

## SCHEDULE 1

### AMENDMENTS

## PART 2

### AMENDMENTS TO LOCAL ACTS

#### **Surrey Act 1985**

14.—(1) The Surrey Act 1985(1) is amended as follows.

(2) In section 2(1) (interpretation), in the definition of “statutory undertakers”, for the words from “the operator” to “1984” substitute “the operator of an electronic communications code network (within the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003)”.

#### **Leicestershire Act 1985**

15.—(1) The Leicestershire Act 1985(2) is amended as follows.

(2) In section 2(1) (interpretation)—

(a) insert in the appropriate places the following definitions—

““electronic communications code” means the code set out in Schedule 3A to the Communications Act 2003;”;

““operator of an electronic communications code network” has the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003;”.

(b) in the definition of “statutory undertakers” for “a telecommunications code system as defined in paragraph 1(1) of Schedule 4 to the Telecommunications Act 1984” substitute “an electronic communications code network”.

(3) In section 17 (provision of trees and shrubs), in subsection (4), for the words from “paragraph 23” to “telecommunications apparatus)” substitute “Part 10 of the electronic communications code (which provides a procedure in certain cases where works involve the alteration of electronic communications apparatus)”.

(4) In section 44 (policing and control of pedestrian ways), in subsection (6)—

(a) for “the telecommunications code” substitute “the electronic communications code”;

(b) for “the operator of a telecommunications code system as defined in paragraph 1(1) of Schedule 4 to the Telecommunications Act 1984” substitute “the operator of an electronic communications code network”.

#### **Dartmoor Commons Act 1985**

16.—(1) The Dartmoor Commons Act 1985(3) is amended as follows.

(2) In section 23 (saving for certain statutory undertakers)—

(a) in subsection (1)—

(i) for paragraph (a) substitute—

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(1) 1985 c.iii.  
(2) 1985 c. xvii.  
(3) 1985 c. xxxvii

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- “(a) the running of an electronic communications code network or the exercise of any right conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network;”;
- (ii) for “operator of a telecommunications code system” substitute “operator of an electronic communications code network”;
- (b) for subsection (2) substitute—
  - “(2) In this section—
  - “electronic communications code” means the code set out in Schedule 3A to the Communications Act 2003;
  - “operator of an electronic communications code network” has the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003.”.

#### **Clwyd County Council Act 1985**

- 17.—(1) The Clwyd County Council Act 1985(4) is amended as follows.
- (2) In section 2(1) (interpretation), for paragraph (b) of the definition of “statutory undertakers” substitute—
  - “(b) any person in whose case the electronic communications code set out in Schedule 3A to the Communications Act 2003 is applied by a direction under section 106 of that Act;”.

#### **Poole Borough Council Act 1986**

- 18.—(1) The Poole Borough Council Act 1986(5) is amended as follows.
- (2) In section 5 (grass verges etc.), for subsection (9)(b) substitute—
  - “(b) any person in whose case the electronic communications code set out in Schedule 3A to the Communications Act 2003 is applied by a direction under section 106 of that Act.”.

#### **Berkshire Act 1986**

- 19.—(1) The Berkshire Act 1986(6) is amended as follows.
- (2) In section 2(1) (interpretation)—
  - (a) insert in the appropriate places the following definitions—
    - ““electronic communications code” means the code set out in Schedule 3A to the Communications Act 2003;”;
    - ““operator of an electronic communications code network” has the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003;”;
  - (b) in the definition of “statutory undertakers” for “telecommunications operators” substitute “operators of electronic communications code networks”;
  - (c) omit the definition of “telecommunications operator”.

#### **Mid Glamorgan County Council Act 1987**

- 20.—(1) The Mid Glamorgan County Council Act 1987(7) is amended as follows.

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(4) 1985 c. xliv.  
(5) 1986 c.i.  
(6) 1986 c.ii.  
(7) 1987 c.vii.

- (2) In section 2(1) (interpretation)—
  - (a) insert in the appropriate places the following definitions—
    - ““electronic communications code” means the code set out in Schedule 3A to the Communications Act 2003;”;
    - ““operator of an electronic communications code network” has the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003;”;
  - (b) omit the definition of “telecommunications operator”.
- (3) In section 17 (prohibition of parking certain vehicles in residential streets), in subsection (13) (b), for “a telecommunications operator” substitute “an operator of an electronic communications code network”.

### **Essex Act 1987**

- 21.**—(1) The Essex Act 1987(8) is amended as follows.
- (2) In section 2(1) (interpretation) —
    - (a) insert in the appropriate places the following definitions—
      - ““electronic communications apparatus” has the meaning given in paragraph 5 of the electronic communications code;”;
      - ““electronic communications code” means the code set out in Schedule 3A to the Communications Act 2003;”;
      - ““operator of an electronic communications code network” has the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003;”;
    - (b) in the definition of “statutory undertakers” for “telecommunications operators” substitute “operators of electronic communications code networks”;
    - (c) omit the definitions of “telecommunication apparatus” and “telecommunications operator”.
  - (3) In section 6 (grass verges etc.)—
    - (a) in subsection (4)(c), for “telecommunications operators” substitute “operators of electronic communications code networks”;
    - (b) in subsection (9), for “a telecommunications operator” substitute “an operator of an electronic communications code network”.
  - (4) In section 49(1) (provision of public telephones by parish councils), for “a telecommunications operator” substitute “an operator of an electronic communications code network”.
  - (5) In section 60 (continuance and maintenance of piers)—
    - (a) in subsection (4)(a), for “telecommunication apparatus” substitute “electronic communications apparatus”;
    - (b) in subsection (4)(b)—
      - (i) for “telecommunication apparatus” substitute “electronic communications apparatus”;
      - (ii) for “paragraph 23 of Schedule 2 to the Telecommunications Act 1984” substitute “Part 10 of Schedule 3A to the Communications Act 2003”.
  - (6) In section 84(5) (closure of promenades), for “telecommunications operators” substitute “operators of electronic communications code networks”.

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(8) 1987 c.xx.

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### **Dyfed Act 1987**

**22.**—(1) The Dyfed Act 1987<sup>(9)</sup> is amended as follows.

(2) In section 2(1) (interpretation)—

(a) insert in the appropriate places the following definitions—

““electronic communications code” means the code set out in Schedule 3A to the Communications Act 2003;”;

““operator of an electronic communications code network” has the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003;”;

(b) in the definition of “statutory undertakers” for “telecommunications operators” substitute “operators of electronic communications code networks”;

(c) omit the definition of “telecommunications operator”.

### **Nottingham Park Estate Act 1990**

**23.**—(1) The Nottingham Park Estate Act 1990<sup>(10)</sup> is amended as follows.

(2) In section 14 (stopping up of roads and traffic regulation), in subsection (1), in the definition of “the undertakers”, for the words from “the operator” to “1984” substitute “an operator of an electronic communications code network within the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003”.

### **Great Yarmouth Port Authority Act 1990**

**24.**—(1) The Great Yarmouth Port Authority Act 1990<sup>(11)</sup> is amended as follows.

(2) In section 2 (interpretation), in the definition of “statutory undertaker”, for the words from “operator” to “1984” substitute “operator of an electronic communications code network within the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003”.

### **Port of Tyne Act 1990**

**25.**—(1) The Port of Tyne Act 1990<sup>(12)</sup> is amended as follows.

(2) In section 2 (interpretation)—

(a) omit the definition of ““operator” and “telecommunications code system””;

(b) for paragraph (d) of the definition of “statutory undertaker” substitute—

“(d) any operator of an electronic communications code network within the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003;”.

### **Colchester Borough Council Act 2001**

**26.**—(1) The Colchester Borough Council Act 2001<sup>(13)</sup> is amended as follows.

(2) In section 2(1) (interpretation), for paragraph (b) of the definition of “statutory undertaker”, substitute—

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(9) 1987 c.xxiv.

(10) 1990 c.xiv.

(11) 1990 c.xxvii.

(12) 1990 c.xxxi.

(13) 2001 c.ii.

- “(b) any operator of an electronic communications code network (within the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003).”.

### **Greenham and Crookham Commons Act 2002**

**27.**—(1) The Greenham and Crookham Commons Act 2002(**14**) is amended as follows.

(2) In section 38 (saving for certain statutory undertakers)—

(a) in subsection (1)—

(i) for paragraph (a) substitute—

“(a) the running of an electronic communications code network or the exercise of any right conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network;”;

(ii) for “operator of a telecommunications code system” substitute “operator of an electronic communications code network”;

(b) for subsection (2)(a) substitute—

“(a) “electronic communications code” means the code set out in Schedule 3A to the Communications Act 2003;

(aa) “operator of an electronic communications code network” has the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003;”.

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(14) 2002 c.i. Section 38 of that Act is not yet in force.