

Changes to legislation: Communications Act 2003, Paragraph 108 is up to date with all changes known to be in force on or before 18 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

[^{F1}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 17

SUPPLEMENTARY PROVISIONS

General interpretation

108 (1) In this code—

“agriculture” and “agricultural”—

- (a) in relation to England and Wales, have the same meanings as in the Highways Act 1980,
- (b) in relation to Scotland, have the same meanings as in the Town and Country Planning (Scotland) Act 1997, and
- (c) in relation to Northern Ireland, have the same meanings as in the Agriculture Act (Northern Ireland) 1949;

“bridleway” and “footpath”—

- (a) in relation to England and Wales, have the same meanings as in the Highways Act 1980,
- (b) in relation to Scotland, have the same meanings as Part 3 of the Countryside (Scotland) Act 1967, and
- (c) in relation to Northern Ireland, mean a way over which the public have, by virtue of the Access to the Countryside (Northern Ireland) Order 1983 (SI 1983/1895 (NI 18)), a right of way (respectively) on horseback and on foot;

“code agreement” has the meaning given by paragraph 29(5);

“Crown interest” has the meaning given by paragraph 104(2) and (3);

“enactment” includes—

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- (a) an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978,
- (b) an enactment comprised in, or in an instrument made under, a Measure or Act of the National Assembly for Wales,
- (c) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament, and
- (d) an enactment comprised in, or in an instrument made under, Northern Ireland legislation;

“land” does not include electronic communications apparatus;

“landowner” has the meaning given by paragraph 37(1);

[^{F2}“lease” includes—

- (a) in relation to England and Wales and Northern Ireland, any leasehold tenancy (whether in the nature of a head lease, sub-lease or underlease) and any agreement to grant such a tenancy but not a mortgage by demise or sub-demise, and
- (b) in relation to Scotland, any sub-lease and any agreement to grant a sub-lease,

and “lessee” is to be construed accordingly;]

[^{F2}“lease”—

- (a) in relation to England and Wales and Northern Ireland, includes—
 - (i) any head lease, sub-lease or underlease,
 - (ii) any tenancy (including a sub-tenancy), and
 - (iii) any agreement to grant any such lease or tenancy,

but does not include a mortgage by demise or sub-demise;

- (b) in relation to Scotland, includes any sub-lease and any agreement to grant a sub-lease,

and “leased premises” and “lessee” are to be read accordingly;]

[^{F3}“Part 4A code right” has the meaning given by paragraph 27E(3);]

“relevant person” has the meaning given by paragraph 20(1);

“restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;

“road”—

- (a) in relation to Scotland, has the same meaning as in Part 4 of the New Roads and Street Works Act 1991;
- (b) in relation to Northern Ireland, has the same meaning as in the Roads (Northern Ireland) Order 1993 (SI 1993/3160 (NI 15));

“site provider” has the meaning given by paragraph 30(1);

“street”—

- (a) in relation to England and Wales, has the same meaning as in Part 3 of the New Roads and Street Works Act 1991, and
- (b) in relation to Northern Ireland, has the same meaning as in the Street Works (Northern Ireland) Order 1995 (SI 1995/3210 (NI 19)).

- (2) In this code, references to the alteration of any apparatus include references to the moving, removal or replacement of the apparatus.]

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Textual Amendments

- F2** Words in [Sch. 3A para. 108\(1\)](#) 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\(12\)\(a\)](#); S.I. 2022/1308, reg. 3(c)
- F3** Words in [Sch. 3A para. 108\(1\)](#) 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\(12\)\(b\)](#); S.I. 2022/1308, reg. 3(c)

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Changes and effects yet to be applied to :

- Sch. 3A para. 108(1) words inserted by [2022 c. 46 Sch. para. 3\(11\)](#)
- 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\(1\)](#)