

2023 No. 1022 (C. 62)

TELECOMMUNICATIONS

**The Product Security and Telecommunications Infrastructure Act
2022 (Commencement No. 3) Regulations 2023**

Made - - - -

18th September 2023

The Secretary of State makes these Regulations in exercise of the power conferred by section 79(2) of the Product Security and Telecommunications Infrastructure Act 2022^(a).

Citation

1. These Regulations may be cited as the Product Security and Telecommunications Infrastructure Act 2022 (Commencement No. 3) Regulations 2023.

Provisions coming into force on 7th November 2023

2. The following provisions of the Product Security and Telecommunications Infrastructure Act 2022 come into force on 7th November 2023—

- (a) section 68 (arrangements pending determination of certain applications under code);
- (b) section 69 (use of alternative dispute resolution).

18th September 2023

John Whittingdale
Minister of State
Department for Science, Innovation and Technology

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring specified provisions of the Product Security and Telecommunications Infrastructure Act 2022 (c. 46) (“the Act”) into force. They are the third commencement regulations made under the Act.

Regulation 2 brings into force on 7th November 2023 sections 68 and 69 of the Act.

Section 68 of the Act amends paragraph 35 of the electronic communications code (the “code”) set out in Schedule 3A to the Communications Act 2003 (c. 21) so that in cases where a telecommunications operator or a site provider has applied for an order seeking the renewal or termination of an existing code agreement (to which Part 5 of the code applies), either of the parties may apply to the court for an interim order, pending determination of the full application. Such an application may seek interim changes to any of the terms of the agreement, including the financial terms. An order of the court providing for such changes may provide for the order to have effect from the date of the application for the order.

Section 69 of the Act amends a number of provisions in the code so as to make provision about alternative dispute resolution (ADR). The amendments introduce a new requirement for telecommunications operators to provide information about ADR when serving certain notices under the code. In addition, operators and site providers will be required to consider the use of ADR to reach agreement with the other party, if reasonably practicable to do so, before making certain applications to the court. Section 69 also amends paragraph 96 of the code to require the court, when making an order as to costs (or, in Scotland, expenses), to consider any unreasonable refusal by either party to engage in ADR.

The Explanatory Notes to the Act provide further explanation of the reforms to the code introduced by sections 68 and 69 of the Act and are available online (<https://www.legislation.gov.uk/ukpga/2022/46/notes/contents>) and in hard copy from TSO, PO Box 29, Norwich, NR3 1GN (telephone orders/general enquiries: 0333 202 5070).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Product Security and Telecommunications Infrastructure Act 2022 have been or will be brought into force by commencement Regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Part 1 (so far as not already in force)	29th April 2024	2023/469
Section 57	7th February 2023	2023/109
Section 58	17th April 2023	2023/109
Section 59	17th April 2023	2023/109
Section 60	7th February 2023	2023/109
Section 66	26th April 2023	2023/469

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