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## STATUTORY INSTRUMENTS

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# 2011 No. 1210

## The Electronic Communications and Wireless Telegraphy Regulations 2011

### Citation, commencement and extent

1.—(1) These Regulations may be cited as the Electronic Communications and Wireless Telegraphy Regulations 2011.

(2) These Regulations come into force on 26th May 2011.

(3) Subject to paragraphs (4) and (5), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(4) Paragraphs 2 and 101 of Schedule 1 extend to England and Wales only.

(5) Paragraph 102 of that Schedule extends to Scotland only.

### Implementation of Directives [2009/136/EC](#) and [2009/140/EC](#)

2.—(1) Schedule 1 (which contains provision amending the Communications Act 2003 <sup>F1</sup> and other enactments for the purpose of implementing Directive [2009/136/EC](#) of the European Parliament and of the Council <sup>F2</sup> and Directive [2009/140/EC](#) of the European Parliament and of the Council <sup>F3</sup>) has effect.

(2) Schedule 2 (which contains provision amending the Wireless Telegraphy Act 2006 <sup>F4</sup> for the purpose of implementing Directive [2009/140/EC](#)) has effect.

#### Annotations:

**F1** [2003 c. 21](#)

**F2** [OJ No L 337, 25/11/2009, p11](#)

**F3** [OJ No L 337, 25/11/2009, p37](#)

**F4** [2006 c. 36](#)

### 6 month period for deciding application to install facilities

3.—(1) This regulation applies where—

- (a) a person authorised to provide public electronic communications networks applies to a competent authority for the granting of rights to install facilities on, over or under public or private property for the purposes of such a network,
- (b) a person authorised to provide electronic communications networks other than to the public applies to a competent authority for the granting of rights to install facilities on, over or under public property for the purposes of such a network, or
- (c) a person applies to OFCOM for a direction applying the electronic communications code in the person's case.

(2) Except in cases of expropriation, the competent authority must make its decision within 6 months of receiving the completed application.

*Changes to legislation: The Electronic Communications and Wireless Telegraphy Regulations 2011 is up to date with all changes known to be in force on or before 30 April 2019. 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 regulation “public electronic communications network”, “electronic communications network” and “OFCOM” have the same meanings as in Chapter 1 of Part 2 of the Communications Act 2003 <sup>F5</sup>.

**Annotations:**

**F5** [2003 c. 21](#)

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

**C1** [Reg. 3](#) applied by 2003 c. 21, Sch. 3A para. 97 (as inserted (28.12.2017) by [Digital Economy Act 2017](#) (c. 30), s. 118(6), [Sch. 1](#) (with [Sch. 2](#)); S.I. 2017/1286, reg. 2(b))

**Transitional provisions**

4. Schedule 3 (which contains transitional and saving provisions) has effect.

**Review of implementation**

- 5.—(1) Before the end of each review period the Secretary of State must—
- (a) carry out a review of the implementation in the United Kingdom of the listed EU Directives,
  - (b) set out the conclusions of the review in a report, and
  - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the listed EU Directives are implemented in other member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the implementation in the United Kingdom of the listed EU Directives,
  - (b) assess the extent to which those objectives are achieved, and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) “Review period” means—
- (a) the period of five years beginning with 26th May 2011, and
  - (b) subject to paragraph (5), each successive period of five years.
- (5) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.
- (6) The listed EU Directives are—
- (a) Directive [2002/19/EC](#)<sup>F6</sup> of the European Parliament and of the Council on access to, and interconnection of, electronic communications networks and associated facilities,
  - (b) Directive [2002/20/EC](#)<sup>F7</sup> of the European Parliament and of the Council on the authorisation of electronic communications networks and services,
  - (c) Directive [2002/21/EC](#)<sup>F8</sup> of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services, and
  - (d) Directive [2002/22/EC](#)<sup>F9</sup> of the European Parliament and of the Council on universal service and users' rights relating to electronic communications networks and services.

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**Annotations:**

- F6** OJ No L 108, 24/4/2002, p7, as amended by Directive 2009/140/EC
- F7** OJ No L 108, 24/4/2002, p21, as amended by Directive 2009/140/EC
- F8** OJ No L 108, 24/4/2002, p33, as amended by Directive 2009/140/EC
- F9** OJ No L 108, 24/4/2002, p51, as amended by Directive 2009/136/EC

Department for Culture, Media and Sport

*Ed Vaizey*  
Parliamentary Under Secretary of State

**Changes to legislation:**

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

- reg. 5(1)(a) words substituted by [S.I. 2019/246 Sch. 2 para. 1\(2\)](#)
- reg. 5(2) omitted by [S.I. 2019/246 Sch. 2 para. 1\(4\)](#)
- reg. 5(3)(a) words substituted by [S.I. 2019/246 Sch. 2 para. 1\(5\)](#)

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

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

- reg. 5(1A) inserted by [S.I. 2019/246 Sch. 2 para. 1\(3\)](#)