

**Changes to legislation:** Communications Act 2003, Cross Heading: Key definitions is up to date with all changes known to be in force on or before 10 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

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 3A

#### THE ELECTRONIC COMMUNICATIONS CODE

##### Textual Amendments

- F1** Sch. 3A inserted (31.7.2017 for the purpose of making regulations under Sch. 3A para. 95, 22.11.2017 but only in relation to Sch. 3A para. 106, 28.12.2017 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 1](#) (with Sch. 2); S.I. 2017/765, reg. 2(ii)(jj); S.I. 2017/1136, reg. 2; S.I. 2017/1286, reg. 2(b)

##### Modifications etc. (not altering text)

- C1** Sch. 3A applied by S.I. 1991/1220 (N.I. 11), [art. 104\(5\)](#) (as substituted (28.12.2017) by [The Communications Act 2003 and the Digital Economy Act 2017 \(Consequential Amendments to Primary Legislation\) Regulations 2017 \(S.I. 2017/1285\)](#), reg. 1(1), [Sch. 1 para. 28\(2\)\(c\)](#))

## PART 10

### UNDERTAKER'S WORKS AFFECTING ELECTRONIC COMMUNICATIONS APPARATUS

##### Modifications etc. (not altering text)

- C1** Sch. 3A Pt. 10 applied by S.I. 1994/426 (N.I. 1), art. 12(1) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 35\(2\)](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied by 1989 c. 29, Sch. 16 para. 1(6) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 28](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied (with modifications) (4.3.2020) by [The Midland Metro \(Birmingham Eastside Extension\) Order 2020 \(S.I. 2020/141\)](#), art. 1, [Sch. 9 para. 3\(2\)](#) (with arts. 47, 48, Sch. 10 para. 19)
- C1** Sch. 3A Pt. 10 applied by 1993 c. 42, Sch. 2 para. 16 (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 33](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied by 1958 c. 69, s. 45(2) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 5\(2\)](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied by 1964 c. 40, s. 53 (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 8](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied by 1986 c. 31, s. 62(1) (as amended (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))
- C1** Sch. 3A Pt. 10 applied by 1991 c. 57, Sch. 22 para. 5 (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 31\(a\)](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied by 1995 c. 45, Sch. 4 para. 2(7) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 37](#); S.I. 2017/1286, reg. 2(d))
- C1** Sch. 3A Pt. 10 applied by 1958 c. 24, s. 17 (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 6](#); S.I. 2017/1286, reg. 2(d))

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- C1 Sch. 3A Pt. 10 applied by 1984 c. 54, s. 50(3) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 14\(2\)](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by 1989 c. 22, Sch. 4 para. 4 (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 27](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by 1991 c. 56, Sch. 13 para. 4 (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 30\(a\)\(b\)](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by 1980 c. 66, s. 177(12) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 11](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by S.I. 1992/231 N.I. 1, Sch. 4 para. 3(2) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 32](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by S.I. 1996/275 (N.I. 2), Sch. 3 para. 3(2) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 39\(3\)](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by 1962 c. 58, s. 40(2) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 7](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), s. 64(1), [Sch. 32 para. 33\(1\)](#) (with [Sch. 32 paras. 32\(1\), 33\(2\)](#))
- C1 Sch. 3A Pt. 10 applied by 1980 c. 66, s. 334(8) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 12\(2\)](#); S.I. 2017/1286, reg. 2(d))
- C1 Sch. 3A Pt. 10 applied by 1984 c. 54, s. 75(9) (as amended (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 15\(2\)](#); S.I. 2017/1286, reg. 2(d))

### Key definitions

66 (1) In this Part of this code—

“undertaker” means a person (including a local authority) of a description set out in any of the entries in the first column of the following table;

“undertaker's works”, in relation to an undertaker of a description set out in a particular entry in the first column of the table, means works of the description set out in the corresponding entry in the second column of the table.

#### “undertaker”

A person authorised by any enactment (whether public general or local) or by any order or scheme made under or confirmed by any enactment to carry on any railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking

A person (apart from the operator) to whom this code is applied by a direction under section 106 of the Communications Act 2003

Any person to whom this Part of this code is applied by any enactment (whenever passed or made)

#### “undertaker's works”

Works that the undertaker is authorised to carry out for the purposes of, or in connection with, the undertaking which it carries on

Works that the undertaker is authorised to carry out by or in accordance with any provision of this code

(2) In this Part of this code—

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- (a) a reference to undertaker's works which interfere with a network is a reference to any undertaker's works which involve, or are likely to involve, an alteration of any electronic communications apparatus kept on, under or over any land for the purposes of an operator's network;
- (b) a reference to an alteration of any electronic communications apparatus is a reference to a temporary or permanent alteration of the apparatus.]

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

- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by [S.I. 2003/3142 art. 1\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/1492 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by [S.I. 2004/697 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

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

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

- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)