

**Changes to legislation:** Communications Act 2003, Paragraph 10 is up to date with all changes known to be in force on or before 12 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

### [<sup>F1</sup>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 2

### CONFERRAL OF CODE RIGHTS AND THEIR EXERCISE

#### *Who else is bound by code rights?*

- 10 (1) This paragraph applies if, [<sup>F2</sup>in accordance with this Part][<sup>F2</sup>pursuant to an agreement under this Part or Part 4A], a code right is conferred on an operator in respect of land by a person (“O”) who is the occupier of the land when the code right is conferred.
- (2) If O has an interest in the land when the code right is conferred, the code right also binds—
- (a) the successors in title to that interest,
  - (b) a person with an interest in the land that is created after the right is conferred and is derived (directly or indirectly) out of—
    - (i) O's interest, or
    - (ii) the interest of a successor in title to O's interest, and
  - (c) any other person at any time in occupation of the land whose right to occupation was granted by—
    - (i) O, at a time when O was bound by the code right, or
    - (ii) a person within paragraph (a) or (b).
- (3) A successor in title who is bound by a code right by virtue of sub-paragraph (2)(a) is to be treated as a party to the agreement by which O conferred the right.
- (4) The code right also binds any other person with an interest in the land who has [<sup>F3</sup>, pursuant to an agreement under this Part or Part 4A,] agreed to be bound by it.

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- (5) If such a person (“P”) agrees to be bound by the code right, the code right also binds—
- (a) the successors in title to P's interest,
  - (b) a person with an interest in the land that is created after P agrees to be bound and is derived (directly or indirectly) out of—
    - (i) P's interest, or
    - (ii) the interest of a successor in title to P's interest, and
  - (c) any other person at any time in occupation of the land whose right to occupation was granted by—
    - (i) P, at a time when P was bound by the code right, or
    - (ii) a person within paragraph (a) or (b).
- (6) A successor in title who is bound by a code right by virtue of sub-paragraph (5)(a) is to be treated as a party to the agreement by which P agreed to be bound by the right.]

#### **Textual Amendments**

- F2** Words in [Sch. 3A para. 10\(1\)](#) substituted (15.3.2021 for specified purposes, 26.12.2022 for E.W. in so far as not already in force, 1.7.2023 for S. in so far as not already in force) by [Telecommunications Infrastructure \(Leasehold Property\) Act 2021 \(c. 7\), s. 3\(3\)\(b\)\(4\)](#), [Sch. para. 4\(2\)\(a\)](#); S.I. 2022/1308, reg. 3(c)
- F3** Words in [Sch. 3A para. 10\(4\)](#) inserted (15.3.2021 for specified purposes, 26.12.2022 for E.W. in so far as not already in force, 1.7.2023 for S. in so far as not already in force) by [Telecommunications Infrastructure \(Leasehold Property\) Act 2021 \(c. 7\), s. 3\(3\)\(b\)\(4\)](#), [Sch. para. 4\(2\)\(b\)](#); S.I. 2022/1308, reg. 3(c)

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

- Sch. 3A para. 10(1) words inserted by [2022 c. 46 Sch. para. 3\(2\)\(a\)](#)
- Sch. 3A para. 10(4) words inserted by [2022 c. 46 Sch. para. 3\(2\)\(b\)](#)
- 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\(1\)](#)