

*Status: Point in time view as at 25/07/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Cross Heading: Obligation to affix notices to overhead apparatus. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### THE TELECOMMUNICATIONS CODE

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

- C1 Sch. 2 excluded by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), **s. 189(1)**
- C1 Sch. 2: definition applied (E.W.)(1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), **ss. 221(1), 225(2)**.
- C1 Sch. 2: definition applied (E.W.)(1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), **ss. 219(1), 223(2)**.
- C1 Sch. 2: modified by [Greater Manchester \(Light Rapid Transit System\) Act 1991 \(c. xvi, SIF 200\)](#), s.10.
- C1 Sch. 2 modified (12.11.1992) by [Greater Manchester \(Light Rapid Transit System\) Act 1992 \(c. xviii\)](#), **s.10**
- C1 Sch. 2 applied (27.7.1993) by [1993 c. xii, s. 1](#), **Sch. Pt. IV s. 28**.  
Sch. 2 modified (26.5.1994) by [1994 c. vi, s. 10](#)
- C1 Sch. 2 applied (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), arts. 1, 2, **Sch. Pt. I**

##### *Obligation to affix notices to overhead apparatus*

- 18 (1) Where the operator has for the purposes of the operator's [<sup>F1</sup>network] installed any [<sup>F2</sup>electronic communications apparatus] the whole or part of which is at a height of 3 metres or more above the ground, the operator shall, before the expiration of the period of 3 days beginning with the completion of the installation, in a secure and durable manner affix a notice—
- (a) to every major item of apparatus installed; or
  - (b) if no major item of apparatus is installed, to the nearest major item of [<sup>F2</sup>electronic communications apparatus] to which the apparatus that is installed is directly or indirectly connected.
- (2) A notice affixed under sub-paragraph (1) above shall be affixed in a position where it is reasonably legible and shall give the name of the operator and an address in the United Kingdom at which any notice of objection may be given under paragraph 17 above in respect of the apparatus in question; and any person giving such a notice at that address in respect of that apparatus shall be deemed to have been furnished with that address for the purposes of [<sup>F3</sup>paragraph 24(2A)(a)] below.
- (3) If the operator contravenes the requirements of this paragraph he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) In any proceedings for an offence under this paragraph it shall be a defence for the person charged to prove that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

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### Textual Amendments

- F1** Words in [Sch. 2 para. 18](#) substituted (25.7.2003 for certain purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 106, 406, 408, 411, [Sch. 3 para. 5\(d\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by [S.I. 2003/3142](#), art. 1(3))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)
- F2** Words in [Sch. 2 para. 18](#) substituted (25.7.2003 for certain purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 106, 406, 408, 411, [Sch. 3 para. 5\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by [S.I. 2003/3142](#), art. 1(3))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)
- F3** Words in [Sch. 2 para. 18\(2\)](#) substituted (25.7.2003 for certain purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411, [Sch. 17 para. 75](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by [S.I. 2003/3142](#), art. 1(3))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)

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