 Financial provisions.

There shall be paid out of money provided by Parliament any administrative expenses incurred by the Secretary of State in consequence of the provisions of this Act and any increase attributable to this Act in the sums payable out of money so provided under any other Act.

106 General interpretation.

(1) In this Act, unless the context otherwise requires—

"the 1973 Act" means the Fair Trading Act 1973;

"the 1980 Act" means the Competition Act 1980;

"the 1981 Act" means the British Telecommunications Act 1981;

"the appointed day" has the meaning given by section 2 above;

F357 …

F358 …

F357 …

F359 …

F357 …

F357 …

"the excepted liabilities" has the meaning given by section 60(2) above;

"modifications" includes additions, alterations and omissions and cognate expressions shall be construed accordingly;

[F360"OFCOM" means the Office of Communications;**]**

F357 …

F357 …

"the successor company" and "the transfer date" have the meanings given by section 60(1) above;

F357 …

F357 …

F357 …

F357 …

F357 …

F361(2) . . . . . .

F361(3) . . . . . .

(4) Any power conferred on the Secretary of State by this Act to give a direction if it appears to him to be requisite or expedient to do so in the interests of national security or relations with the government of a country or territory outside the United Kingdom

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includes power to give the direction if it appears to him to be requisite or expedient to do so in order—

(a) to discharge, or facilitate the discharge of, an obligation binding on Her Majesty's Government in the United Kingdom by virtue of it being a member of an international organisation or a party to an international agreement;

(b) to attain, or facilitate the attainment of, any other objects the attainment of which is, in the Secretary of State's opinion, requisite or expedient in view of Her Majesty's Government in the United Kingdom being a member of such an organisation or a party to such an agreement; or

(c) to enable Her Majesty's Government in the United Kingdom to become a member of such an organisation or a party to such an agreement.

(5) For the purposes of any licence granted, approval given or order made under this Act any description or class may be framed by reference to any circumstances whatsoever.

Textual Amendments

F357 S. 106(1): definitions repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), 2(1), 3(1), **Sch. 1** (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, **art. 1(3)**)); S.I. 2003/3142, art. 3, **Sch. 1** (with art. 11)

F358 S. 106: definition of "the Commission" omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 41** (with art. 3)

F359 S. 106(1): definition of "the Director" repealed (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)

F360 S. 106(1): definition of "OFCOM" inserted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 74** (with Sch. 18); S.I. 2003/3142, **art. 3(1)**, Sch. 1 (subject to art. 3(3) and with art. 11)

F361 S. 106(2)(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 2.

Modifications etc. (not altering text)

C52 Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 110(1), Sch. 3 and Sch. 7 Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), **Sch. Pt. I**

C53 S. 106(4)(5) extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), **art. 3(1)**, Sch. Pt. I (as amended (27.2.2004) by The Broadcasting and Communications (Jersey) Order 2004 (S.I. 2004/308), art. 6(1), Sch. 2 Pt. 1)

107 Application to territorial waters and the continental shelf etc.

(1) **[**[F362]An Order in Council under **[**[F363]section 11 of the Petroleum Act 1998**]** (application of civil law) may make provision for treating for the purposes of this Act and subordinate legislation made under it—

(a) any installation in waters to which that section applies and with respect to which provision is made under that section; and

(b) any waters within five hundred metres of such an installation,

as if they were situated in such part of the United Kingdom as may be specified in the Order; and different provision may be so made for different purposes.**]**

Status: *Point in time view as at 12/03/2018.*
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(2) **[**[F362]In section 6 of the [M36]Continental Shelf Act 1964 (which makes, in relation to the [M37]Wireless Telegraphy Act 1949 and regulations made under it, provision corresponding to that made by subsection (1) above) for the words "an area or part" there shall be substituted the words " waters to which that section applies and ".**]**

[[F364](3) In relation to any time before the coming into force of the said section 23, subsection (1) above shall have effect as if—

(a) for the words "section 23 of the Oil and Gas (Enterprise) Act 1982" there were substituted the words " section 3 of the Continental Shelf Act 1964 "; and

(b) for the words "waters to which that section applies and" there were substituted the words " an area or part ".**]**

(4) **[**[F362]In this section—

"installation" includes any floating structure or device maintained on a station by whatever means;

"subordinate legislation" has the same meaning as in the [M38]Interpretation Act 1978.**]**

Textual Amendments

F362 S. 107(1)(2)(4) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F363 Words in s. 107(1) substituted (15.2.1999) by 1998 c. 17, s. 50, **Sch. 4 para. 19(a)** (with Sch. 3 para. 5(1)); S.I. 1999/161, **art. 2**

F364 S. 107(3) repealed (15.2.1999) by 1998 c. 17, ss. 50, 51, Sch. 4 para. 19(b), **Sch. 5** (with Sch. 3 para. 5(1)); S.I. 1999/161, **art. 2**

Marginal Citations

M36 1964 c. 29.

M37 1949 c. 54.

M38 1978 c. 30.

108 Extension to the Isle of Man and the Channel Islands.

Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend to the Isle of Man or any of the Channel Islands with such exceptions, adaptations and modifications as may be so specified.

Modifications etc. (not altering text)

C54 S. 108 modified (8.2.2007) by The Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006 (S.I. 2006/1391), arts. 1, 2, Sch. paras. 8, **9(d)**

109 Amendments, transitional provisions and repeals.

(1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments there specified (being minor amendments or amendments consequential on the preceding provisions of this Act).

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(2) **[**[F365]The Secretary of State may by order make such consequential modifications of any provision contained in any Act (whether public general or local) passed, or subordinate legislation made, before the coming into force of the relevant provision of this Act as appear to him necessary or expedient in respect of—

(a) any reference in that Act or subordinate legislation to British Telecommunications;

(b) any reference in that Act or subordinate legislation to an enactment contained in the Telegraph Acts 1863 to 1916; or

(c) any use in that Act or subordinate legislation of terminology used in the Telegraph Acts 1863 to 1916 but not in the telecommunications code contained in Schedule 2 to this Act.**]**

(3) **[**[F365]The Secretary of State may by order—

(a) repeal or amend any enactment in a local Act which appears to him to be unnecessary having regard to the provisions of this Act or to be inconsistent with any provision of this Act; or

(b) repeal any enactment in a local telegraph Act which appears to him to be spent or no longer of practical utility.**]**

(4) The general transitional provisions and savings contained in Schedule 5 to this Act **[**[F366]and the special transitional provisions with respect to patents for inventions and registered designs contained in Schedule 6 to this Act**]** shall have effect; but those provisions and savings are without prejudice to sections 16 and 17 of the [M39]Interpretation Act 1978 (effect of repeals).

(5) **[**[F365]If it appears to the Secretary of State requisite or expedient to do so in order to secure that telecommunication services provided before the appointed day by means of any existing apparatus continue to be available after the appointed day, he may by order make provision with respect to the terms on which existing apparatus is kept installed on any premises; and such an order may, in particular—

(a) provide for the terms of agreements in pursuance of which existing apparatus is kept installed on any premises to have effect with such modifications as may be specified in the order;

(b) impose obligations in relation to existing apparatus on persons who own or use such apparatus or who own interests in, or occupy, premises where such apparatus is kept installed; and

(c) provide, for the purposes of any provision contained in such an order by virtue of paragraph (a) or (b) above, for such questions arising under the order as are specified in the order, or are of a description so specified, to be referred to, and determined by, the Director.**]**

(6) **[**[F365]The enactments mentioned in Schedule 7 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.**]**

(7) **[**[F365]In this section—

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

(a) was installed on any premises before the appointed day, and

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

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

"subordinate legislation" has the same meaning as in the [M40]Interpretation Act 1978.**]**

Textual Amendments

F365 S. 109(2)(3)(5)-(7) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F366 Words in s. 109(4) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Modifications etc. (not altering text)

C55 Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 109(6), 110(1), Sch. 3 and Sch. 7 Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), **Sch. Pt. I**

C56 S. 109(6) extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), **art. 3(1)**, Sch. Pt. I (as amended (27.2.2004) by The Broadcasting and Communications (Jersey) Order 2004 (S.I. 2004/308), art. 6(1), Sch. 2 Pt. 1)

Marginal Citations

M39 1978 c. 30.

M40 1978 c. 30.

110 Short title, commencement and extent.

(1) This Act may be cited as the Telecommunications Act 1984.

(2) The following provisions of this Act, namely—

sections 2 to 4;
Parts II to IV;
sections 93 to 95;
sections 97 to 99;
sections 101 to 103;
section 106;
section 109(1) and Schedule 4;
section 109(2), (3) and (7);
Part I of Schedule 5 and section 109(4) so far as relating to that Part; and
Part I of Schedule 7 and section 109(6) so far as relating to that Part,

shall come into force on the appointed day.

(3) The following provisions of this Act, namely—

Part V;
Part II of Schedule 5 and Schedule 6 and section 109(4) so far as relating to that Part and that Schedule; and
Part II of Schedule 7 and section 109(6) so far as relating to that Part,

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shall come into force on the transfer date.

(4) Part III of Schedule 7 and section 109(6) so far as relating to that Part shall come into force on the dissolution of British Telecommunications.

(5) Subject to subsections (2) to (4) above, this Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be so appointed for different provisions or for different purposes.

(6) This Act extends to Northern Ireland.

Subordinate Legislation Made

P1 Power of appointment conferred by s. 110(2) fully exercised: 5.8.1985 appointed by S.I. 1984/876

P2 Power of appointment conferred by s. 110(3) fully exercised: 6.8.1985 appointed by S.I. 1984/876

P3 Power of appointment conferred by s. 110(4) fully exercised: British Telecommunications was dissolved on 6.9.1994 by The British Telecommunications (Dissolution) Order 1994 (S.I. 1994/2162)

P4 Power of appointment conferred by s. 110(5) partly exercised: S.I. 1984/749, 876

Modifications etc. (not altering text)

C57 Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 110(1), Sch. 3 and Sch. 7 Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), **Sch. Pt. I**

C58 S. 110(1) extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), **art. 3(1)**, Sch. Pt. I (as amended (27.2.2004) by The Broadcasting and Communications (Jersey) Order 2004 (S.I. 2004/308), art. 6(1), Sch. 2 Pt. 1)

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SCHEDULES

[F367]SCHEDULE 1

Section 1.

DIRECTOR GENERAL OF TELECOMMUNICATIONS

Textual Amendments

F367 Sch. 1 repealed (prosp.) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1)

1 There shall be paid to the Director such remuneration, and such travelling and other allowances, as the Secretary of State with the approval of the Treasury may determine.

Modifications etc. (not altering text)

C59 Sch. 1 paras. 1-3: transfer of functions (1.4.1995) by S.I. 1995/269, art. 3, **Sch. para. 12**

2 In the case of any such holder of the office of the Director as may be determined by the Secretary of State with the approval of the Treasury, there shall be paid such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or payments towards provision for such a pension, allowance or gratuity as may be so determined.

Modifications etc. (not altering text)

C60 Sch. 1 paras. 1-3: transfer of functions (1.4.1995) by S.I. 1995/269, art. 3, **Sch. para. 12**

3 If, when any person ceases to hold office as the Director, it appears to the Secretary of State with the approval of the Treasury that there are special circumstances which make it right that he should receive compensation, there may be paid to him a sum by way of compensation of such amount as may be so determined.

Modifications etc. (not altering text)

C61 Sch. 1 paras. 1-3: transfer of functions (1.4.1995) by S.I. 1995/269, art. 3, **Sch. para. 12**

[F368]4 . . . . . .

Textual Amendments

F368 Sch. 1 para. 4 repealed by Parliamentary and Health Service Commissioners Act 1987 (c. 39, SIF 89), s. 10, **Sch. 2**

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5 In the [M41]House of Commons Disqualification Act 1975 in Part III of Schedule 1 (other disqualifying offices) there shall be inserted (at the appropriate place in alphabetical order) the following entry—

> ""Director General of Telecommunications";"and the like insertion shall be made in Part III of Schedule 1 to the
> [M42]
>
> Northern Ireland Assembly Disqualification Act 1975.

Marginal Citations

M41 1975 c. 24.
M42 1975 c. 25.

6 The Director shall have an official seal for the authentication of documents required for the purposes of his functions.

7 The [M43]Documentary Evidence Act 1868 shall have effect as if the Director were included in the first column of the Schedule to that Act, as if the Director and any person authorised to act on behalf of the Director were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Director or by any such person.

Marginal Citations

M43 1868 c. 37.

8 Anything authorised or required by or under this Act or any other enactment to be done by the Director, other than the making of a statutory instrument, may be done by any member of the staff of the Director who is authorised generally or specially in that behalf by the Director.

[F369] SCHEDULE 2

Section 10.

. . . . . .

Textual Amendments

F369 Sch. 2 omitted (28.12.2017) by virtue of Digital Economy Act 2017 (c. 30), **ss. 4(1)**, 118(6); S.I. 2017/1286, reg. 2(a)

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SCHEDULE 3

Section 75

PENALTIES AND MODE OF TRIAL UNDER THE WIRELESS TELEGRAPHY ACT 1949

Modifications etc. (not altering text)

C62 Sch. 3 extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), **Sch. Pt. I**

C63 Sch. 3 extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), **art. 3(1)**, Sch. Pt. I

1 The following subsections shall be substituted for subsection (1) of section 14 of the 1949 Act—

"(1) Any person committing—

(a) any offence under section 5(a) of this Act; or

(b) any offence under section 13 of this Act;

shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both, or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(1A) Any person committing—

(a) any offence under section 1(1) of this Act consisting in the installation or use, otherwise than under and in accordance with a wireless telegraphy licence, of any apparatus not designed or adapted for emission (as opposed to reception); or

(b) any offence under section 3(2) of this Act consisting in a contravention, in relation to any such apparatus, of any regulations made under that section; or

(c) any offence under section 11(7) or 12(5) of this Act involving or consisting in a contravention of a notice of the Secretary of State in relation to any apparatus, not being apparatus the use of which is likely to cause undue interference with any wireless telegraphy used for the purpose of any safety of life service or any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend; or

(d) any offence under section 1(5) or 7(4) of this Act; or

(e) any offence under section 12A of this Act; or

(f) any offence under this Act which is an offence under section 5 or 8(2) of the Wireless Telegraphy Act 1967 (failure to comply with notices under Part I of that Act, giving false information, etc.);

shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(1B) Any person committing—

(a) any offence under section 1(1) of this Act other than one within subsection (1A)(a) of this section; or

(b) any offence under section 11(7) of this Act other than one within subsection (1A)(c) of this section;

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shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or both.

(1C) Any person committing any other offence under this Act shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.".

[F370]2 . . . . . .

Textual Amendments

F370 Sch. 3 para. 2 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 2.

3 The following provisions shall not apply where a person is convicted of an offence under the 1949 Act **[**[F371]or the Marine, &c., Broadcasting (Offences) Act 1967**]**—

[[F372](a) section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (which gives the convicting court in England and Wales power to deprive a person convicted of an offence of property used etc. for purposes of crime); and**]**

(b) **[**[F373]Part II of the Proceeds of Crime (Scotland) Act 1995**]** and **[**[F374]Article 11 of the Criminal Justice (Northern Ireland) Order 1994**]** (which give the convicting court in Scotland and Northern Ireland respectively power corresponding to the power under **[**[F375]that section**]**).

Textual Amendments

F371 Words in Sch. 3 para. 3 inserted (8.2.2007) by The Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006 (S.I. 2006/1391), arts. 1, 2, **Sch. para. 4**

F372 Sch. 3 para. 3(a) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 92(a)**

F373 Words in Sch. 3 para. 3(b) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 48(4)**

F374 Words in Sch. 3 para. 3(b) substituted (9.1.1995) by S.I. 1994/2795 (N.I. 15), art. 26(1), **Sch. 2 para. 10**; S.R. 1994/446, **art. 2**

F375 Words in Sch. 3(b) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9** 92(b)

SCHEDULE 4

Section 109.

MINOR AND CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

C64 Definition of "telecommunications code system" in Sch. 4 applied by Heathrow Express Railway Act 1991 (c. vii), **ss. 16(5)**, 17(2)

C65 Definition of "telecommunications code system" in Sch. 4 para. 1(1) applied (E.W.) (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), ss. 178, 225(2), **Sch. 22 para. 1(4)(c)**.

C66 Definition of "telecommunications code system" in Sch. 4 para. 1(1) applied (E.W.) (1.12.1991) by Water Industry Act 1991 (c. 56, SIF 130), ss. 183, 223(2), **Sch. 13 para. 1(5)(c)**

C67 Definition of "telecommunications code system" in Sch. 4 applied by Strathclyde Regional Council Order Confirmation Act 1991 (c. xx, SIF 200), s. 1, Sch. Pt. IV s. 11(2).

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Interpretation

1 (1) In this Schedule and in any enactment amended by this Schedule—

"the operator" means—

(a) in relation to a telecommunications code system the running of which is authorised by a licence under section 7 of this Act, the person to whom the telecommunications code is applied by that licence; and

(b) in relation to a telecommunications code system which the Secretary of State or a Northern Ireland department is running or proposing to run, the Secretary of State or, as the case may be, that department;

"public telecommunications operator" has the meaning given by section 9(3) of this Act;

"telecommunication apparatus" has the same meaning as in Schedule 2 to this Act;

"telecommunication system" has the meaning given by subsection (1) of section 4 above (read with subsection (2) of that section);

"the telecommunications code" means the code contained in Schedule 2 to this Act;

"telecommunications code system" means—

(a) a telecommunications system the running of which is authorised by a licence under section 7 of this Act applying the telecommunications code to any person; or

(b) a telecommunication system which the Secretary of State or a Northern Ireland department is running or proposing to run and in relation to which the telecommunications code has effect by virtue of section 10(1)(b) of this Act.

(2) Subsection (11) of section 7 of this Act shall apply for the purposes of this Schedule and any enactment amended by this Schedule as it applies for the purposes of that section and the following provisions of Part II of this Act.

General

2 **[**[F376]A requirement to do what is necessary to inform designated persons holding office under the Crown concerning matters and things transmitted or in the course of transmission by means of telecommunication services provided by a public telecommunications operator may be laid on the operator for the like purposes and in the like manner as, immediately before the appointed day, a requirement could have been laid on British Telecommunications to do what is necessary to inform such persons concerning matters and things transmitted or in the course of transmission by means of such services provided by it.**]**

Textual Amendments

F376 Sch. 4 para. 2 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Status: *Point in time view as at 12/03/2018.*
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Enactments relating to statutory undertakers, etc.

3 **[**[F377](1) The references to British Telecommunications in the following enactments (under which British Telecommunications is a statutory undertaker and its undertaking a statutory undertaking) shall (without prejudice to the following provisions of this Schedule) cease to have effect, namely—

(a) section 73(1) of the [M44]Control of Pollution Act 1974;

(b) **[**[F378]section 10(4) of the [M45]Scottish Development Agency Act 1975;**]**

(c) section 27(1) of the [M46]Welsh Development Agency Act 1975;

(d) section 44(1) of the [M47]Local Government (Miscellaneous Provisions) Act 1976;

[F379](e) . . . . . .

(f) Article 53(1) of the [M48]Pollution Control and Local Government (Northern Ireland) Order 1978;

(g) section 13(4) of the [M49]Electricity (Scotland) Act 1979;

(h) section 61(2) of the [M50]Ancient Monuments and Archaeological Areas Act 1979;

(i) sections **[**[F380] 20(9),**]** 144(6), 169(4), 170(3), 178(5), **[**[F380]181(9),**]** 254(6), and 290(9) of and paragraph 3(3) of Schedule 6 to the [M51]Highways Act 1980;

[F381](j) . . . . . .

(k) section 79(1)(c) of the [M52]New Towns Act 1981:

(l) section 8(1)(c) of the [M53]Acquisition of Land Act 1981;

(m) section 105(1) of the [M54]Civil Aviation Act 1982.

(2) The following provisions of Schedule 3 to the [M55]1981 Act (being provisions by virtue of which British Telecommunications is for the purposes of certain enactments to be treated as a statutory undertaker, a public utility undertaking or other public body) shall cease to have effect—

(a) paragraph 10(1) and (5) (miscellaneous);

(b) paragraph 23 (the [M56]Civil Defence Act 1939);

(c) paragraph 31 (the [M57]War Damaged Sites Act 1949);

(d) paragraph 39 (Schedule 4 to the [M58]Public Health Act 1961);

(e) paragraph 50 (the [M59]Local Government and Roads Act (Northern Ireland 1968);

(f) paragraph 52 (the [M60]Harbours Act (Northern Ireland) 1970);

(g) paragraph 55(2) (the [M61]Planning (Northern Ireland) Order 1972);

(h) paragraph 66 (the [M62]Fair Employment (Northern Ireland) Act 1976);

(i) paragraph 73(2) (Schedule 16 to the [M63]Local Government, Planning and Land Act 1980); and

(j) paragraph 74(2) (certain provisions of the [M64]Highways Act 1980);**]**

Textual Amendments

F377 Sch. 4 para. 3 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2),

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2(1), 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F378 Sch. 4 para. 3(1)(*b*) repealed (E.W.S.) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(2), **Sch. 5 Pt. I**

F379 Sch. 4 para. 3(1)(e) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

F380 Words in Sch. 4 para. 3(1)(i) repealed (1.1.1993 for E.W.S and otherwise*prosp.*) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), ss. 168(2), 170, **Sch.9**; (E.W.) S.I. 1992/2984, art. 2(2), **Sch. 2**; (S.) S.I. 1992/2990, art. 2(2), **Sch. 2**

F381 Sch. 4 para. 3(1)(j) repealed (17.2.1994) by S.I. 1993/3160 (N.I. 15), art. 134(3), **Sch. 11**.

Marginal Citations

M44 1974 c. 40.
M45 1975 c. 69.
M46 1975 c. 70.
M47 1976 c. 57.
M48 S.I. 1978/1049 (N.I. 19).
M49 1979 c. 11.
M50 1979 c. 46.
M51 1980 c. 66.
M52 1981 c. 64.
M53 1981 c. 67.
M54 1982 c. 16.
M55 1981 c. 38.
M56 1939 c. 31.
M57 1949 c. 84.
M58 1961 c. 64.
M59 1968 c. 30 (N.I.).
M60 1970 c. 1 (N.I.).
M61 S.I. 1972/1634 (N.I. 17).
M62 1976 c. 25.
M63 1980 c. 66.
M64 1980 c. 66.

The Telegraph Acts 1863 and 1868

F382 4 . . . . . .

Textual Amendments

F382 Sch. 4 para. 4 repealed (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(2), **Sch. 2** (with art. 4(11))

The [M65] *Foreign Enlistment Act 1870*

Marginal Citations

M65 1870 c. 90.

Status: *Point in time view as at 12/03/2018.*
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5 In section 30 of the Foreign Enlistment Act 1870 (interpretation), in the definition of "military service" for the words "military telegraphy" there shall be substituted the words " military telecommunications ".

6 F383 . . . . . .

Textual Amendments

F383 Sch. 4 paras. 6, 8, 9 repealed by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

The M66 Military Tramways Act 1887

Marginal Citations

M66 1887 c. 65.

F384 7 . . . . . .

Textual Amendments

F384 Sch. 4 para. 7 repealed (E.W.S.) (1.1.1993) by Transport and Works Act 1992 (c. 42), s. 68(1), **Sch. 4 Pt. I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt. I** (with art. 3(1)).

8 F385 . . . . . .

Textual Amendments

F385 Sch. 4 paras. 6, 8, 9 repealed by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

9 F386 . . . . . .

Textual Amendments

F386 Sch. 4 paras. 6, 8, 9 repealed by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

The M67 Telegraph Act 1899

Marginal Citations

M67 1899 c. 38.

Status: *Point in time view as at 12/03/2018.*
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10 In section 2(1) of the Telegraph Act 1899 (supplemental provision with respect to public telephonic systems by certain local authorities), for the words from "by" to "communication" there shall be substituted the words " to run a public telecommunication system (within the meaning of the Telecommunications Act 1984) ".

11 [F387] . . . . . .

Textual Amendments

F387 Sch. 4 para. 11 repealed by Cinemas Act 1985 (c. 13, SIF 45A), **Sch. 3**

The [M68]Official Secrets Act 1911

Marginal Citations

M68 1911 c. 28.

12 **[**[F388](1)

[F389](2) Any telecommunications station or office belonging to, or occupied by, a public telecommunications operator shall be a prohibited place for the purposes of that Act.**]**

Textual Amendments

F388 Sch. 4 para. 12 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F389 Sch. 4 para. 12(1) repealed by Official Secrets Act 1989 (c. 6, SIF 39:2), s. 16(4), **Sch. 2**

13 [F390] . . . . . .

Textual Amendments

F390 Sch. 4 paras. 13, 15, 24, 34 and 70 repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

The [M69]Official Secrets Act 1920

Marginal Citations

M69 1920 c. 75.

[F391]14 . . . . . .

Status: *Point in time view as at 12/03/2018.*
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Textual Amendments

F391 Sch. 4 para. 14 repealed (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(2), **Sch. 2** (with art. 4(11))

15 [F392] . . . . . .

Textual Amendments

F392 Sch. 4 paras. 13, 15, 24, 34 and 70 repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

The [M70]Law of Property Act 1925

Marginal Citations

M70 1925 c. 20.

16 **[**[F393]In subsection (4) of section 194 of the Law of Property Act 1925 (under which that section does not apply, among other things, to a telegraphic line of British Telecommunications), for the words from "telegraphic line" onwards there shall be substituted the words " telecommunication apparatus installed for the purposes of a telecommunications code system ".**]**

Textual Amendments

F393 Sch. 4 para. 16 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

The [M71]Roads Improvement Act 1925

Marginal Citations

M71 1925 c. 68.

[[F394]17(1) For subsection (6) of section 1 of the Roads Improvement Act 1925 (which applies section 7 of the [M72]Telegraph Act 1878 to work in connection with the planting of trees etc. in highways) there shall be substituted the following subsections:—

"(6) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of any works which may be done in exercise of the powers conferred by this section, to the persons on whom those powers are conferred.

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(7) Sub-paragraph (8) of paragraph 23 of the telecommunications code (offence) shall be deemed to be omitted for the purposes of the application by this section of that paragraph to the Minister.”.

(2) For subsection (9) of section 5 of the said Act of 1925 (saving for enactments relating to telegraphs) there shall be substituted the following subsection:—

“(9) Nothing in this section shall affect any rights conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or apply to any telecommunication apparatus kept installed for the purposes of any such system.”.**]**

Textual Amendments

F394 Sch. 4 paras. 17, 19, 26 and 51 repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(3), **Sch. 11**

Marginal Citations

M72 1878 c. 76.

The [M73]Public Health Act 1925

Marginal Citations

M73 1925 c. 71.

18 In section 10 of the Public Health Act 1925 (under which nothing in that Act is to affect works or apparatus of British Telecommunications), for the words from “works” to “or any” there shall be substituted the words “ telecommunication apparatus kept installed for the purposes of a telecommunications code system or the execution for those purposes of any works or any ”.

The [M74]Bridges Act 1929

Marginal Citations

M74 1929 c. 33.

[[F395]19 For section 13 of the Bridges Act 1929 (which applies section 7 of the Telegraph Act 1878 to work authorised or required by an order made under that Act) there shall be substituted the following section:—

“**13** (1) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to a bridge owner or highway authority for the purposes of works authorised or required by an order under this Act.

(2) Sub-paragraph (8) of paragraph 23 of the telecommunications code (offence) shall be deemed to be omitted for the purposes of the application by this section of that paragraph to the Secretary of State in any capacity.”.**]**

Status: *Point in time view as at 12/03/2018.*
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Textual Amendments

F395 Sch. 4 paras. 17, 19, 26 and 51 repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(3), **Sch. 11**

20 [F396] . . . . . .

Textual Amendments

F396 Sch. 4 para. 20 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1**

The [M75]Civil Defence Act (Northern Ireland) 1939

Marginal Citations

M75 1939 c. 15 (N.I.).

21 For section 71 of the Civil Defence Act (Northern Ireland) 1939 (which applies section 7 of the [M76]Telegraph Act 1878 to work authorised or required to be done under that Act) there shall be substituted the following section:—

"**71** Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes conferred by this Act, to the persons on whom those powers are conferred.".

Marginal Citations

M76 1878 c. 76.

The [M77]Water Act 1945

Marginal Citations

M77 1945 c. 42.

[[F397]22(1) The Water Act 1945 shall be amended in accordance with the following provisions of this paragraph.

(2) For section 60 (which applies section 7 of the Telegraph Act 1878 to works authorised by an order under the Water Act 1945) there shall be substituted the following section:—

"**60** Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of any works the execution of which is authorised by an order under this Act, to the person authorised by that order to execute those works.".

Status: *Point in time view as at 12/03/2018.*
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(3) In the proviso to section 4 of Schedule 3 (subsidiary works not to interfere with telegraphic lines etc.), for the words from "telegraphic line" onwards there shall be substituted the words " telecommunication apparatus kept installed for the purposes of a telecommunications code system or with the service provided by any such system. ".

(4) Section 5 of Schedule 3 (which confers power on a water undertaker to operate a system of telegraphic communication) shall cease to have effect.

(5) In section 70 of Schedule 3, for paragraph (a) of the proviso (works under that section not to interfere with telegraphic lines) there shall be substituted the following paragraph:—

"(a) any telecommunication apparatus kept installed for the purposes of a telecommunications code system, except in accordance with, and subject to the provisions of, the telecommunications code;".

(6) Without prejudice to section 20(2) of the [M78]Interpretation Act 1978 (references to enactments), references in this paragraph to a provision of the said Schedule 3 shall include references to that Schedule as incorporated or applied by or under any enactment.**]**

Textual Amendments

F397 Sch. 4 paras. 22 and 42 repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27**

Marginal Citations

M78 1978 c. 30.

The [M79]Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

Marginal Citations

M79 1947 c. 42.

23 In section 3 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (which empowers the Secretary of State to extinguish certain public rights of way over land acquired), after subsection (4) there shall be inserted the following subsection:—

"(4A) In subsection (4) above, the reference to apparatus belonging to statutory undertakers shall include a reference to apparatus kept installed for the purposes of a telecommunications code system; and in relation to any such apparatus the references to the undertakers shall have effect as references to the operator of the system.".

24 **F398** . . . . . .

Status: *Point in time view as at 12/03/2018.*
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Textual Amendments

F398 Sch. 4 paras. 13, 15, 24, 34 and 70 repealed by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

The Roads Act (Northern Ireland) 1948

25 For subsections (1) and (2) of section 41 of the Roads Act (Northern Ireland) 1948, as applied by any statutory provision passed before the coming into operation of the [M80]Roads (Northern Ireland) Order 1980, there shall be substituted the following subsections:—

"(1) Subject to subsection (1A), nothing in this Act or in any order made under it shall affect any rights conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or apply to any telecommunication apparatus kept installed for the purposes of any such system.

(1A) Where in pursuance of an order under section 17 any road is stopped up, diverted or abandoned and immediately before that order comes into force there is under, in, over, along or across the road any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same powers in respect of that apparatus as if the order had not come into force; but the Department or any person in whom the site of that road is vested shall be entitled to require the alteration of the apparatus.

(1B) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to the Department for the purposes of any work authorised to be carried out under this Act.

(1C) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of subsection (1A) as it applies for the purposes of that code.

(2) Paragraph 21 of the telecommunications code (restrictions on removal of apparatus) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.".

Marginal Citations

M80 S.I. 1980/1085 (N.I. 11).

The [M81]Special Roads Act 1949

Marginal Citations

M81 1949 c. 32.

Status: *Point in time view as at 12/03/2018.*
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[[F399]26(1) For section 20 of the Special Roads Act 1949 (saving for British Telecommunications) there shall be substituted the following section:—

"**20** (1) Subject to the provisions of this section, nothing in this Act or in any scheme or order made under it affects any rights conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or any duty of any such operator under that code or applies to any telecommunication apparatus kept installed for the purposes of any such system.

(2) Where in pursuance of an order under section 3 of this Act any road is stopped up or diverted and immediately before the order comes into force there is under, in, upon, over, along or across the road any telecommunication apparatus kept installed for the purposes of a telecommunication code system, the operator of that system shall have the same powers in respect of the telecommunication apparatus as if the order had not become operative; but any person entitled to land over which the road subsisted shall be entitled to require the alteration of the apparatus.

(3) Where an order under the said section 3 provides for the alteration of any road, not being a trunk road and, immediately before the date on which the order comes into force, there is under, in, upon, over, along or across the road any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the highway authority shall be entitled to require the alteration of the apparatus.

This subsection does not have effect so far as it relates to the alteration of any telecommunication apparatus for the purpose of authority's works as defined in Part II of the Public Utilities Street Works Act 1950.

(4) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this section as it applies for the purposes of that code.

(5) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.".

(2) In relation to an order under section 3 of the said Act of 1949 coming into force before the appointed day, section 20 of that Act shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (1) above.**]**

Textual Amendments

F399 Sch. 4 paras. 17, 19, 26 and 51 repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(3), **Sch. 11**

Status: *Point in time view as at 12/03/2018.*
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The [M82]Coast Protection Act 1949

Marginal Citations
M82 1949 c. 74.

27 In section 47 of the Coast Protection Act 1949, for paragraph (b) (savings for powers or duties of British Telecommunications) there shall be substituted the following paragraph:—

"(b) affect any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or any duty of any such operator under that code;".

The National Parks and Access to the [M83]Countryside Act 1949

Marginal Citations
M83 1949 c. 97.

28 (1) In the proviso to section 20(2) of the National Parks and Access to the Countryside Act 1949 (byelaws for protection of nature reserves not to interfere with the exercise of functions by statutory undertakers), at the end there shall be inserted the words " or with the running of a telecommunications code system or the exercise of any right conferred by or in accordance with the telecommunications code on the operator of any such system. ".

(2) **[**[F400]In section 60(5)(f) of that Act (under which land covered by works used for the purposes of a statutory undertaking is excepted land for the purposes of Part V of that Act), after the word "undertaking" there shall be inserted the words " or a telecommunications code system ".**]**

Textual Amendments
F400 Sch. 4 para. 28(2) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

The [M84]Public Utilities Street Works Act 1950

Marginal Citations
M84 1950 c. 39.

[[F401]29(1) The Public Utilities Street Works Act 1950 shall be amended in accordance with the following provisions of this paragraph.

(2) In sections 3(2)(b), 4(2)(b), 6(1)(b), 10(1)(i), 26(2) and 28(3)(a) and paragraph 5(1)(b) of Schedule 1 and paragraph 1(1) of Schedule 3 (which refer to overhead

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telegraphic lines), for the words "an overhead telegraphic line", wherever occurring, there shall be substituted the words " overhead telecommunication apparatus ".

(3) For paragraph (c) of section 38(3) (under which the references to a service pipe or service line include certain underground telegraphic lines) there shall be substituted the following paragraph:—

"(c) any telecommunication apparatus placed or intended to be placed underground for the purpose of providing a service by means of a telecommunication system to or from any premises, as distinct from telecommunication apparatus placed or intended to be placed for the general purposes of any such system".

(4) In Schedule 7 (application to London)—

(a) in paragraph 6, for the words "overhead telegraphic lines" there shall be substituted the words " overhead telecommunication apparatus "; and

(b) in paragraph 8(1), for the words "an overhead telegraphic line" there shall be substituted the words " overhead telecommunication apparatus ".**]**

Textual Amendments

F401 Sch. 4 para. 29 repealed (1.1.1993 for E.W.S. and otherwise*prosp.*) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), ss. 168(2), 170, **Sch.9**; (E.W.) S.I. 1992/2984, art. 2, **Sch.2**; (S.) S.I. 1992/2990, art. 2, **Sch.2**

30 **F402** . . . . . .

Textual Amendments

F402 Sch. 4 paras. 30, 32 repealed by Cable and Broadcasting Act 1984 (c. 46, SIF 96), **Sch. 6**

The [M85]Local Government (Miscellaneous Provisions) Act 1953

Marginal Citations

M85 1953 c. 26.

31 In section 6 of the Local Government (Miscellaneous Provisions) Act 1953 (supplementary provisions as to bus shelters)—

(a) in subsection (1), for the words from "telegraphic line" to "in obtaining" there shall be substituted the words " telecommunication apparatus kept installed for the purposes of a telecommunications code system and the operator of that system notifies the local authority that he requires to obtain access to the apparatus, the authority shall, unless they temporarily remove the shelter or accommodation for the purpose of affording such access or so much thereof as is necessary for that purpose, be liable to repay to the operator so much of the expenses reasonably incurred by him in obtaining "; and

(b) in subsection (2), for the words from "telegraphic line" to "there were" there shall be substituted the words " telecommunication apparatus as is

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therein mentioned, and as if for any reference therein to the operator of the system in question there were ".

32[F403]

Textual Amendments

F403 Sch. 4 paras. 30, 32 repealed by Cable and Broadcasting Act 1984 (c. 46, SIF 96), **Sch. 6**

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

33 For subsection (2) of section 17 of the Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955 (which applies section 7 of the [M86]Telegraph Act 1878 in relation to schemes under the said Act of 1955) there shall be substituted the following subsection:—

"(2) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply by the Department for the purposes of any works authorised by a scheme under this Act.".

Marginal Citations

M86 1878 c. 76.

34 [F404] . . . . . .

Textual Amendments

F404 Sch. 4 paras. 13, 15, 24, 34 and 70 repealed by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

The [M87]Housing Act 1957

Marginal Citations

M87 1957 c. 56.

[[F405]35(1) After section 74 of the Housing Act 1957, in Part III of that Act (clearance and redevelopment), there shall be inserted the following section:—

" **Saving for telecommunication apparatus etc.**

(1) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to a local authority for the purposes of any works which they are authorised to execute under this Part of this Act.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Where in pursuance of an order under section 64 of this Act a public right of way over land is extinguished and, at the beginning of the day on which the order comes into operation, there is under, in, on, over, along or across the land any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same powers in respect of that apparatus as if the order had not come into operation; but any person entitled to land over which the right of way subsisted shall be entitled to require the alteration of the apparatus.

(3) The proviso to subsection (3) of the said section 64 shall have effect in relation to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system, and to telecommunication apparatus kept installed for the purposes of any such system, as it has effect in relation to rights vested in and apparatus belonging to statutory undertakers.

(4) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this section as it applies for the purposes of that code.

(5) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.”.

(2) In relation to any order under section 64 of the said Act of 1957 coming into force before the appointed day, paragraph 33 of Schedule 3 to the 1981 Act (which made provision corresponding to sub-paragraph (1) above in relation to British Telecommunications) shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (1) above.**]**

Textual Amendments

F405 Sch. 4 para. 35 repealed (E.W.) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, **Sch. 1 Pt. I**

The Land Drainage (Scotland) Act 1958

36 (1) For section 17 of the [M88]Land Drainage (Scotland) Act 1958 (which applies section 7 of the [M89]Telegraph Act 1878 to works under an improvement order) there shall be substituted the following section:—

“**17** Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to the authorised persons under an improvement order for the purposes of works in pursuance of that order.”.

(2) In the proviso to paragraph 3 of Schedule 2 to that Act (temporary works not to interfere with telegraphic lines etc.), for the words from “telegraphic line” onwards there shall be substituted the words “ telecommunication apparatus kept installed for

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the purposes of a telecommunications code system or with the service provided by any such system. ”.

Marginal Citations
M88 1958 c. 24.
M89 1878 c. 76.

The [M90]Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958

Marginal Citations
M90 1958 c. 50.

37 In section 3 of the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958 (supplementary provisions as to bus shelters etc.)—

(a) in subsection (1), for the words from “telegraphic line” to “in obtaining” there shall be substituted the words “ telecommunication apparatus kept installed for the purposes of a telecommunications code system, and the operator of that system notifies the local authority that he requires to obtain access to that apparatus, the authority shall, unless they temporarily remove the shelter, barriers or posts for the purpose of affording such access, or so much thereof as is necessary for that purpose, be liable to repay the operator of that system so much of the expenses reasonably incurred by him in obtaining ”; and

(b) in subsection (2), for the words from “telegraphic line” to “there were” there shall be substituted the words “ telecommunication apparatus as is therein mentioned, and as if for any reference therein to the operator of the system in question there were ”.

The [M91]Opencast Coal Act 1958

Marginal Citations
M91 1958 c. 69.

38 (1) Section 45 of the Opencast Coal Act 1958 (provisions as to telegraphic lines) shall be amended in accordance with the following provisions of this paragraph.

(2) In subsection (1) (prohibition on interference with telegraphic lines), for the words from “telegraphic line” onwards there shall be substituted the words “ telecommunication apparatus kept installed for the purposes of a telecommunications code system or include any right or power to require any such apparatus to be altered ”.

(3) For subsection (2) (application of section 7 of the Telegraph Act 1878 to authorised operations) there shall be substituted the following subsection:—

“(2) Where an authorisation has been granted under section 1 of this Act, paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication

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apparatus) shall apply to the Board for the purposes of any authorised operations.”.

(4) In subsection (3) (powers in relation to telegraphic lines where public right of way suspended), for the words from “telegraphic line” to “that line” there shall be substituted the words “ telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same rights in respect of that apparatus ”.

(5) For subsection (4) (meaning of “telegraphic line” and “alter”) there shall be substituted the following subsection:—

“(4) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of subsection (1) above as it applies for the purposes of that code.”.

The [M92]Flood Prevention (Scotland) Act 1961

Marginal Citations
M92 1961 c. 41.

39 (1) The Flood Prevention (Scotland) Act 1961 shall be amended in accordance with the following provisions of this paragraph.

(2) In section 3(4) (flood prevention works affecting statutory undertakers to be carried out only with their consent, which shall not be unreasonably refused), for the words “except with the consent in writing of the statutory undertakers” there shall be substituted the words “ or any telecommunication apparatus kept installed for the purposes of a telecommunications code system or the running of any such system, except with the consent in writing of the statutory undertakers or, as the case may be, the operator of the system ”.

(3) In the proviso to paragraph 2 of Schedule 1 (temporary works not to interfere with certain telegraphic lines etc.), for the words from “telegraphic line” onwards there shall be substituted the words “ telecommunication apparatus kept installed for the purposes of a telecommunications code system or with the service provided by any such system. ”.

(4) In paragraph 3(1) of Schedule 2 (which specifies the persons on whom certain notices are to be served), for paragraph (e) there shall be substituted the following paragraph:—

“(e) the operator of a telecommunications code system the running of which may be affected by any of the operations or by any alteration in the flow of water caused by the operations”.

The [M93]Public Health Act 1961

Marginal Citations
M93 1961 c. 64.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[[F406]In section 29B(3) of the Public Health Act 1961 (which prevents interference with the apparatus or works of statutory undertakers), at the end there shall be inserted the words " or with any telecommunication apparatus kept installed, or works executed, for the purposes of a telecommunications code system. ".**]**

Textual Amendments

F406 Sch. 4 para. 40 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

The [M94]Pipe-lines Act 1962

Marginal Citations

M94 1962 c. 58.

41 In section 40 of the Pipe-lines Act 1962 (avoidance of interference with telegraphic lines etc.)—

(a) in subsection (1), for the words from "telegraphic line" to "such line" there shall be substituted the words " telecommunication apparatus kept installed for the purposes of a telecommunications code system or with the service provided by any such system "; and

(b) for subsections (2) and (3) there shall be substituted the following subsection:—

"(2) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of works in pursuance of a compulsory rights order, to the person authorised to execute those works.".

The [M95]Water Resources Act 1963

Marginal Citations

M95 1963 c. 38.

[[F407]42(1) In section 67 of the Water Resources Act 1963 (compulsory powers for carrying out engineering or building operations), after subsection (5) there shall be inserted the following subsection:—

"(5A) An order under this section shall not authorise the doing of anything to or in relation to any telecommunication apparatus kept installed for the purposes of a telecommunications code system.".

(2) For section 130 of that Act (which applies section 7 of the [M96]Telegraph Act 1878 to engineering or building operations of a water authority) there shall be substituted the following section:—

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"**130** Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to a water authority for the purposes of engineering or building operations of the authority.".**]**

Textual Amendments

F407 Sch. 4 paras. 22 and 42 repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27**

Marginal Citations

M96 1878 c. 76.

The [M97]Harbours Act 1964

Marginal Citations

M97 1964 c. 40.

43 For section 53 of the Harbours Act 1964 (saving for telegraphic lines) there shall be substituted the following section:—

"**53** Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of works in pursuance of a harbour revision order and works authorised by a harbour empowerment order, to the person authorised to execute those works.".

The New Towns Act (Northern Ireland) 1965

44 (1) In section 25 of the New Towns Act (Northern Ireland) 1965 (extinguishment of public rights of way), after subsection (9) there shall be inserted the following subsections:—

"(9A) Where in pursuance of an order under this section a public right of way over land is extinguished and, at the beginning of the day on which the order comes into operation there is under, in, on, over, along or across the land any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same powers in respect of that apparatus as if the order had not come into operation; but any person entitled to land over which the right of way existed shall be entitled to require the alteration of the apparatus.

(9B) Where the Department has approved an order under this section in respect of any right of way in circumstances in which subsection (9A) applies in relation to the operator of any telecommunications code system, the Department shall send a copy of the order to the operator.

(9C) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal, or replacement of apparatus) shall apply for the purposes of subsection (9A) as it applies for the purposes of that code.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9D) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.".

(2) In relation to an order under section 25 of the said Act of 1965 coming into force before the appointed day, paragraph 76(2) of Schedule 3 to the 1981 Act (which made provision corresponding to sub-paragraph (1) above in relation to British Telecommunications) shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (1) above.

The [M98]Housing (Scotland) Act 1966

Marginal Citations
M98 1966 c. 49.

[[F408]45 After section 57 of the Housing (Scotland) Act 1966, in Part III of that Act (clearance), there shall be inserted the following section:—

" **Saving for telecommunication apparatus.**

Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to a local authority for the purposes of any works which they are authorised to execute under this Part of this Act.".]

Textual Amendments
F408 Sch. 4 para. 45 repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339(3), **Sch. 24**

The [M99]Countryside (Scotland) Act 1967

Marginal Citations
M99 1967 c. 86.

46 (1) In section 11(5)(f) of the Countryside (Scotland) Act 1967 (under which land covered by works used for the purposes of a statutory undertaking is excepted land for the purposes of Part II of that Act), after the words "statutory undertaking" there shall be inserted the words " or a telecommunications code system ".

(2) In subsection (7) of section 38 of that Act (saving in respect of telegraphic lines in the case of the closure or diversion of a public path), for the words from "any telegraphic line" to the end of the proviso there shall be substituted the words " any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same powers in respect of the telecommunication apparatus as if the order had not come into force; but any person entitled to land over which the path subsisted shall be entitled to require the alteration

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of the apparatus "; and after that subsection there shall be inserted the following subsections:—

"(8) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this section as it applies for the purposes of that code.

(9) Paragraph 21 of the telecommunications code (restriction on removal of apparatus) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.".

(3) In relation to any such order as is mentioned in the said subsection (7) coming into force before the appointed day, that subsection shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (2) above.

(4) In subsection (6) of section 54 of the said Act of 1967 (byelaws for the protection of the countryside etc. not to interfere with the exercise of functions by statutory undertakers), at the end there shall be inserted the words " or with the running of a telecommunications code system or the exercise of any right conferred by or in accordance with the telecommunications code on the operator of any such system. ".

The [M100]New Towns (Scotland) Act 1968

Marginal Citations
M100 1968 c. 16.

47 (1) The New Towns (Scotland) Act 1968 shall be amended in accordance with the following provisions of this paragraph.

(2) In section 14(2) (under which provisions as to extinguishment of rights over land do not apply in relation to rights and apparatus of statutory undertakers), at the end there shall be inserted the words " or to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or to any telecommunication apparatus kept installed for the purposes of any such system. ".

(3) In the proviso to section 19(1) (under which the power to override servitudes etc. shall not be used to interfere with rights vested in or belonging to statutory undertakers), at the end there shall be inserted the words " or a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system. ".

(4) For section 24 (which contains provision with respect to telegraphic lines where a public right of way is extinguished under that Act) there shall be substituted the following section:—

"**24** (1) Where an order under section 23 of this Act extinguishing a public right of way is made on the application of a development corporation or local highway authority, and at the time of the publication of the notice required by subsection (2) of that section any telecommunication apparatus was kept

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installed for the purposes of a telecommunications code system under, in, on, over, along or across the land over which the right of way subsisted—

(a) the power of the operator of the system to remove the apparatus shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished, and shall be exercisable in respect of the whole or any part of the apparatus after the end of that period if before the end of that period the operator of the system has given notice to the corporation or authority of his intention to remove the apparatus or that part of it, as the case may be;

(b) the operator of the system may by notice given in that behalf to the corporation or authority not later than the end of the said period of three months abandon the telecommunication apparatus or any part of it;

(c) subject to paragraph (b) above, the operator of the system shall be deemed at the end of that period to have abandoned any part of the apparatus which he has then neither removed nor given notice of his intention to remove;

(d) the operator of the system shall be entitled to recover from the corporation or authority the expense of providing, in substitution for the apparatus and any other telecommunication apparatus connected with it which is rendered useless in consequence of the removal or abandonment of the first-mentioned apparatus, any telecommunication apparatus in such other place as the operator may require;

(e) where under the foregoing provisions of this subsection the operator of the system has abandoned the whole or any part of any telecommunication apparatus, that apparatus or that part of it shall vest in the corporation or authority and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of a telecommunications code system.

(2) Where the Secretary of State makes an order under section 23 of this Act in relation to a right of way in circumstances in which subsection (1) of this section applies in relation to the operator of any telecommunications code system, the Secretary of State shall send a copy of the order to the operator.”.

(5) Where in any case a notice has been given before the appointed day under section 23(2) of the said Act of 1968 (notice of proposal to extinguish right of way) section 24 of that Act shall have effect in relation to that case, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (4) above.

(6) In section 26 (extinguishment of rights of way and rights as to apparatus of statutory undertakers), after subsection (7) there shall be inserted the following subsection:—

“(8) Except in a case in which section 24 above has effect—

(a) the reference in paragraph (a) of subsection (2) above to a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system; and

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(b) the reference in paragraph (b) of that subsection to apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to telecommunication apparatus kept installed for the purposes of any such system;

and for the purposes of this subsection, in this section (except in the said paragraphs (a) and (b)) and in Schedule 5 to this Act and section 27 below, references to statutory undertakers shall have effect as references to the operator of any such system, references, in relation to such an operator, to the carrying on of his undertaking shall have effect as references to the running of the telecommunications code system in question and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.”.

(7) After section 36 (which, with section 35, makes provision for the transfer etc. of the undertakings of development corporations) there shall be inserted the following section:—

“**36A Application of ss. 35 and 36 to operators of certain telecommunication systems.**

Sections 35 and 36 of this Act shall have effect as if references to statutory undertakers included references to the operator of any telecommunications code system and as if for this purpose—

(a) references to a statutory undertaking were references to the running of such a system; and

(b) references to the appropriate Minister were references to the Secretary of State for Trade and Industry.”.

The [M101] Countryside Act 1968

Marginal Citations
M101 1968 c. 41.

48 (1) In subsections (4) and (12) of section 41 of the Countryside Act 1968 (certain byelaws not to interfere with exercise of certain functions), at the end there shall be inserted the words “ or with the running of a telecommunications code system or the exercise of any right conferred by or in accordance with the telecommunications code on the operator of any such system ”.

(2) In paragraph 6 of Schedule 2 to that Act (saving for rights of statutory undertakers), at the end there shall be inserted the words “ or to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system. ”.

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The [M102]Sewerage (Scotland) Act 1968

Marginal Citations
M102 1968 c. 47.

49 In section 22(1) of the Sewerage (Scotland) Act 1968 (Part I of that Act not to authorise interference with carrying on of a statutory undertaking), for the words from "without" onwards there shall be substituted the words " or the running of a telecommunications code system without the consent of the statutory undertakers concerned or, as the case may be, of the operator of that system. ".

The [M103]Post Office Act 1969

Marginal Citations
M103 1969 c. 48.

[F409]50 . . . . . .

Textual Amendments
F409 Sch. 4 para. 50 repealed (26.3.2001) by 2000 c. 26, s. 127(6), **Sch. 9**; S.I. 2001/1148, art. 2, **Sch.** (with art. 34)

The [M104]Roads (Scotland) Act 1970

Marginal Citations
M104 1970 c. 20.

[[F410]51(1) The Roads (Scotland) Act 1970 shall be amended in accordance with the following provisions of this paragraph.

(2) In subsection (6) of section 7 (power to divert waters after consulting local authority and other bodies acting under statutory powers), at the end there shall be inserted the words " ; and in subsection (3) above the reference to a body acting under statutory powers includes a reference to the operator of a telecommunications code system (whether or not a body) acting in pursuance of any right conferred by or in accordance with the telecommunications code. ".

(3) For subsection (3) of section 9 (which applies section 7 of the [M105]Telegraph Act 1878 to work authorised by a scheme made by a highway authority) there shall be substituted the following subsections:—

"(3) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of any works authorised by a scheme made by a highway authority under this section, to the person authorised to do the works.

Status: *Point in time view as at 12/03/2018.*
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(4) Sub-paragraph (8) of paragraph 23 of the telecommunications code (offence) shall be deemed to be omitted for the purposes of the application by this section of that paragraph to a highway authority in relation to a trunk road.”.

(4) In section 50 (interpretation)—

(a) in subsection (1), for the definition of statutory undertakers there shall be substituted the following definition:—

““statutory undertakers” means—

(a) any statutory undertakers as defined in section 275(1) of the Town and Country Planning (Scotland) Act 1972;

(b) the Post Office; and

(c) except in section 39(4) of this Act, the operator of any telecommunications code system;”;

(b) after subsection (2) there shall be inserted the following subsection—

“(2A) Any reference in this Act to apparatus belonging to statutory undertakers shall, in relation to the operator of a telecommunications code system, have effect as a reference to telecommunication apparatus kept installed for the purposes of that system.”.**]**

Textual Amendments

F410 Sch. 4 paras. 17, 19, 26 and 51 repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(3), **Sch. 11**

Marginal Citations

M105 1878 c. 76.

The Harbours Act (Northern Ireland) 1970

52 For section 37 of the Harbours Act (Northern Ireland) 1970 (which applies sections 6 and 7 of the Telegraph Act 1878 in relation to a harbour order) there shall be substituted the following section:—

“**37** Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to a person authorised by a harbour order to execute any works, for the purposes of those works.”.

53[F411]

Textual Amendments

F411 Sch. 4 para. 53 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

The [M106]Town and Country Planning (Scotland) Act 1972

Marginal Citations
M106 1972 c. 52.

[F412]54 . . . . . .

Textual Amendments
F412 Sch. 4 para. 54 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

The [M107]Electricity Supply (Northern Ireland) Order 1972

Marginal Citations
M107 S.I. 1972/1072 (N.I. 9).

55 (1) **[**[F413]The Electricity Supply (Northern Ireland) Order 1972 shall be amended in accordance with the following provisions of this paragraph.**]**

(2) [F414] . . . . . .

(3) [F414] . . . . . .

(4) [F414] . . . . . .

(5) [F414] . . . . . .

(6) [F414] . . . . . .

(7) **[**[F413]In paragraph 3 of Schedule 3 (works in or under roads or bridges), the references to British Telecommunications shall have effect as references to the operator of any telecommunications code system for the purposes of which any telecommunication apparatus is kept installed in, under, along or across the road or bridge mentioned in that paragraph.**]**

(8) [F414] . . . . . .

(9) [F414] . . . . . .

(10) [F414] . . . . . .

(11) [F414] . . . . . .

Textual Amendments
F413 Sch. 4 para. 55(1)(7) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F414 Sch. 4 para. 55(2)-(6) (8)-(11) repealed (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(4), **Sch. 14**; S.R. 1992/117, **art. 3(1)**

The [M108]Planning (Northern Ireland) Order 1972

Marginal Citations
M108 S.I. 1972/1634 (N.I. 17).

[[F415]56(1) The power to make a development order under Article 13 of the Planning (Northern Ireland) Order 1972 (development orders) shall include power—

(a) to repeal paragraph 12(3) of Schedule 5 to that Order and sub-paragraph (5) below; and

(b) to make any such provision as is mentioned in that Article in relation to cases in which planning permission is required by virtue of that repeal;

and the power conferred by virtue of this sub-paragraph shall include power to make different provision for different cases.

(2) In Article 80(2) of that Order (copies of notices to be served on certain persons), at the end there shall be inserted the words " and on the operator of any telecommunications code system for the purposes of which any telecommunication apparatus is kept installed along, across, under or over any such land. ".

(3) For Article 81 of that Order (telegraphic lines) there shall be substituted the following Article;—

"81 (1) Where an order is made under Article 79 and immediately before the date on which the order became operative there was, under, in, on, over, along or across the right of way any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same powers in respect of that apparatus as if the order had not become operative; but the Department shall be entitled to require the alteration of the apparatus.

(2) If the operator of a telecommunications code system removes any telecommunication apparatus in circumstances in which paragraph (1) applies and serves a notice on the Department notifying the Department of the removal, the operator shall be entitled to recover from the Department the expense of providing in substitution for the apparatus and any telecommunication apparatus connected therewith which is rendered useless in consequence of the removal, any telecommunication apparatus in such other place as the operator may require.

(3) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this Article as it applies for the purpose of that code.

(4) Paragraph 21 of the telecommunications code (restriction on removal of apparatus) shall apply in relation to any entitlement conferred by this Article to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.".

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) In relation to an order under Article 79 of that Order which becomes operative before the appointed day, Article 81 of that Order shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (3) above.

(5) [F416] . . . . . .]

Textual Amendments

F415 Sch. 4 para. 56 repealed (N.I.) (21. 8. 1991) by S.I. 1991/1220, arts. 1, 133(2), **Sch. 6**

F416 Sch. 4 para. 56(5) repealed by S.I. 1985/366, **art. 5**

The [M109]Fair Trading Act 1973

Marginal Citations

M109 1973 c. 41.

57 [F417] . . . . . .

Textual Amendments

F417 Sch. 4 para. 57 repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 26; S.I. 2003/1397, **art. 2(1)**, Sch. (with arts. 8, 10)

The [M110]Drainage (Northern Ireland) Order 1973

Marginal Citations

M110 S.I. 1973/69 (N.I. 1).

58 (1) For paragraph 3 of Schedule 9 to the Drainage (Northern Ireland) Order 1973, there shall be substituted the following paragraph;—

"3 (1) Subject to the provisions of this paragraph, nothing in this Order or any scheme made thereunder shall affect any rights conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or authorise the Department to interfere with any telecommunication apparatus kept installed for the purposes of any such system.

(2) Where for the purposes of carrying out any scheme, the Department diverts or closes any public road, or any part of a public road, under, in, on, over, along or across which there is any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same powers in respect of that apparatus as if such road or part had not been diverted or closed; but the Department or any person in whom the site of that road, or part of a road, is vested shall be entitled to require the alteration of the apparatus.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to the Department for the purposes of the carrying out of any drainage scheme or of a confirmed scheme under Schedule 7.

(4) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this paragraph as it applies for the purposes of the code.

(5) Paragraph 21 of the telecommunications code (restriction on removal of apparatus) shall apply in relation to any entitlement conferred by this paragraph to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.”.

(2) Where in any case a public road or part of a public road is diverted or closed as mentioned in sub-paragraph (2) of paragraph 3 of the said Schedule 9 before the appointed day, that paragraph shall have effect in relation to that case, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (1) above.

The [M111] Water and Sewerage Services (Northern Ireland) Order 1973

Marginal Citations
M111 S.I. 1973/70 (N.I. 2).

59 In article 58 of the Water and Sewerage Services (Northern Ireland) Order 1973 (protection of telegraphic and telephonic wires), in paragraph (1), for the words “telegraphic, telephonic or electric signalling communication” there shall be substituted the word “ telecommunications ”.

The [M112] Consumer Credit Act 1974

Marginal Citations
M112 1974 c. 39.

60 (1) In section 16(6) of the Consumer Credit Act 1974 (power by order to provide exemption from the regulation of consumer hire agreements), for the words after paragraph (b) there shall be substituted the words “ or where the owner is a public telecommunications operator specified in the order ”.

(2) [F418] . . . . . .

Textual Amendments
F418 Sch. 4 para. 60(2) repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 26; S.I. 2003/1397, **art. 2(1)**, Sch. (with arts. 8, 10)

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

The [M113]Housing (Scotland) Act 1974

Marginal Citations
M113 1974 c. 45.

61 (1) After section 36 of the Housing (Scotland) Act 1974, in Part II of that Act (substandard houses), there shall be inserted the following section;—

"**36A Saving for telecommunication apparatus etc.**

(1) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to a local authority for the purposes of any works which they are authorised to execute under this Part of this Act.

(2) Where in pursuance of an order under section 33 of this Act a public right of way over land is extinguished or a street is closed or diverted, and, at the beginning of the day on which the order comes into operation, there is under, in, on, over, along or across the land or street any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same powers in respect of that apparatus as if the order had not come into operation; but any person entitled to land over which the right of way subsisted shall be entitled to require the alteration of the apparatus.

(3) The proviso to subsection (4) of the said section 33 shall have effect in relation to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system and to telecommunication apparatus kept installed for the purposes of any such system as it has effect in relation to rights vested in and apparatus belonging to statutory undertakers.

(4) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this section as it applies for the purposes of that code.

(5) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.".

(2) In relation to an order under section 33 of the said Act of 1974 coming into force before the appointed day, paragraph 47 of Schedule 3 to the 1981 Act (which made provision corresponding to sub-paragraph (1) above in relation to British Telecommunications) shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (1) above.

62 [F419] . . . . . .

Status: *Point in time view as at 12/03/2018.*
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Textual Amendments

F419 Sch. 4 para. 62 repealed by Income and Corporation Taxes Act 1988 (c. 1, SIF 63:1), s. 844, **Sch. 31**

The [M114]Scottish Development Agency Act 1975

Marginal Citations

M114 1975 c. 69.

[[F420]63 For subsection (8) of section 10 of the Scottish Development Agency Act 1975 (saving for Telegraph Acts 1863 to 1916 in respect of powers of entry) there shall be substituted the following subsection:—

"(8) Nothing in this section shall affect any rights conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or any duty of any such operator under that code or apply to any telecommunication apparatus kept installed for the purposes of any such system.".**]**

Textual Amendments

F420 Sch. 4 para. 63 repealed (E.W.S.) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(2), **Sch. 5 Pt. I**

64 [F421] . . . . . .

Textual Amendments

F421 Sch. 4 para. 64 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

The [M115]Restrictive Trade Practices Act 1976

Marginal Citations

M115 1976 c. 34.

65 **[**[F422]In section 41(1)(a) of the Restrictive Trade Practices Act 1976 (disclosure of information), after the words "the Director," there shall be inserted the words " the Director General of Telecommunications, " and after the words "the [M116]Competition Act 1980" there shall be inserted the words " or the Telecommunications Act 1984 ".**]**

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F422 Sch. 4 para. 65 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M116 1980 c. 21.

The [M117]Land Drainage Act 1976

Marginal Citations

M117 1976 c. 70.

[[F423]66(1) In section 23(4) of the Land Drainage Act 1976 (notice of arrangements to be given to British Telecommunications and to be published), for the words from "give" to "like notice" there shall be substituted the words " publish a notice of their intention ".

(2) In section 112(2) of that Act (which specifies the undertakings whose property and works are not to be interfered with by work under that Act), after paragraph (d) there shall be inserted the following paragraph:—

"(e) any undertaking consisting in the running of a telecommunications code system.".]

Textual Amendments

F423 Sch. 4 para. 66 repealed (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 3(1), 4(2), **Sch. 3**, Pt.1.(with Sch. 2, paras. 10, 14(1), 15).

The [M118]Development of Rural Wales Act 1976

Marginal Citations

M118 1976 c. 75.

[F424]67 . . . . . .

Textual Amendments

F424 Sch. 4 para. 67 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

The [M119]Gas (Northern Ireland) Order 1977

Marginal Citations
M119 S.I. 1977/596 (N.I. 7).

[F425]68 . . . . . .

Textual Amendments
F425 Sch. 4 para. 68 repealed (10.6.1996) by S.I. 1996/275 (N.I. 2), art. 71(4), **Sch. 8**; S.R. 1996/216, **art. 2** (with arts. 3, 4)

The [M120]Rates (Northern Ireland) Order 1977

Marginal Citations
M120 S.I. 1977/2157 (N.I. 28).

[F426]69 . . . . . .

Textual Amendments
F426 Sch. 4 para. 69 repealed (20.2.1997) by S.I. 1996/3162 (N.I. 25), art. 13, **Sch.**

70 [F427]. . . . . .

Textual Amendments
F427 Sch. 4 paras. 13, 15, 24, 34 and 70 repealed by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

The [M121]Land Registration (Scotland) Act 1979

Marginal Citations
M121 1979 c. 33.

[F428]71 . . . . . .

Textual Amendments
F428 Sch. 4 para. 71 repealed (S.) (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 26** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

Status: *Point in time view as at 12/03/2018.*
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The [M122]Estate Agents Act 1979

Marginal Citations
M122 1979 c. 38.

72 [F429] . . . . . .

Textual Amendments
F429 Sch. 4 para. 72 repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 26; S.I. 2003/1397, **art. 2(1)**, Sch. (with arts. 8, 10)

The [M123]Competition Act 1980

Marginal Citations
M123 1980 c. 21.

73 [F430] . . . . . .

Textual Amendments
F430 Sch. 4 para. 73 repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 26; S.I. 2003/1397, **art. 2(1)**, Sch. (with arts. 8, 10)

The [M124]Water (Scotland) Act 1980

Marginal Citations
M124 1980 c. 45.

74 (1) Schedule 4 to the Water (Scotland) Act 1980 (provisions to be incorporated in orders relating to water undertakers) shall be amended in accordance with the following provisions of this paragraph.

(2) In the proviso to section 4 of the Schedule (subsidiary works not to interfere with telegraphic lines etc), for the words from "telegraphic line" onwards there shall be substituted the words " telecommunication apparatus kept installed for the purposes of a telecommunications code system or with the service provided by any such system. ".

(3) Section 5 of the Schedule (which confers power on a water undertaking to operate a system of telegraphic communication) shall cease to have effect.

(4) In section 36 of the Schedule, for paragraph (a) of the proviso (works under that section not to interfere with telegraphic lines) there shall be substituted the following paragraph:—

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"(a) any telecommunication apparatus kept installed for the purposes of a telecommunications code system, except in accordance with, and subject to the provisions of, the telecommunications code; or".

(5) Without prejudice to section 20(2) of the [M125]Interpretation Act 1978 (references to enactments), references in this paragraph to the said Schedule 4 shall include references to that Schedule as incorporated or applied by or under any enactment.

Marginal Citations
M125 1978 c. 30.

The [M126]Local Government, Planning and Land Act 1980

Marginal Citations
M126 1980 c. 65.

75 (1) Schedule 28 to the Local Government, Planning and Land Act 1980 shall be amended as follows.

(2) In paragraph 5(2) (under which provisions as to extinguishment of rights over land do not apply in relation to rights and apparatus of statutory undertakers), at the end there shall be inserted the words " or to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or to any telecommunication apparatus kept installed for the purposes of any such system ".

(3) In paragraph 6(2) (under which the power to override easements etc. shall not be used to interfere with rights vested in, or belonging to, statutory undertakers), at the end there shall be inserted the words " or a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system ".

(4) For paragraph 13 (which contains provision with respect to telegraphic lines where a public right of way is extinguished under that Schedule) there shall be substituted the following paragraph:—

"13 (1) Where an order under paragraph 11 above extinguishing a public right of way is made on the application of an urban development corporation or local highway authority, and at the time of the publication of the notice required by sub-paragraph (2) of that paragraph any telecommunication apparatus was kept installed for the purposes of a telecommunications code system under, in, on, over, along or across the land over which the right of way subsisted—

(a) the power of the operator of the system to remove the apparatus shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished and shall be exercisable in respect of the whole or any part of the apparatus after the end of that period if before the end of that period the operator of the system has given notice to the corporation or authority of his intention to remove the apparatus or that part of it, as the case may be;

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(b) the operator of the system may by notice given in that behalf to the corporation or authority not later than the end of the said period of three months abandon the telecommunication apparatus or any part of it;

(c) subject to paragraph (b), the operator of the system shall be deemed at the end of that period to have abandoned any part of the apparatus which he has then neither removed nor given notice of his intention to remove;

(d) the operator of the system shall be entitled to recover from the corporation or authority the expense of providing, in substitution for the apparatus and any other telecommunication apparatus connected with it which is rendered useless in consequence of the removal or abandonment of the first-mentioned apparatus, any telecommunication apparatus in such other place as the operator may require;

(e) where under the preceding provisions of this sub-paragraph the operator of the system has abandoned the whole or any part of any telecommunication apparatus, that apparatus or that part of it shall vest in the corporation or authority and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of a telecommunications code system.

(2) As soon as practicable after the making of an order under paragraph 11 above extinguishing a public right of way in circumstances in which sub-paragraph (1) above applies in relation to the operator of any telecommunications code system, the Secretary of State shall give notice to the operator of the making of the order.”.

(5) Where in any case a notice has been given before the appointed day under paragraph 11(2) of the said Schedule 28 (notice of proposal to extinguish right of way) paragraph 13 of the said Schedule 28 shall have effect in relation to that case, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (4) above.

(6) In paragraph 14 (extinguishment of rights of way and rights as to apparatus of statutory undertakers), for sub-paragraphs (7) and (8) there shall be substituted the following sub-paragraph:—

“(7) Except in a case in which paragraph 13 above has effect—

(a) the reference in paragraph (a) of sub-paragraph (1) above to a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system; and

(b) the reference in paragraph (b) of that sub-paragraph to apparatus vested in or belonging to statory undertakers for the purpose of the carrying on of their undertaking shall include a reference to telecommunication apparatus kept installed for the purposes of any such system;

and for the purposes of this sub-paragraph, in this paragraph (except the said paragraphs (a) and (b)) and in paragraph 15 below, references to statutory undertakers shall have effect as references to the operator of any such system

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and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.”.

(7) In paragraph 16 (notice given by statutory undertakers), after sub-paragraph (8) there shall be inserted the following sub-paragraph:—

“(9) In sub-paragraph (1)(a) above, the reference to apparatus vested in or belonging to statutory undertakers shall include a reference to telecommunication apparatus kept installed for the purposes of a telecommunications code system; and for the purposes of this sub-paragraph, in this paragraph references (except in the said sub-paragraph (1)(a)) to statutory undertakers shall have effect as references to the operator of any such system and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.”.

The [M127]Highways Act 1980

Marginal Citations
M127 1980 c. 66.

76 (1) The Highways Act 1980 shall be amended in accordance with the following provisions of this paragraph.

(2) In section 35 (creation of walkways by agreement)—

(a) in subsection (11)(c), for the words from “authorities” to “place” there shall be substituted for words “ authorities and the operators of telecommunications code systems to place ”; and

(b) in subsection (12), for the words from “authorities” to “place” there shall be substituted the words “ authorities or the operators of telecommunications code systems to place ”.

(3) In section 115D (which limits the way in which certain powers may be exercised), at the end there shall be inserted the words

“; or

(d) as to prevent the operator of a telecommunications code system having access to any telecommunication apparatus kept installed for the purposes of that system under, in, on or over the highway.”.

(4) In section 142(5) (under which licences to plant trees may contain conditions for the protection of the apparatus of statutory undertakers), for the words from “and”, in the fourth place where it occurs, onwards there shall be substituted the words “ and the operators of telecommunications code systems ”.

(5) In subsection (6) of section 144 (powers to erect flagpoles on highways), in the definition of “statutory undertakers”, at the end there shall be inserted the words “ and the operator of a telecommunications code system ”.

[[F431](6) In section 156(4) (which authorises works relating to an overhead telegraphic line), for the words “an overhead telegraphic line” there shall be substituted the words “ overhead telecommunication apparatus ”.**]**

Status: *Point in time view as at 12/03/2018.*
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(7) In section 157(9) (meaning of undertakers), for the words from "means" onwards there shall be substituted the words " means persons having powers to break up or open highways in Greater London for the purposes of any sewerage system, any water, gas, electricity, tramway or other undertaking or any telecommunications code system ".

(8) In section 169(4) (which, among other things, defines "statutory undertakers" for the purposes of provisions relating to scaffolding and building materials in highways), at the end there shall be inserted the words " and the operator of a telecommunications code system ".

(9) In subsection (3) of section 170 (control of mixing of mortar on highways), in the definition of "statutory undertakers", at the end there shall be inserted the words " and the operator of a telecommunications code system ".

(10) In section 177 (restriction on construction of buildings over highways)—

(a) in subsection (4) (no interference with the rights of statutory undertakers), for the words from "statutory undertakers" onwards there shall be substituted the words " statutory undertakers or the operator of a telecommunications code system "; and

(b) for subsection (12) (which applies section 7 of the [M128]Telegraph Act 1878 to work authorised or required by a licence under section 177) there shall be substituted the following subsection:—

"(12) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of works authorised or required by a licence under this section to be executed, to the licensee.".

(11) In section 178(5) (statutory undertakers for the purposes of the licensing of the placing of rails, beams, etc.), for the words from "and", in the second place where it occurs, onwards there shall be substituted the words " the Post Office and the operator of a telecommunications code system are to be deemed to be statutory undertakers ".

[[F431](12) In section 181 (provisions relating to placing of certain apparatus in highways)—

(a) in subsection (7) (which relates to licences of the Secretary of State or British Telecommunications), for the words from "licence", in the third place where it occurs, to "required" there shall be substituted the words " licence of the Secretary of State is required ";

(b) in subsection (8) (which provides that that section does not apply to the apparatus of statutory undertakers), at the end there shall be inserted the words " or to any apparatus which the operator of a telecommunications code system places, maintains, repairs or reinstates in or under the highway in question in pursuance of a right conferred by or in accordance with the telecommunications code. "; and

(c) in subsection (9) (meaning of statutory undertakers), for the words from "include" onwards there shall be substituted the words " except in subsection (8) above, include the operator of a telecommunications code system ".**]**

(13) In section 329 (interpretation), after subsection (4) there shall be inserted the following subsection:—

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(4A) Any reference in this Act to apparatus belonging to, or used or maintained by the operator of a telecommunications code system shall have effect as a reference to telecommunication apparatus kept installed for the purposes of that system.".

(14) For section 334 (savings for British Telecommunications) there shall be substituted the following section:—

"**334**(1) Subject to the provisions of this section, nothing in this Act or in any scheme or order made under it affects any rights conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or any duty of any such operator under that code or applies to any telecommunication apparatus kept installed for the purposes of any such system; but this subsection does not affect the operation of sections 156 to 159 above.

(2) Where—

(a) land is conveyed by a highway authority in pursuance of section 256 above, or

(b) a highway is stopped up or diverted in pursuance of an order to which this paragraph applies,

and immediately before the conveyance or, as the case may be, at the beginning of the day on which the order comes into force there is under, in, upon, over, along or across the land conveyed or, as the case may be, the highway stopped up or diverted any telecommunication apparatus kept installed for the purposes of a telecommunications code system, then the provisions of subsection (3) below have effect.

Paragraph (b) above applies to the following orders, namely an order made or confirmed by the Minister under section 14 or 18 above, a public path extinguishment order and a public path diversion order.

(3) In the circumstances mentioned in subsection (2) above, the operator of the telecommunications code system has the same power in respect of the telecommunication apparatus as if the conveyance had not been made or, as the case may be, the order had not come into force; but the transferee of the land or, as the case may be, any person entitled to land over which the stopped up or diverted highway subsisted shall be entitled to require the alteration of the apparatus.

(4) Where in pursuance of an order made by a magistrates' court under section 116 above a highway is stopped up or diverted, the following provisions of this subsection have effect in relation to so much of any telecommunication apparatus kept installed for the purposes of a telecommunications code system as is under, in, upon, over, along or across land which by reason of the stopping up or diversion ceases to be a highway ("the affected apparatus')—

(a) the power of the operator of the system to remove the affected apparatus is exercisable notwithstanding the making of the order, so however that the said power is not exercisable, as respects the whole or any part of the affected apparatus, after the expiration of a period of 3 months from the date of the sending of the notice referred to in subsection (5) below unless before the expiration of that period the operator of the system has given notice to the authority on

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whose application the order was made of his intention to remove the affected apparatus or that part of it, as the case may be;

(b) the operator of the system may by notice in that behalf to the said authority abandon the affected apparatus or any part of it, and is to be deemed, as respects the affected apparatus or any part of it, to have abandoned it at the expiration of the said period of 3 months unless before the expiration of that period he has removed it or given notice of his intention to remove it;

(c) the operator of the system is entitled to recover from the said authority the expense of providing, in substitution for the affected apparatus and any telecommunication apparatus connected with it which is rendered useless in consequence of the removal or abandonment of the affected apparatus, any telecommunication apparatus in such other place as he may require;

(d) where under paragraph (b) above the operator of the system has abandoned the whole or any part of the affected apparatus, it vests in the authority there referred to and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of a telecommunications code system.

(5) As soon as practicable after the making of an order under section 116 above in circumstances in which subsection (4) above applies in relation to the operator of any telecommunications code system the authority on whose application the order was made shall by notice to the operator inform him of the making of the order.

(6) Where an order under section 14 or 18 above provides for the alteration of a highway and, immediately before the date on which the order comes into force, there is under, in, upon, over, along or across the highway any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the highway authority shall be entitled to require the alteration of the apparatus.

This subsection does not have effect so far as it relates to the alteration of any telecommunication apparatus for the purposes of authority's works as defined in Part II of the Public Utilities Street Works Act 1950.

(7) Where in pursuance of an order under section 14 or 18 above a highway is stopped up or diverted, or an order under either of those sections provides for the alteration of a highway, and, immediately before the date on which the order comes into force, there is under, in, upon, over, along or across the highway any telecommunication apparatus kept installed for the purposes of a telecommunications code system then, without prejudice to subsections (2), (3) and (6) above, the provisions of subsection (8) below have effect.

(8) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of the construction or improvement of the trunk road, special road or classified road, as the case may be, to which the order relates and of any works authorised by the order, to the Minister or other highway authority by whom the order in question was made.

(9) Without prejudice to the code in Part II of the Public Utilities Street Works Act 1950 (relations between an authority carrying out road alterations and

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undertakers whose apparatus is thereby affected) the said paragraph 23 shall apply for the purposes of—

(a) any work authorised or required by an order under section 93 above to be done by a highway authority or the owners of a bridge,

(b) any work which a highway authority is authorised to carry out under section 96 above, and

(c) any work authorised or required by a licence under section 176 above to be done by the person to whom the licence is granted,

to the authority or person authorised or required to carry out the work.

(10) Where, in pursuance of any order or scheme made or confirmed under this Act, a navigable watercourse is diverted and, immediately before the date on which the order or scheme comes into force, there is under, in, upon, over, along or across the watercourse, or any towing path or other way adjacent to it, any telecommunications code system, the operator of that system has the same powers in respect of that apparatus as if the order or scheme had not come into force; but—

(a) the highway authority by whom the order or scheme was made, or

(b) any person entitled to land on which so much of the watercourse, towing path or way as is diverted in pursuance of the order or scheme was previously situated,

shall be entitled to require the alteration of the apparatus.

(11) Sub-paragraph (8) of paragraph 23 of the telecommunications code (offence) shall be deemed to be omitted for the purposes of the application by this section of that paragraph to the Minister.

(12) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this section as it applies for the purposes of that code.

(13) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.”.

(15) In relation—

(a) to a conveyance before the appointed day made in pursuance of section 256 of the [M129]Highways Act 1980, and

(b) to an order coming into force before the appointed day to which subsection (2)(b), (4), (6), (7) or (10) of section 334 of that Act applies immediately before that day,

the said section 334 shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (14) above.

Textual Amendments

F431 Sch. 4 para. 76(6)(12) repealed (1.1.1993 for E.W.S. and otherwise*prosp.*) by New Roads and Street Works Act 1991 (c. 22), ss. 168(2), 170, **Sch.9**; (E.W.) S.I. 1992/2984, art. 2, **Sch.2**; (S.) S.I. 1992/2990, art. 2(2), **Sch.2**

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Marginal Citations
M128 1878 c. 76.
M129 1980 c. 66.

The [M130]Roads (Northern Ireland) Order 1980

Marginal Citations
M130 S.I. 1980/1085 (N.I. 11).

[F432]77 . . . . . .

Textual Amendments
F432 Sch. 4 para. 77 repealed (17.2.1994) by S.I. 1993/3160 (N.I. 15), art. 134(3), **Sch.11**.

The [M131]British Telecommunications Act 1981

Marginal Citations
M131 1981 c. 38.

[F433]78 . . . . . .

Textual Amendments
F433 Sch. 4 para. 78 repealed (26.3.2001) by 2000 c. 26, s. 127(6), **Sch. 9**; S.I. 2001/1148, art. 2, **Sch.** (with art. 34)

The [M132]New Towns Act 1981

Marginal Citations
M132 1981 c. 64.

79 (1) The New Towns Act 1981 shall be amended in accordance with the following provisions of this paragraph.

(2) In section 16(2) (under which provisions as to extinguishment of rights over land do not apply in relation to rights and apparatus of statutory undertakers), at the end there shall be inserted the words " or to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or to any telecommunication apparatus kept installed for the purposes of any such system. ".

(3) In section 19(2) (under which the power to override easements etc. shall not be used to interfere with rights vested in or belonging to statutory undertakers), at the end

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there shall be inserted the words " or a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system. ".

(4) For section 24 (which contains provision with respect to telegraphic lines where a public right of way is extinguished under that Act) there shall be substituted the following section:—

"**24** (1) Where an order under section 23 of this Act extinguishing a public right of way is made on the application of a development corporation or local highway authority, and at the time of the publication of the notice required by subsection (2) of that section any telecommunication apparatus was kept installed for the purposes of a telecommunications code system under, in, over, along or across the land over which the right of way subsisted—

(a) the power of the operator of the system to remove the apparatus shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished and shall be exercisable in respect of the whole or any part of the apparatus after the end of that period if before the end of that period the operator of the system has given notice to the corporation or authority of his intention to remove the apparatus or that part of it, as the case may be;

(b) the operator of the system may by notice given in that behalf to the corporation or authority not later than the end of that period of three months abandon the telecommunication apparatus or any part of it;

(c) subject to paragraph (b) above, the operator of the system shall be deemed at the end of that period to have abandoned any part of the apparatus which he has then neither removed nor given notice of his intention to remove;

(d) the operator of the system shall be entitled to recover from the corporation or authority the expenses of providing, in substitution for the apparatus and any other telecommunication apparatus connected with it which is rendered useless in consequence of the removal or abandonment of the first-mentioned apparatus, any telecommunication apparatus in such other place as the operator may require;

(e) where under the preceding provisions of this subsection the operator of the system has abandoned the whole or any part of any telecommunication apparatus, that apparatus or that part of it shall vest in the corporation or authority and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of a telecommunications code system.

(2) Where the Secretary of State makes an order under section 23 above in circumstances in which subsection (1) above applies in relation to the operator of any telecommunications code system, the Secretary of State shall send a copy of the order to the operator.".

(5) Where in any case a notice has been given before the appointed day under section 23(2) of the said Act of 1981 (notice of proposal to extinguish right of way), section 24 of that Act shall have effect in relation to that case, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (4) above.

Status: *Point in time view as at 12/03/2018.*
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(6) In section 26 (extinguishment of rights of way and rights as to apparatus of statutory undertakers), for subsection (8) there shall be substituted the following subsection:—

"(8) Except in a case in which section 24 above has effect—

(a) the reference in paragraph (a) of subsection (2) above to a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system; and

(b) the reference in paragraph (b) of that subsection to apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to telecommunication apparatus kept installed for the purposes of any such system;

and for the purposes of this subsection, in this section (except in the said paragraphs (a) and (b)) and in Schedule 7 to this Act and section 27 below, references to statutory undertakers shall have effect as references to the operator of any such system, references, in relation to such an operator, to the carrying on of his undertaking shall have effect as references to the running of the telecommunications code system in question and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.".

(7) In section 39 (power of development corporation to transfer undertakings), after subsection (6) there shall be inserted the following subsection:—

"(7) This section shall have effect as if references to statutory undertakers included references to the operator of any telecommunications code system and as if for this purpose—

(a) references to a statutory undertaking were references to the running of such a system; and

(b) references to the appropriate Minister were references to the Secretary of State for Trade and Industry.".

The [M133]Acquisition of Land Act 1981

Marginal Citations

M133 1981 c. 67.

80 (1) **[**[F434]At the end of section 28 of the Acquisition of Land Act 1981 (acquisition of rights over land by the creation of new rights) there shall be added the following paragraph:—

"(f) section 34(3) of the Telecommunications Act 1984".**]**

(2) In section 32 of that Act (power to extinguish certain rights of way), after subsection (6) (which contains a saving in relation to the apparatus of statutory undertakers) there shall be inserted the following subsection:—

"(6A) In subsection (6) above the reference to apparatus belonging to statutory undertakers shall include a reference to telecommunication apparatus kept

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installed for the purposes of a telecommunications code system and in relation to any such apparatus—

(a) the references to the undertakers shall have effect as references to the operator of the system in question; and

(b) the reference to the appropriate Minister shall have effect as a reference to the Secretary of State.".

Textual Amendments

F434 Sch. 4 para. 80(1) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

The [M134]Broadcasting Act 1981

Marginal Citations

M134 1981 c. 68.

[[F435]81 In section 3 of the Broadcasting Act 1981 (powers of the IBA)—

(a) in subsection (1)(c), for the words "British Telecommunications" there shall be substituted the words " operators of telecommunications code systems "; and

(b) in subsection (7), for the words "section 15 of the [M135]British Telecommunications Act 1981" there shall be substituted the words " section 7 of the Telecommunications Act 1984 ".]

Textual Amendments

F435 Sch. 4 para. 81 repealed (1.1.1991) by Broadcasting Act 1990 (c.42, SIF 96), ss. 4(6), 87(6), 134, 203(3), 204(2), Sch. 12 Pt. II para. 1, **Sch. 21**; S.I. 1990/2347, **art. 3(1)** (subject to art. 3(2)(3))

Marginal Citations

M135 1981 c. 38.

The [M136]Housing (Northern Ireland) Order 1981

Marginal Citations

M136 S.I. 1981/156 (N.I.3).

82 (1) After Article 159 of the Housing (Northern Ireland) Order 1981 there shall be inserted the following Article:—

"159A(1) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to the Executive for the purposes of any works which it is authorised to execute under Chapter II, III or V of Part III.

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(2) Where in pursuance of an order under Article 51 a public right of way over land is extinguished and, at the beginning of the day on which the order comes into operation, there is under, in, on, over, along or across the land any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same powers in respect of that apparatus as if the order had not come into operation; but any person entitled to land over which the right of way subsisted shall be entitled to require the alteration of the apparatus.

(3) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this Article as it applies for the purposes of that code.

(4) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this Article to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.”.

(2) In relation to an order under Article 51 of the said Order of 1981 coming into force before the appointed day, paragraph 76(2) of Schedule 3 to the 1981 Act (which made provision corresponding to sub-paragraph (1) above in relation to British Telecommunications) shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (1) above.

The [M137]Planning Blight (Compensation) (Northern Ireland) Order 1981

Marginal Citations
M137 S.I. 1981/608 (N.I. 16).

83 In Article 2(2) of the Planning Blight (Compensation) (Northern Ireland) Order 1981, in the definition of “appropriate authority” after the word “body”, there shall be inserted the words “ or person ”.

The [M138]Civil Aviation Act 1982

Marginal Citations
M138 1982 c. 16.

84 In section 48(7)(b) of the Civil Aviation Act 1982 (by virtue of which British Telecommunications is deemed to be an electricity undertaker for the purposes of a provision requiring notice to be given of proposals to stop up or divert a highway), for the words “British Telecommunications” there shall be substituted the words “ the operator of a telecommunications code system ”.

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The [M139]Cinematograph (Amendment) Act 1982

Marginal Citations
M139 1982 c. 33.

[[F436]85 In section 1 of the [M140]Cinematograph (Amendment) Act 1982 (extension of Cinematograph Act 1909 to certain other exhibitions of moving pictures), for the words from "distributed" to the end there shall be substituted the words " programmes included in a cable programme service which is, or does not require to be, licensed under Part IV of the Telecommunications Act 1984 ".**]**

Textual Amendments
F436 Sch. 4 para. 85 repealed (E.W.S.) by Cinemas Act 1985 (c. 13, SIF 45A), **Sch. 3**

Marginal Citations
M140 1909 c. 30.

Enactments relating to London

86 (1) **[**[F437]In the [M141]London Overground Wires etc. Act 1933—

(a) in section 5(3) (service of notices), the words from "and before" onwards shall be omitted;

(b) in section 11 (saving for certain regulations), for the words from "the telegraphic" to "made" there shall be substituted the words " any telecommunication apparatus made "; and

(c) in section 14 (saving)—

(i) for the words from "telegraphic" to "thereto" there shall be substituted the words " telecommunication apparatus kept installed for the purposes of a telecommunications code system "; and

(ii) for the words from "power" onwards there shall be substituted the words " conferred by or in accordance with the telecommunications code on the operator of any such system ".**]**

(2) In section 7(6) of the [M142]London County Council (General Powers) Act 1949 (electrical apparatus not to interfere with telegraphic lines etc.), for the words from "telegraphic line" onwards there shall be substituted the words " telecommunication apparatus kept installed for the purposes of a telecommunications code system or with any service provided by means of any such apparatus. ".

(3) In section 17(4) of the [M143]London County Council (General Powers) Act 1963 (protection for telegraphic lines), for the words from "telegraphic line" to "such line" there shall be substituted the words " telecommunication apparatus kept installed for the purposes of a telecommunications code system or belonging to or used by the London Electricity Board or with any service provided by means of any such apparatus. ".

(4) In section 7(6) of the [M144]Greater London Council (General Powers) Act 1969 (saving for certain powers in relation to telegraphic lines) for the words from "right" onwards there shall be substituted the words " right exercisable in relation to that street

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under or in accordance with the telecommunications code by the operator of any telecommunications code system. ”.

Textual Amendments

F437 Sch. 4 para. 86(1) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M141 1933 c. xliv.
M142 1949 c. lv.
M143 1963 c. xvii.
M144 1969 c. lii.

Enactments relating to call boxes

87 (1) The enactments specified in the following Table (which penalise the use of public telephone boxes for the purpose of making false calls for police assistance, giving false alarms of fire and the like) shall have effect as if—

(a) for any reference to a call box of British Telecommunications’ telephone service,

(b) for any reference to a telephone call box provided by British Telecommunications, and

(c) for any reference to a British Telecommunications call box,

there were substituted a reference to a telephone call box provided by a public telecommunications operator.

Table

Section 176(2) of the [M145]Redcar Corporation Act 1938.
Section 211(2) of the [M146]Clacton Urban District Council Act 1938.
Section 89(2) of the [M147]Tiverton Corporation Act 1939.
Section 101(2) of the [M148]Christchurch Corporation Act 1940.
Section 154(2) of the [M149]Preston Corporation Act 1947.
Section 173(2) of the [M150]Ipswich Corporation Act 1948.
Section 178(2) of the [M151]Worcester Corporation Act 1951.
Section 89(2) of the [M152]Nottinghamshire County Council Act 1951.
Section 85(2) of the [M153]Berkshire County Council Act 1953.
Section 97(2) of the [M154]Gloucestershire County Council Act 1956.
Section 96(2) of the [M155]Leicester Corporation Act 1956.
Section 70(2) of the [M156]Southampton Corporation Act 1960.
Section 41(2) of the [M157]Hertfordshire County Council Act 1960.
Section 30(3) of the [M158]Devon County Council Act 1961.
Section 44(2) of the [M159]Durham County Council Act 1963.
Section 29(2) of the [M160]Exeter Corporation Act 1966.

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Section 14(2) of the [M161]Huntingdon and Peterborough County Council Act 1970.

Section 107(2) of the [M162]Teesside Corporation (General Powers) Act 1971.

Section 63(2) of the [M163]Surrey County Council Act 1971.

Section 61(2) of the [M164]Torbay Corporation (No. 2) Act 1971.

Section 66(2) of the [M165]Oxfordshire County Council Act 1971.

(2) Any enactment contained in a local Act which is not specified in the above Table, but is similar to any enactment so specified, shall have effect subject to the like amendment as is made by sub-paragraph (1) above.

Marginal Citations

M145 1938 c. liv.
M146 1938 c. lxiii.
M147 1939 c. lxv.
M148 1940 c. xxx.
M149 1947 c. xlv.
M150 1948 c. xli.
M151 1951 c. xliv.
M152 1951 c. xlv.
M153 1953 c. xli.
M154 1956 c. xl.
M155 1956 c. xlix.
M156 1960 c. xliii.
M157 1960 c. xlix.
M158 1961 c. xlv.
M159 1963 c. xxxvii.
M160 1966 c. xv.
M161 1970 c. xxiv.
M162 1971 c. xv.
M163 1971 c. xxxvi.
M164 1971 c. lx.
M165 1971 c. lxiii.

The London Building Acts and enactments relating to highways, etc.

88 (1) Nothing in—

(a) the London Building Acts 1930 to 1939 or byelaws thereunder, or

(b) a special enactment passed or made before the appointed day (including such an enactment relating to Scotland or Northern Ireland) for purposes similar to those of an enactment contained in Part V or IX of the [M166]Highways Act 1980 **[**[F438](except sections 156, 157 and 159)**]**,

shall affect any rights conferred by or in accordance with the **[**[F439]electronic communications code**]** on the **[**[F440]provider**]** of a **[**[F441]electronic communications code network**]** or apply to any **[**[F442]electronic communications apparatus**]** kept installed for the purposes of any such **[**[F443]network**]**.

(2) In this paragraph "special enactment" has the same meaning as in the Highways Act 1980.

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Textual Amendments

F438 Words in Sch. 4 para. 88(1)(b) repealed (E.W.S.) (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), ss. 168(2), 170, **Sch. 9**; S.I. 1992/2984, art. 2(2), **Sch. 2**; S.I. 1992/2990, art. 2(2), **Sch. 2**

F439 Words in Sch. 4 para. 88 substituted (17.9.2003) by The Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 3(1), **Sch. 1 para. 1(2)(a)** (with art. 1(2))

F440 Word in Sch. 4 para. 88 substituted (17.9.2003) by The Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 3(1), **Sch. 1 para. 1(2)(d)** (with art. 1(2))

F441 Words in Sch. 4 para. 88 substituted (17.9.2003) by The Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 3(1), **Sch. 1 para. 1(2)(b)** (with art. 1(2))

F442 Words in Sch. 4 para. 88 substituted (17.9.2003) by The Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 3(1), **Sch. 1 para. 1(2)(c)** (with art. 1(2))

F443 Word in Sch. 4 para. 88 substituted (17.9.2003) by The Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 3(1), **Sch. 1 para. 1(2)(e)** (with art. 1(2))

Marginal Citations

M166 1980 c. 66.

General adaptations of local enactments

89 (1) A provision to which this paragraph applies which refers to the rights and powers of British Telecommunications under a provision of any enactment relating to telegraphs shall have effect with the substitution for that reference of a reference to any rights conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system.

(2) A provision to which this paragraph applies that operates to afford protection or confer a benefit on British Telecommunications with reference to—

(a) telegraphic lines of, or used by, British Telecommunications or such telegraphic lines of any description specified in that provision, or

(b) accommodation for such telegraphic lines or telegraphic lines of any such description, or

(c) communication by means of such telegraphic lines or telegraphic lines of any such description,

shall be construed in accordance with sub-paragraph (3) below.

(3) That provision shall be construed as if—

(a) any application (whether or not with modifications) by that provision of section 7 of the [M167]Telegraph Act 1878 (which before being repealed by this Act contained provision broadly corresponding to paragraph 23 of the telecommunications code) in relation to any works carried out by any person were an application (without modification) of the said paragraph to that person for the purposes of those works; and

(b) subject to that, it in all respects (subject to the like incidents) afforded the like protection to, or conferred the like benefit on, the operator of any telecommunications code system in relation, as the case may be, to—

(i) telecommunication apparatus kept installed for the purposes of a telecommunications code system or such apparatus of the description in question, or

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(ii) accommodation for such apparatus or such apparatus of that description, or

(iii) the service provided by any such system.

(4) The provisions to which this paragraph applies are those of a local Act passed in the same Session as this Act, or in a previous Session, those of an order confirmed by an Act so passed and those of a scheme or order made before the passing of this Act under any Act (whether public general or local).

(5) **[**[F444]This paragraph shall not preclude the making, in relation to any provision to which it applies, of any order under section 109(2) or (3) of this Act which is capable, apart from the provision of this paragraph, of being made in relation to that provision; and this paragraph shall not apply to any provision in relation to which such an order is made, except to the extent provided for in the order.**]**

(6) In this paragraph "telegraphic line" means any apparatus (howsoever described) which is a telegraphic line within the meaning of the [M168]Telegraph Act 1878.

Textual Amendments

F444 Sch. 4 para. 89(5) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M167 1878 c. 76.

M168 1878 c. 76.

Saving in respect of offences under section 5

90 **[**[F445]Nothing in a local Act passed after but in the same Session as this Act shall authorise the doing of anything which would constitute an offence under section 5 of this Act.**]**

Textual Amendments

F445 Sch. 4 para. 90 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

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SCHEDULE 5

Section 109.

GENERAL TRANSITIONAL PROVISIONS AND SAVINGS

PART I

PROVISIONS AND SAVINGS COMING INTO FORCE ON APPOINTED DAY

1 [F446(1) Subject to the following provisions of this paragraph, a licence granted, or having effect as if granted, by the Secretary of State or British Telecommunications under section 15(1) of the 1981 Act which is effective on the appointed day shall have effect as if granted by the Secretary of State under section 7 of this Act, and the provisions of this Act shall apply accordingly.

(2) Where immediately before the appointed day British Telecommunications has in its possession particulars of licences granted, or having effect as if granted, by it under section 15(1) of the 1981 Act, British Telecommunications shall, as soon as practicable after that day, send to the Secretary of State—

(a) in the case of each of those licences which is contained in a single document, that document or a copy of that document or of such parts of it as contain the provisions of the licence; and

(b) in the case of each of those licences which is not so contained, a bundle of documents consisting of either the original or a copy of, or of the relevant part of, every document in the possession of British Telecommunications which is capable of being relied on as evidence of, or of any provision of, that licence.

(3) Where a licence has effect by virtue of sub-paragraph (1) above as if granted by the Secretary of State under section 7 of this Act—

(a) sections 7(7) and (8) and 19(2) of this Act shall not apply in relation to that licence;

(b) any provision of that licence made, or having effect as if made, by virtue of section 15(4) of the 1981 Act, being a provision under which any amount would fall to be paid after the appointed day to British Telecommunications, shall have effect as if it required that amount to be paid to the Secretary of State;

(c) the Secretary of State may revoke that licence at any time before the end of the relevant period and any provision of that licence under or in accordance with which the licence may be revoked by British Telecommunications shall be deemed to be omitted; and

(d) the licence shall expire at the end of the relevant period unless before the end of that period it has either been revoked under this paragraph or expired in accordance with its terms.

(4) Before revoking a licence under this paragraph the Secretary of State shall give notice—

(a) stating that he proposes to revoke the licence;

(b) stating the reason why he proposes to revoke the licence; and

(c) specifying the time (not being less than 28 days from the date of the giving of the notice) within which representations or objections with respect to the proposed revocation may be made,

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and shall consider any representations or objections which are duly made and not withdrawn.

(5) A notice under sub-paragraph (4) above shall be given—

(a) in the case of a licence granted to a particular person, by sending a copy of the notice to that person; and

(b) in any other case, by publication of the notice in such manner as the Secretary of State considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them.

(6) Any sums received by the Secretary of State under this paragraph shall be paid into the Consolidated Fund.

(7) In this paragraph "the relevant period" means the period of two years beginning with the appointed day or such other period beginning with that day as the Secretary of State may by order prescribe for the purposes of this paragraph.**]**

Textual Amendments

F446 Sch. 5 paras. 1-7 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

2 **[**[F447](1) An approval issued under section 16(2) of the 1981 Act by the Secretary of State, by a person or body appointed by him for the purpose or by British Telecommunications which is effective on the appointed day shall have effect as if given by the Secretary of State under section 22(1) of this Act; and the provisions of this Act shall apply accordingly.

(2) A standard approved under section 16(1) of the 1981 Act by the Secretary of State or by a person or body appointed by him for the purpose which is effective on the appointed day shall have effect as if designated by the Secretary of State under section 22(6) of this Act; and the provisions of this Act shall apply accordingly.

(3) Any fee charged in respect of an approval which, by virtue of sub-paragraph (1) or (2) above, is to have effect as if issued under section 22(1) or (6) of this Act shall be deemed to have been validly charged.

(4) Where immediately before the appointed day British Telecommunications has in its possession particulars of approvals issued by it under section 16(2) of the 1981 Act, British Telecommunications shall, as soon as practicable after that day, send those particulars to the Secretary of State.

(5) Neither section 22(11) nor section 23(2) of this Act shall apply in relation to an approval issued by British Telecommunications under section 16(2) of the 1981 Act unless particulars of that approval are sent to the Secretary of State under sub-paragraph (4) above and, in its application in relation to such an approval, the reference in section 22(11)(a) to a copy of the approval shall have effect as a reference to a copy of the particulars so sent to the Secretary of State.

(6) An acknowledgement by the Secretary of State or a person appointed for the purposes of subsection (2) of section 16 of the 1981 Act that any apparatus conforms to

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a standard approved under subsection (1) of that section shall be treated for the purposes of this paragraph as an approval issued under the said subsection (2).**]**

Textual Amendments

F447 Sch. 5 paras. 1-7 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

3 **[**[F448](1) An order made under section 17 of the 1981 Act which is in force on the appointed day shall have effect as if made under section 28 of this Act; and the provisions of this Act shall apply accordingly.

(2) An order made under section 18 of the 1981 Act which is in force on the appointed day shall have effect as if made under section 29 of this Act; and the provisions of this Act shall apply accordingly.**]**

Textual Amendments

F448 Sch. 5 paras. 1-7 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

4 **[**[F449]An order made, or having effect as if made, by the Secretary of State under section 37 of the 1981 Act which is effective on the appointed day shall have effect as if made by the Department of Finance and Personnel for Northern Ireland under section 33 of this Act.**]**

Textual Amendments

F449 Sch. 5 paras. 1-7 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

5 **[**[F450]A compulsory purchase order made under section 38 or 39 of the 1981 Act which is effective on the appointed day shall have effect as if made with the consent of the Director under section 34 or 35 of this Act; and the provisions of the said section 34 or 35 shall apply accordingly.**]**

Textual Amendments

F450 Sch. 5 paras. 1-7 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

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6 **[**[F451]An application for a vesting order made under section 40 of the 1981 Act which is effective on the appointed day shall have effect, as from that day, as if made with the consent of the Director under section 36 of this Act; and the provisions of the said section 36 shall apply accordingly.**]**

Textual Amendments

F451 Sch. 5 paras. 1-7 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

7 **[**[F452]An authorisation given by British Telecommunications under section 41, 42 or 43 of the 1981 Act which is effective on the appointed day shall have effect as if given by the Secretary of State under section 37, 38 or 39 of this Act on the nomination of British Telecommunications; and the provisions of the said section 37, 38 or 39 shall apply accordingly.**]**

Textual Amendments

F452 Sch. 5 paras. 1-7 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

8 **[**[F453](1) An order made under section 89 of the [M169]Post Office Act 1969 which relates to the running of a telecommunication system for the purposes of a cable programme service and is effective on the appointed day shall have effect as if made under section 57 of this Act in relation to the provision of that service; and the provisions of the said section 57 shall apply accordingly.**]**

(2) **[**[F454]A licence granted under section 89 of the Post Office Act 1969 which relates to the running of a telecommunication system for the purposes of a cable programme service provided by any person and is effective on the appointed day shall have effect as if granted under section 58 of this Act to that person in relation to the provision of that service; and the provisions of Part IV of this Act shall apply accordingly.**]**

[[F453](3) Regulations made under section 90 of the Post Office Act 1969 which relate to the grant of licences under section 89 of that Act and are effective on the appointed day shall have effect as if made under section 58 of this Act in relation to the grant of licences under that section; and the provisions of the said section 58 shall apply accordingly.**]**

(4) **[**[F454]In this paragraph "cable programme service" has the same meaning as in Part IV of this Act.**]**

Textual Amendments

F453 Sch. 5 para. 8(1)(3) repealed (1.1.1991) by Broadcasting Act 1990 (c.42, SIF 96), ss. 4(6), 87(6), 134, 203(3), 204(2), Sch. 12 Pt. II para. 1, **Sch. 21**; S.I. 1990/2347, art. 3(1), **Sch. 2** (subject to art. 3(2)(3))

Status: *Point in time view as at 12/03/2018.*
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F454 Sch. 5 para. 8(2)(4) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M169 1969 c. 48.

9 **[**[F455]An undertaking given, or having effect as if given, under section 55 of the 1981 Act which is effective on the appointed day shall have effect as if given to British Telecommunications under section 97 of this Act.**]**

Textual Amendments

F455 Sch. 5 paras. 9-14 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

10 **[**[F456]A direction given, or having effect as if given, under section 6(2) or (4) of the 1981 Act which is effective on the appointed day shall have effect as if given to British Telecommunications under section 94(1) or (2) of this Act.**]**

Textual Amendments

F456 Sch. 5 paras. 9-14 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

11 **[**[F457]Nothing done, on or after the appointed day, under, and in accordance with the terms of, the licence dated 1st March 1966 whereto the parties are Her Majesty, the Crown Estate Commissioners, the Postmaster General and Det Store Nordiske Telegraf-Selskab Aktieselskab (a company incorporated under the law of the Kingdom of Denmark and commonly known in the United Kingdom, and in that licence referred to, as the Great Northern Telegraph Company Limited) shall constitute a contravention of section 5(1) of this Act.**]**

Textual Amendments

F457 Sch. 5 paras. 9-14 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

12 **[**[F458](1) Where immediately before the appointed day British Telecommunications—

(a) are providing, or have acceded to an application for the provision of, any services for any persons; or

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(b) are supplying, or have acceded to an application for the supply of, any apparatus to any persons,

in pursuance of a scheme made under section 21 of the 1981 Act, British Telecommunications shall be deemed to have contracted with those persons for the provision of the services or the hire of the apparatus as from that day.

(2) The express terms and conditions of a contract which, by virtue of sub-paragraph (1) above, is deemed to have been made shall be such of the following as are applicable, namely—

(a) the terms and conditions contained in the scheme; and

(b) where a scheme is made under this paragraph, the terms and conditions contained in the scheme so made.

(3) British Telecommunications may make, as respects any of the services provided or apparatus supplied by it, a scheme for determining the terms and conditions which are to be incorporated in the contracts which, by virtue of sub-paragraph (1)(a) above, are to be deemed to have been made.

(4) Nothing in the 1981 Act shall be taken to limit or restrict the provision which may be made by a scheme under this paragraph.

(5) A scheme made under this paragraph may—

(a) make different provision for different cases or classes of cases determined by, or in accordance with, the provisions of the scheme; and

(b) revoke or amend any scheme made under section 21 of the 1981 Act.

(6) A scheme made under this paragraph shall be published in the London, Edinburgh and Belfast Gazettes before the appointed day and shall come into operation on that day; and conclusive evidence of a scheme so made may be given in all courts of justice and in all legal proceedings whatever by the production of a copy of any of those Gazettes purporting to contain it.

(7) Terms and conditions incorporated in a contract by virtue of sub-paragraph (2) above shall not be regarded, for the purposes of section 29(1) of the [M170]Unfair Contract Terms Act 1977, as authorised by necessary implication of this paragraph.**]**

Textual Amendments

F458 Sch. 5 paras. 9-14 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M170 1977 c. 50.

13 **[**[F459]Nothing in this Act shall affect the operation of section 22 of the 1981 Act in relation to any contract deemed to have been made before the appointed day.**]**

Status: *Point in time view as at 12/03/2018.*
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Textual Amendments

F459 Sch. 5 paras. 9-14 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

14 **[**[F460]Nothing in this Act shall affect the operation of section 23 of the 1981 Act in relation to any loss or damage suffered by reason of an act or omission taking place before the appointed day.**]**

Textual Amendments

F460 Sch. 5 paras. 9-14 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[[F461]15 Nothing in this Act shall affect the operation of section 35(2) of the 1981 Act in relation to any order under section 19 of the [M171]Local Government Act 1974 which applies in relation to hereditaments occupied by British Telecommunications and is effective on the appointed day.**]**

Textual Amendments

F461 Sch. 5 para. 15 repealed (E.W.) by S.I. 1990/776, art. 3(1)(2), **Sch. 1**

Marginal Citations

M171 1974 c. 7.

16 **[**[F462]Subject to paragraph 4 above and paragraph 26 below, nothing in this Act shall affect the operation of any order made, or having effect as if made, under section 37 of the 1981 Act which is effective on the appointed day.**]**

Textual Amendments

F462 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

17 **[**[F463]Nothing in this Act shall affect the operation of section 53 of the 1981 Act in relation to any sum which became due, or any charge which was levied, before the appointed day.**]**

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F463 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

18 **[**[F464]Subject to paragraph 49 below, nothing in this Act shall affect the operation of any order under section 19 of the [M172]Local Government Act 1974 (rating of certain public utilities and other bodies) which applies in relation to hereditaments occupied by British Telecommunications and is effective on the appointed day.**]**

Textual Amendments

F464 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M172 1974 c. 7.

19 **[**[F465]Subject to paragraph 50 below, nothing in this Act shall affect the operation of any order under section 6 of the [M173]Local Government (Scotland) Act 1975 (valuation by formula of certain lands and heritages) which applies in relation to lands and heritages occupied by British Telecommunications and is effective on the appointed day.**]**

Textual Amendments

F465 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M173 1975 c. 30.

PART II

PROVISIONS AND SAVINGS COMING INTO FORCE ON TRANSFER DATE

20 **[**[F466]A licence granted under section 7 of this Act to British Telecommunications which is effective on the transfer date shall have effect as if granted to the successor company.**]**

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F466 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Notes 1, 4); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

21

[[F467]An order made under section 9(1) of this Act which designates any telecommunication system or systems run by British Telecommunications and is effective on the transfer date shall have effect as if it designated the corresponding telecommunication system or systems run by the successor company.**]**

Textual Amendments

F467 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

22

[[F468]An approval given under section 20(1) of this Act which applies for the purposes of a telecommunication system or systems run by British Telecommunications and is effective on the transfer date shall have effect as if it applied for the purposes of the corresponding telecommunication system or systems run by the successor company.**]**

Textual Amendments

F468 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

23

[[F469]An approval given, or having effect as if given, under section 22(1) of this Act, or a standard designated, or having effect as if designated, under section 22(6) of this Act, which (in either case) applies for the purposes of any telecommunication system or systems run by British Telecommunications and is effective on the transfer date shall have effect as if it applied for the purposes of the corresponding telecommunication system or systems run by the successor company.**]**

Textual Amendments

F469 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

24

[[F470]An approval given under section 24(1) of this Act which applies for the purposes of any telecommunication system or systems run by British

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Telecommunications and is effective on the transfer date shall have effect as if it applied for the purposes of the corresponding telecommunication system or systems run by the successor company.**]**

Textual Amendments

F470 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

25

[[F471]A recognition given under section 27(1) of this Act which applies for the purposes of any telecommunication system or systems run by British Telecommunications and is effective on the transfer date shall have effect as if it applied for the purposes of the corresponding telecommunication system or systems run by the successor company.**]**

Textual Amendments

F471 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

26

[[F472]An order made, or having effect as if made, under section 33 of this Act which applies in relation to hereditaments occupied by British Telecommunications and is effective on the transfer date shall have effect as if it applied to the corresponding hereditaments occupied by the successor company.**]**

Textual Amendments

F472 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

27

[[F473]A compulsory purchase order made, or having effect as if made, under section 34 or 35 of this Act which is effective on the transfer date shall have effect as if made by the successor company.**]**

Textual Amendments

F473 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

28

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[[F474]An application for a vesting order made, or having effect as if made, by British Telecommunications under section 36 of this Act which is effective on the transfer date shall have effect as if made by the successor company.**]**

Textual Amendments

F474 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

29 **[**[F475]An authorisation given, or having effect as if given, by the Secretary of State under section 37, 38 or 39 of this Act on the nomination of British Telecommunications which is effective on the transfer date shall have effect as if given on the nomination of the successor company.**]**

Textual Amendments

F475 Sch. 5 paras. 16-29 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

[[F476]30 An order made under section 57 of this Act which relates to a cable programme service provided by British Telecommunications and is effective on the transfer date shall have effect as if it related to the corresponding cable programme service provided by the successor company.**]**

Textual Amendments

F476 Sch. 5 para. 30 repealed (1.1.1991) by Broadcasting Act 1990 (c. 42, SIF 96), ss. 4(6), 87(6), 134, 203(3), 204(2), Sch. 12 Pt. II para. 1, **Sch. 21**; S.I. 1990/2347, **art. 3(1)** (subject to art. 3(2)(3))

31 **[**[F477]A licence granted under section 58 of this Act to British Telecommunications which is effective on the transfer date shall have effect as if granted to the successor company.**]**

Textual Amendments

F477 Sch. 5 paras. 31-33 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

32 **[**[F478]An undertaking given, or having effect as if given, to British Telecommunications under section 97 of this Act which is effective on the transfer date shall have effect as if given to the successor company.**]**

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F478 Sch. 5 paras. 31-33 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

33 **[**[F479]A direction given, or having effect as if given, to British Telecommunications under section 94(1) or (2) of this Act which is effective on the transfer date shall have effect as if given to the successor company.**]**

Textual Amendments

F479 Sch. 5 paras. 31-33 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

34 (1) For the purposes of authorising the making, in relation to employees of the successor company or any of its subsidiaries, of provision corresponding to that authorised to be made, in relation to employees of British Telecommunications or any of its subsidiaries, by section 84 of the 1981 Act, that section shall have effect as if—

(a) any reference to the Post Office or to employees of, persons employed by or employment by the Post Office were a reference to British Telecommunications or to employees of, persons employed by or employment by British Telecommunications; and

(b) any reference to a relevant body or to employees of, persons employed by or employment by a relevant body were a reference to the successor company or any subsidiary of the successor company or to employees of, persons employed by or employment by the successor company or any such subsidiary.

(2) Nothing in sub-paragraph (1) above shall be taken as prejudicing the operation of section 84 of the 1981 Act as originally enacted.

35 **[**[F480]Where immediately before the transfer date there is in force an agreement which—

(a) confers or imposes on British Telecommunications any rights or liabilities which vest in the successor company by virtue of section 60 of this Act; and

(b) refers (in whatever terms and whether expressly or by implication) to a member or officer of British Telecommunications,

the agreement shall have effect, in relation to anything falling to be done on or after that date, as if for that reference there were substituted a reference to such person as that company may appoint or, in default of appointment, to the officer of that company who corresponds as nearly as may be to the member or officer of British Telecommunications in question.**]**

Status: *Point in time view as at 12/03/2018.*
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Textual Amendments

F480 Sch. 5 para. 35 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

36 (1) Except as otherwise provided by the foregoing provisions of this Part of this Schedule (whether expressly or by necessary implication), any agreement made, transaction effected or other thing done by, to or in relation to British Telecommunications which is in force or effective immediately before the transfer date shall have effect as from that date as if made, effected or done by, to or in relation to the successor company, in all respects as if the successor company were the same person, in law, as British Telecommunications, and accordingly references to British Telecommunications—

(a) in any agreement (whether or not in writing) and in any deed, bond or instrument;

(b) in any process or other document issued, prepared or employed for the purpose of any proceeding before any court or other tribunal or authority; and

(c) in any other document whatsoever (other than an enactment) relating to or affecting any property, right or liability of British Telecommunications which vests by virtue of section 60 of this Act in the successor company,

shall be taken as from the transfer date as referring to the successor company.

(2) Nothing in sub-paragraph (1) above shall be taken as applying in relation to the deed of covenant by virtue of which the excepted liabilities subsist.

37 (1) It is hereby declared for the avoidance of doubt that—

(a) the effect of section 60 of this Act in relation to any contract of employment with British Telecommunications in force immediately before the transfer date is merely to modify the contract (as from that date) by substituting the successor company as the employer (and not to terminate the contract or vary it in any other way); and

(b) that section is effective to vest the rights and liabilities of British Telecommunications under any agreement or arrangement for the payment of pensions, allowances or gratuities in the successor company along with all other rights and liabilities of British Telecommunications;

and accordingly for the purposes of any such agreement or arrangement (as it has effect by virtue of paragraph 36 above in relation to employment with the successor company or with a wholly owned subsidiary of that company) any period of employment with British Telecommunications shall count as employment with the successor company or (as the case may be) with a wholly owned subsidiary of that company.

(2) Nothing in sub-paragraph (1) above shall be taken as applying in relation to the excepted liabilities or to the deed of covenant by virtue of which those liabilities subsist.

38 [F481(1) It shall be the duty of British Telecommunications and of the successor company to take, as and when during the transitional period the successor company considers appropriate, all such steps as may be requisite to secure that the vesting in the

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successor company by virtue of section 60 of this Act or this paragraph of any foreign property, right or liability is effective under the relevant foreign law.

(2) During the transitional period, until the vesting in the successor company by virtue of section 60 of this Act or this paragraph of any foreign property, right or liability is effective under the relevant foreign law, it shall be the duty of British Telecommunications to hold that property or right for the benefit of, or to discharge that liability on behalf of, the successor company.

(3) Nothing in sub-paragraphs (1) and (2) above shall be taken as prejudicing the effect under the law of the United Kingdom or of any part of the United Kingdom of the vesting in the successor company by virtue of section 60 of this Act or this paragraph of any foreign property, right or liability.

(4) British Telecommunications shall have all such powers as may be requisite for the performance of its duty under this paragraph, but—

(a) it shall be the duty of the successor company during the transitional period to act on behalf of British Telecommunications (so far as possible) in performing the duty imposed on British Telecommunications by this paragraph; and

(b) any foreign property, rights and liabilities acquired or incurred by British Telecommunications during that period shall immediately become property, rights and liabilities of the successor company.

(5) References in this paragraph to any foreign property, right or liability are references, respectively, to any property, right or liability as respects which any issue arising in any proceedings would have been determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.

(6) Any expenses incurred by British Telecommunications under this paragraph shall be met by the successor company.**]**

Textual Amendments

F481 Sch. 5 paras. 38-42 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

39 **[**[F482](1) During the transitional period it shall be the duty of British Telecommunications to discharge the excepted liabilities as they fall to be discharged.

(2) Subject to sub-paragraph (3) below, the excepted liabilities shall be discharged, and any expenses incurred by British Telecommunications under this paragraph shall be met, out of sums received by British Telecommunications in right of or on the disposal of such debentures of the successor company as the Secretary of State, with the approval of the Treasury, may transfer to British Telecommunications (in this paragraph referred to as "the transferred debentures").

(3) British Telecommunications may not dispose of any of the transferred debentures without the consent of the Secretary of State given with the approval of the Treasury.

Status: *Point in time view as at 12/03/2018.*
Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Where so much of any sums so received as is held by British Telecommunications on any day exceeds the aggregate for that day of—

(a) any excepted liability falling to be discharged; and

(b) any expenses falling to be met under this paragraph,

the excess shall be applied by British Telecommunications in such manner as the Secretary of State, with the approval of the Treasury, may direct; and a direction under this sub-paragraph may require the whole or any part of the excess to be paid into the Consolidated Fund.

(5) Where so much of any sums so received as is held by British Telecommunications on any day falls short of the aggregate for that day of—

(a) any excepted liability falling to be discharged; and

(b) any expenses falling to be met under this paragraph,

the deficiency shall be made good by the Secretary of State out of money provided by Parliament.

(6) During the transitional period British Telecommunications shall, as respects its duties under this paragraph, keep proper accounts and proper records in relation thereto and shall, as soon as may be after the end of each financial year—

(a) prepare a report on the performance by it during that year of those duties; and

(b) transmit the report to the Secretary of State who shall consider it and lay copies of it before each House of Parliament.

(7) British Telecommunications shall be exempt from income tax and corporation tax in respect of—

(a) income accruing to it in right of the transferred debentures; and

(b) chargeable gains accruing to it on the disposal of those debentures;

and in so far as the exemption conferred by this sub-paragraph calls for repayment of tax, effect shall be given thereto by means of a claim.

(8) Nothing in section 72(1) of this Act shall be taken—

(a) as requiring any payments made or expenses incurred by British Telecommunications under this paragraph to be regarded for corporation tax purposes as made or incurred by the successor company; or

(b) as requiring any payments made by the successor company to British Telecommunications in pursuance of the transferred debentures to be disregarded for those purposes.

(9) Section 82(4) of the 1981 Act (tax provisions) shall have effect during the transitional period as if any reference to persons who are employees of the Post Office included a reference to persons who are employees of the successor company.

(10) In this paragraph—

"debenture" includes debenture stock;

"financial year" means the period beginning on the transfer date and ending with the next following 31st March or each subsequent period of twelve months ending with 31st March.**]**

Status: *Point in time view as at 12/03/2018.*
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Textual Amendments

F482 Sch. 5 paras. 38-42 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

40 **[**[F483](1) Notwithstanding the repeal of subsection (12) of section 6 of the 1981 Act, it shall be the duty of British Telecommunications to make a report to the Secretary of State in accordance with that subsection in respect of the last accounting year of British Telecommunications ending before the transfer date.

(2) Notwithstanding the repeal of section 31 of the 1981 Act, it shall be the duty of British Telecommunications to prepare statements of accounts in accordance with subsections (1)(b) and (c) of that section in respect of the last accounting year of British Telecommunications ending before the transfer date, and that section shall continue to apply during the transitional period in relation to those statements and in relation also to the auditing of accounts kept in accordance with subsection (1)(a) of that section in respect of that accounting year.

(3) Any expenses incurred by British Telecommunications under this paragraph shall be met by the successor company.**]**

Textual Amendments

F483 Sch. 5 paras. 38-42 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

41 **[**[F484]For the purpose of enabling anything which, on the transfer date, remains to be done under the provisions of sections 10 and 81(1) of and Schedule 2 to the 1981 Act to be done after that date, those provisions shall have effect as if the successor company were the same person, in law, as British Telecommunications.**]**

Textual Amendments

F484 Sch. 5 paras. 38-42 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

42 **[**[F485](1) Subject to sub-paragraph (2) below, nothing in this Act shall affect the operation of subsections (2) to (4) of section 28 of the 1981 Act in relation to any loan made to British Telecommunications under that section in respect of which any outstanding liability of British Telecommunications becomes a liability of the successor company on the transfer date.

(2) No further directions may be given by the Secretary of State under subsection (2) of that section on or after the transfer date, but those applying to any such loan

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immediately before that date shall apply in relation to payments by the successor company in respect of that loan.**]**

Textual Amendments

F485 Sch. 5 paras. 38-42 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

43 Nothing in this Act shall affect the operation of any order made under section 33 of the 1981 Act before the transfer date or any duty imposed by subsection (3) of that section to amend any order so made.

44 Nothing in this Act shall affect the operation of section 56 of the 1981 Act in relation to any records of British Telecommunications which become records of the successor company on the transfer date or any records kept by British Telecommunications for the purposes of paragraph 39 above.

45 Where by virtue of anything done before the transfer date, any enactment amended by Schedule 4 to this Act has effect (whether or not as so amended) in relation to British Telecommunications, then, on and after that date, that enactment shall have effect in relation to the successor company as if that company were the same person, in law, as British Telecommunications.

46 (1) Section 6(2) of the [M174]Commonwealth Telegraph Act 1949 shall continue to have effect with the modifications made by section 34(1) of the 1981 Act and, subject to that, shall have effect as if references which include references to British Telecommunications, in paragraph (c) and sub-paragraphs (iv), (v) and (vi) of paragraph (d), included references to the successor company.

(2) The power to make regulations conferred on the Secretary of State by section 49 of the [M175]Post Office Act 1969 shall include power to make such regulations as appear to him to be requisite for securing that persons to whom that section applies, and persons claiming in right of them, are not adversely affected in the matter of pension rights by reason only that—

(a) in consequence of the 1981 Act, they ceased to be employed by the Post Office; or

(b) in consequence of section 60 of this Act, they cease to be employed by British Telecommunications.

Marginal Citations

M174 1949 c. 39.

M175 1969 c. 48.

47 **[**[F486](1) Nothing in this Act shall affect the validity of anything done by, or in relation to, British Telecommunications before the transfer date under or by virtue of the [M176]Public Utilities Street Works Act 1950; and anything which, immediately before that date, is in process of being done under, or by virtue of, that Act by or in relation to it (including, in particular, any legal proceedings to which it is a party) may be continued by, or in relation to, the successor company.

Status: *Point in time view as at 12/03/2018.*
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(2) Any notice or direction given or other thing whatsoever done under the said Act of 1950 by British Telecommunications shall, if effective at the transfer date, continue in force and have effect as if similarly given or done by the successor company.**]**

Textual Amendments

F486 Sch. 5 para. 47 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M176 1950 c. 39.

48 (1) Where an asset, or the right to receive an asset, vests in the successor company by virtue of section 60 of this Act, then for the purposes of **[**[F487]Part I of the [M177]Industry Act 1972 and**]** Part II of the [M178]Industrial Development Act 1982—

(a) so much of any expenditure incurred by British Telecommunications in providing that asset as is approved capital expenditure (of any description relevant for the purposes of regional development grant) in respect of which no payment of regional development grant has been made to British Telecommunications shall be treated as having been incurred by the successor company and not by British Telecommunications; and

(b) where the asset itself vests in the successor company by virtue of section 60 of this Act, it shall be treated as a new asset if it would have fallen to be so treated if it had remained vested in British Telecommunications.

(2) In this paragraph "regional development grant" means a grant under **[**[F487]Part I of the Industry Act 1972 or **]** Part II of the Industrial Development Act 1982 and "approved capital expenditure" has the same meaning as it has for the purposes of the provisions relating to regional development grant.

Textual Amendments

F487 Words in Sch. 5 para. 48(1)(2) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M177 1972 c. 63.
M178 1982 c. 52.

49

[[F488]An order under section 19 of the [M179]Local Government Act 1974 (rating of certain public utilities and other bodies) which applies in relation to hereditaments occupied by British Telecommunications and is effective on the transfer date shall have effect as if it applied to the corresponding hereditaments occupied by the successor company.**]**

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Textual Amendments

F488 Sch. 5 paras. 49-51 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M179 1974 c. 7.

50 **[**[F489]An order under section 6 of the [M180]Local Government (Scotland) Act 1975 (valuation by formula of certain lands and heritages) which applies in relation to lands and heritages occupied by British Telecommunications and is effective on the transfer date shall have effect as if it applied in relation to the corresponding lands and heritages occupied by the successor company.**]**

Textual Amendments

F489 Sch. 5 paras. 49-51 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M180 1975 c. 30.

51 **[**[F490]**[**[F491](1) Where a distribution is proposed to be declared during the accounting reference period of the successor company which includes the transfer date or before any accounts are laid or filed in respect of that period, sections 270 to 274 and 275(7) of the Companies Act 1985 (accounts relevant for determining whether a distribution may be made by a company without contravening Part VIII of that Act) shall have effect as if—

(a) the reference in section 270(2) to the company's accounts, and

(b) references in section 273 to initial accounts,

included references to such accounts as, on the assumptions stated in sub-paragraph (3) below, would have been prepared under Part VII of that Act in respect of the relevant year.**]**

(3) The said assumptions are—

(a) that the relevant year had been a financial year of the successor company;

(b) that the vesting effected by section 60 of this Act had been a vesting of all the property, rights and liabilities (other than the excepted liabilities) to which British Telecommunications was entitled or subject immediately before the beginning of the relevant year and had been effected immediately after the beginning of that year;

(c) that the value of any asset and the amount of any liability of British Telecommunications vested in the successor company by virtue of that section had been the value or (as the case may be) the amount assigned to that asset or liability for the purposes of the statement of accounts prepared by

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British Telecommunications in respect of the accounting year immediately preceding the relevant year;

(d) that any securities of the successor company issued or allotted before the declaration of the distribution had been issued or allotted before the end of the relevant year; and

(e) such other assumptions (if any) as may appear to the directors of the successor company to be necessary or expedient for the purposes of this paragraph.

(4) For the purposes of the said accounts the amount to be included in respect of any item shall be determined as if anything done by British Telecommunications (whether by way of acquiring, revaluing or disposing of any asset or incurring, revaluing or discharging any liability, or by carrying any amount to any provision or reserve, or otherwise) had been done by the successor company.

Accordingly (but without prejudice to the generality of the preceding provision) the amount to be included in any reserves of the successor company as representing its accumulated realised profits shall be determined as if any profits realised and retained by British Telecommunications had been realised and retained by the successor company.

(5) The said accounts shall not be regarded as statutory accounts for the purposes of section 66 of this Act.

(6) In this paragraph—

"complete accounting year" means an accounting year ending with 31st March;

"the relevant year" means the last complete accounting year of British Telecommunications ending before the transfer date;

"securities" has the same meaning as in Part V of this Act.**]**

Textual Amendments

F490 Sch. 5 paras. 49-51 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F491 Sch. 5 para. 51(1) substituted for Sch. 5 para. 51(1)(2) by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**

[F492][F492]SCHEDULE 6

. . . . . .

Textual Amendments

F492 Sch. 6 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**,

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3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

SCHEDULE 7

Section 109.

REPEALS

PART I

REPEALS COMING INTO FORCE ON APPOINTED DAY

Chapter or number	Short title	Extent of repeal
26 & 27 Vict. c. 112.	The Telegraph Act 1863.	The whole Act, except sections 1 and 45.
31 & 32 Vict. c. 110.	The Telegraph Act 1868.	The whole Act, except sections 1 and 20.
41 & 42 Vict. c. 76.	The Telegraph Act 1878.	The whole Act.
47 & 48 Vict. c. 76.	The Post Office (Protection) Act 1884.	The whole Act.
51 & 52 Vict. c. 12.	The Electric Lighting Act 1888.	In section 4(5), the words from “and the expression” onwards.
52 & 53 Vict. c. 34.	The Telegraph (Isle of Man) Act 1889.	The whole Act.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act 1892.	Section 132.
55 & 56 Vict. c. 59.	The Telegraph Act 1892.	The whole Act.
59 & 60 Vict. c. 48.	The Light Railways Act 1896.	Section 25.
60 & 61 Vict. c. 53.	The Congested Districts (Scotland) Act 1897.	In section 4(1)(f), the words “telegraphic extensions, or” and the word “other”.
62 & 63 Vict. c. 19.	the Electric Lighting (Clauses) Act 1899.	In section 1 of the Schedule, the words from “the expression "telegraphic”" to “manner affected”. In section 10(c) of the Schedule, the words from “with”, in the second place where it occurs, to (but not including) “and”.

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62 & 63 Vict. c. 38.	The Telegraph Act 1899.	In section 2(1), the words “of the Telegraph Acts 1863 to 1897, and”. In section 4, the words from “and may” onwards.
8 Edw. 7. c. 33.	The Telegraph (Construction) Act 1908.	The whole Act.
9 Edw. 7. c. 20.	The Telegraph (Arbitration) Act 1909.	The whole Act.
1 & 2 Geo. 5. c. 39.	The Telegraph (Construction) Act 1911.	The whole Act.
6 & 7 Geo. 5. c. 40.	The Telegraph (Construction) Act 1916.	The whole Act.
9 & 10 Geo. 5. c. 100.	The Electricity (Supply) Act 1919.	Section 25.
8 & 9 Geo. 6. c. 42.	The Water Act 1945.	In Schedule 3, in section 1(1), the definition of “telegraphic line” and section 5.
Chapter or number	Short title	Extent of repeal
8 & 9 Geo. 6. c. 43.	The Requisitioned Land and War Works Act 1945.	Part IV.
11 & 12 Geo. 6. c. 17.	The Requisitioned Land and War Works Act 1948.	In the Schedule, paragraph 6.
12, 13 & 14 Geo. 6. c. 11.	The Railway and Canal Commission (Abolition) Act 1949.	Section 2.
14 Geo. 6. c. 39.	The Public Utilities Street Works Act 1950.	Section 20(1) and (2). In section 39(1), the definition of “telegraphic line”. In Schedule 5, the entries relating to the Telegraph Act 1863, the Telegraph Act 1878, the Telegraph (Construction) Act 1911, the Telegraph (Construction) Act 1916, section 5 of Schedule 3 to the Water Act 1945 and the Special Roads Act 1949.
5 & 6 Eliz. 2. c. 48.	The Electricity Act 1957.	In section 28(9), the words from “and "telegraphic line”" onwards.

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6 & 7 Eliz. 2. c. 30.	The Land Powers (Defence) Act 1958.	Section 20.
10 & 11 Eliz. 2. c. 30.	The Northern Ireland Act 1962.	In Schedule 2, the entries relating to the Telegraph Act 1863 and the Telegraph Act 1878.
1963 c. 33.	The London Government Act 1963.	In Schedule 17, paragraph 3.
1967 c. 76.	The Road Traffic Regulation Act 1967.	Section 28(8).
1969 c. 48.	The Post Office Act 1969.	Section 21.
		Section 29(1)(c).
		In section 77, the words “the Post Office (Protection) Act 1884”.
		Section 83.
		In section 88(4), in paragraph (a) the words from “except” to “1884” and in paragraph (b) the words “that Act and”.
		Part IV.
		In Schedule 4, paragraphs 4(c), 5 to 10, 15 to 19, 26, 28 and 29, 34, 38 to 40, 43, 45, 48, 53, 58, 61 to 64, 68, 72, 74, 83(1), (2) and (4), 85, 86, 95 to 99, 101 and 102.
		In paragraph 1(1) of Schedule 5, the words “or section 11 of the Post Office (Protection) Act 1884”.
Chapter or number	Short title	Extent of repeal
1970 c. 40.	The Agriculture Act 1970.	In section 92(1), paragraph (ii) of the proviso.
1973 c. 41.	The Fair Trading Act 1973.	In section 16(1), paragraph (b) and the word “or” immediately preceding it.
		In section 50(3)(a), the words “of Part II of Schedule 5 or”.
		In section 51(2), the words “or in the first column of Part II of”.

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		In Schedule 5, Part II.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In paragraph 3 of Part I of Schedule 28, the words “and 132”.
1974 c. 7.	The Local Government Act 1974.	In Schedule 3, paragraph 9.
1974 c. 45.	The Housing (Scotland) Act 1974.	In paragraph 33 of Schedule 3, sub-paragraphs (a) and (b).
1975 c. 30.	The Local Government (Scotland) Act 1975.	In Schedule 1, paragraph 9.
1976 c. 57.	The Local Government (Miscellaneous Provisions) Act 1976.	In section 44(1), the words “British Telecommunications” and the words “except in sections 1(4)(a), 3(2)(d) and 4(1) of this Act,”.
1976 c. 70.	The Land Drainage Act 1976.	In section 32(2), the words from “and nothing” onwards.
1976 c. 75.	The Development of Rural Wales Act 1976.	In Schedule 3, paragraphs 38(7) and 44(2).
1979 c. 11.	The Electricity (Scotland) Act 1979.	In section 45(1), the definition of “telegraphic line”.
1980 c. 21.	The Competition Act 1980.	In section 19(3), the word “and”.
1980 c. 45.	The Water (Scotland) Act 1980.	In section 28(1), paragraph (a).
		In Schedule 4, in section 1(1), the definition of “telegraphic line” and section 5.
1980 c. 66.	The Highways Act 1980.	In section 144(6), in the definition of “statutory undertakers” the word “and”, in the second place where it occurs.
		In section 156(10)(b), the words “"telegraphic line”".
		In section 169(4), in the second sentence, the word “and”, in the third place where it occurs.
		In section 170(3), in the definition of “statutory undertakers” the word “and”,

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		in the first place where it occurs.
Chapter or number	Short title	Extent of repeal
1981 c. 38.	The British Telecommunications Act 1981.	Section 3.
		In section 6, subsections (2), (4) and (5).
		Section 9.
		Sections 11 to 23.
		Sections 35 to 53.
		Section 55.
		Section 58(4).
		Section 80.
		In section 85(1), the definition of “outside persons”.
		In Schedule 3, paragraphs 1 to 8, 10(1), (3) and (5), 11 to 33, 35 to 41, 44 and 45, 47 to 50, 51(2) and (9), 52 to 55, 58 to 60, 64 to 71, 73 to 80, 82 and 83.
		In Schedule 4, paragraph 20.
		In Schedule 5, paragraph 2.
1981 c. 64.	The New Towns Act 1981.	Section 23(7).
		In section 78(1)(d), the words “or British Telecommunications”.
		In section 79, in subsection (1)(c), the words “or British Telecommunications” and in subsection (3), paragraph (c).
1981 c. 67.	The Acquisition of Land Act 1981.	In section 8(1)(c), the words “or British Telecommunications”.
1982 c. 16.	The Civil Aviation Act 1982.	In section 105(1), in the definition of “statutory undertaker” the words“British Telecommunications".
	In Schedule 15, paragraph 17(5).	

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	Northern Ireland legislation etc.	
S.I. 1972/1072 (N.I. 9).	The Electricity Supply (Northern Ireland) Order 1971.	In Article 2(2), the words from "telegraphic" to "any manner affected".
S.I. 1972/1634 (N.I. 17).	The Planning (Northern Ireland) Order 1972.	In Article 80(2), the words from "on" in the third place where it occurs to "and" in the third place where it occurs.
S.I. 1973/70 (N.I. 2).	The Water and Sewerage Services (Northern Ireland) Order 1973.	In Article 2(2), the definition of "telegraphic line".
S.I. 1973/2095.	The Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973.	In Schedule 1, paragraphs 1 to 3.
S.I. 1977/596 (N.I. 7).	The Gas (Northern Ireland) Order 1977.	In Article 2(2), the definition of "telegraphic line".
S.I. 1977/2157 (N.I. 28).	The Rates (Northern Ireland) Order 1977.	In Schedule 12, Part XII.
S.I. 1981/154 (N.I. 1).	The Road Traffic (Northern Ireland) Order 1981.	Article 106(6).
Chapter	Short title	Extent of repeal
		Local enactments
23 & 24 Geo. 5. c. xliv.	The London Overground Wires etc. Act 1933.	In section 2(1), the definition of "telegraphic line".
		In section 5(3), the words from "and before" onwards.
1963 c. xvii.	The London County Council (General Powers) Act 1963.	In section 3(1), the definition of "the Act of 1878".
		Section 17(4)(b).
		Section 21(2)(b).

PART II

REPEALS COMING INTO FORCE ON TRANSFER DATE

Chapter	Short title	Extent of repeal
62 & 63 Vict. c. 19.	The Electric Lighting (Clauses) Act 1899.	In the Schedule, section 62(1)(b).
1981 c. 38.	The British Telecommunications Act 1981.	Section 1(2).

Status: *Point in time view as at 12/03/2018.*
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		Section 2. Sections 4 and 5. In section 6, subsections (1), (3) and (6) to (13). Sections 7 and 8. Sections 24 to 34. Section 54. Sections 56 and 57. In Schedule 1, paragraph 5. In Schedule 3, paragraphs 9, 42, 46, 57(1), 61, 62, 72 and 81.

PART III

REPEALS COMING INTO FORCE ON DISSOLUTION OF BRITISH TELECOMMUNICATIONS

Commencement Information

I1 Sch. 7 Pt. III in force at 6.9.1994: British Telecommunications was dissolved on 6.9.1994 by The British Telecommunications (Dissolution) Order 1994 (S.I. 1994/2162), see **ss. 109(6)**, 110(4)

Chapter	Short title	Extent of repeal
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the words, “British Telecommunications”.
1981 c. 38.	The British Telecommunications Act 1981.	In section 1, subsection (1) and subsections (3) to (6). In Schedule 1, paragraphs 1 to 4 and 6 to 16.
1983 c. 44.	The National Audit Act 1983.	In Schedule 4, the entry relating to British Telecommunications.
1984 c. 12.	The Telecommunications Act 1984.	Section 100.

Status: *Point in time view as at 12/03/2018.*
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PART IV

WIRELESS TELEGRAPHY REPEALS

Modifications etc. (not altering text)

C70 Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 110(1), Sch. 3 and Sch. 7 Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), **Sch. Pt. I**

C71 Sch. 7 Pt. IV extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), **art. 3(1)**, Sch. Pt. I (as amended (27.2.2004) by The Broadcasting and Communications (Jersey) Order 2004 (S.I. 2004/308), art. 6(1), Sch. 2 Pt. 1)

Chapter	Short title	Extent of repeal
12, 13 & 14 Geo. 6. c. 54.	The Wireless Telegraphy Act 1949.	Section 9(1)(a) and (2).
		In section 9(7), the words "the advisory committee and" and the words from "in the case of the committee" to "the tribunal".
		In section 10(1), the words from "after" to "committee".
1967 c. 72.	The Wireless Telegraphy Act 1967.	In section 9(3), the words from "and accordingly" to the end.
		Section 11.
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 7C, the entry relating to the Wireless Telegraphy Act 1949.
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 6, the entry relating to the Wireless Telegraphy Act 1949.

Status:
Point in time view as at 12/03/2018.

Changes to legislation:
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