



# Airports Act 1986

## 1986 CHAPTER 31

### PART V

#### STATUS OF CERTAIN AIRPORT OPERATORS AS STATUTORY UNDERTAKERS, ETC.

#### **62 Provisions as to <sup>[F1]</sup>electronic communications apparatus].**

- (1) [<sup>F2</sup>Part 10 of Schedule 3A of the Communications Act 2003 (the electronic communications code)] (undertakers' works) shall apply for the purposes—
- (a) of any work in pursuance of an order or direction under section 44 or 46 of the 1982 Act, as applied by section 59 above, and
  - (b) of anything done with respect to a highway in pursuance of an order under section 48 of the 1982 Act (as so applied) to which subsection (2) below applies.

to the person doing that work or, as the case may be, the highway authority; and, in the case of any such order as is mentioned in paragraph (b), any person entitled to land over which the highway passes shall be entitled to require the alteration of the [<sup>F1</sup>electronic communications apparatus] in question.

- (2) This subsection applies to an order under section 48 of the 1982 Act where the order provides—
- (a) for the stopping up or diversion of the highway, or
  - <sup>F3</sup>[(b) for the improvement of the highway where the Secretary of State is not the highway authority,]

and immediately before the order comes into operation any [<sup>F1</sup>electronic communications apparatus] is kept installed for the purposes of [<sup>F4</sup>an electronic communications code network] under, in, on, over, along or across the highway.

- (3) Subject to the preceding provisions of this section, the operator of [<sup>F4</sup>an electronic communications code network] shall, in a case falling within subsection (2)(a), have the same rights in respect of any apparatus kept installed for the purposes of [<sup>F5</sup>that network] as if the order had not come into operation.

*Changes to legislation: Airports Act 1986, Section 62 is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) [<sup>F6</sup>Part 10] of [<sup>F7</sup>the electronic communications code] shall not apply by virtue of subsection (2)(b) in relation to the alteration of any [<sup>F1</sup>electronic communications apparatus] where the alteration is for the purpose of [<sup>F8</sup>major highway works, major bridge works or major transport works within the meaning of Part III of the New Roads and Street Works Act 1991 or, in Scotland, major works for roads purposes, major bridge works or major transport works within the meaning of Part IV of that Act].
- (5) [<sup>F9</sup>Paragraph 68] (offence) shall be deemed to be omitted for the purposes of the application by this section of [<sup>F10</sup>Part 10 of the code] to the Secretary of State.
- (6) Paragraph [<sup>F11</sup>108(2)] of [<sup>F7</sup>the electronic communications 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 the code.
- (7) [<sup>F12</sup>Part 6 of the electronic communications code (rights to require removal of apparatus)] shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any [<sup>F1</sup>electronic communications apparatus] as it applies in relation to an entitlement to require the removal of any such apparatus.
- <sup>F13</sup>(8) .....
- (9) In the application of this section to Scotland, the reference to the highway authority shall be read as a reference to the roads authority as defined by section 151(1) of the Roads (Scotland) Act 1984, and any reference to a highway shall be read as a reference to a road as defined in that provision.

#### Textual Amendments

- F1** Words in s. 62 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 80\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))
- F2** Words in s. 62(1) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 25\(2\)](#); [S.I. 2017/1286](#), reg. 2(d)
- F3** S. 62(2)(b) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22\)](#), SIF 59, 108), ss. 168(1), 170(1), [Sch. 8 para. 118\(2\)](#); [S.I. 1991/2288](#), art. 3, [Sch.](#)
- F4** Words in s. 62 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 80\(c\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))
- F5** Words in s. 62(3) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 80\(d\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))
- F6** Words in s. 62(4) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 25\(3\)](#); [S.I. 2017/1286](#), reg. 2(d)
- F7** Words in s. 62 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 80\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))

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- F8** Words in s. 62(4) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 118(3)**; (E.W.) S.I. 1992/2984, art. 2(2), **Sch.2** and (S.) S.I. 1992/2990, art. 2(2), **Sch.2**.
- F9** Words in s. 62(5) substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 25(4)(a)**; S.I. 2017/1286, reg. 2(d)
- F10** Words in s. 62(5) substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 25(4)(b)**; S.I. 2017/1286, reg. 2(d)
- F11** Word in s. 62(6) substituted (28.12.2017 immediately after Digital Economy Act 2017 (c. 30), Sch. 3 comes into force) by The Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Primary Legislation) Regulations 2017 (S.I. 2017/1285), reg. 1(1)(2), **Sch. 1 para. 5(2)**
- F12** Words in s. 62(7) substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 25(6)**; S.I. 2017/1286, reg. 2(d)
- F13** S. 62(8) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

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**Changes and effects yet to be applied to :**

- s. 57-62 (Pt. 5) (defn. of "relevant airport operator") applied by [1997 c. 8 s. 214\(1\)\(2\)](#)
- s. 57-62 (Pt. 5) (defn. of "relevant airport operator") applied by [1997 c. 8 s. 217\(1\)\(a\)](#)

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

- Act saved (6.5.1999) by [1998 c. 46 s. 30 Sch. 5 Pt. 2 s. E4\(f\)](#)
- Act textual by [S.I. 2001/2237 art. 2](#)

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

- s. 12(1) (defn. of "principal council") para. (aa) added (prosp.) by [1994 c. 19 s. 66\(6\)Sch. 16 para. 77](#)
- s. 12(1) (defns. "local authority""principal council") para. (b) amended (S) by [1994 c. 39 Sch. 13 para. 147](#)
- s. 12(1) (defn. of "principal council") para. (a) repealed in part (prosp.) by [1994 c. 19 s. 66\(6\)\(8\)Sch. 16 para. 77Sch. 18](#)