

Changes to legislation: Communications Act 2003, Cross Heading: When can an undertaker carry out non-emergency undertaker's works? is up to date with all changes known to be in force on or before 20 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

[^{F1}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))

When can an undertaker carry out non-emergency undertaker's works?

- 67 (1) Before carrying out non-emergency undertaker's works which interfere with a network, an undertaker must give the operator notice of the intention to carry out the works (“notice of proposed works”).
- (2) Notice of proposed works must specify—
- (a) the nature of the proposed undertaker's works,
 - (b) the alteration of the electronic communications apparatus which the works involve or are likely to involve, and
 - (c) the time and place at which the works will begin.
- (3) The undertaker must not begin the proposed undertaker's works (including the proposed alteration of electronic communications apparatus) until the notice period has ended.
- (4) But the undertaker's power to alter electronic communications apparatus (in carrying out the proposed undertaker's works) is subject to paragraph 68.
- (5) In this paragraph—
- “non-emergency undertaker's works” means any undertaker's works which are not emergency works under paragraph 71;
 - “notice period” means the period of 10 days beginning with the day on which notice of proposed works is given.]

Changes to legislation:

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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\(1\)](#)