

**Changes to legislation:** Communications Act 2003, Paragraph 51 is up to date with all changes known to be in force on or before 24 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 7

### CONFERRAL OF TRANSPORT LAND RIGHTS AND THEIR EXERCISE

*Emergency works: when can an operator exercise the transport land rights?*

- 51 (1) An operator may exercise a transport land right in order to carry out emergency works.
- (2) If the operator exercises a transport land right to carry out emergency works, the operator must give the transport undertaker an emergency works notice as soon as reasonably practicable after starting the works.
- (3) An “emergency works notice” is a notice which—
- (a) identifies the emergency works;
  - (b) contains a statement of the reason why the works are emergency works; and
  - (c) contains either—
    - (i) the matters which would be included in a notice of proposed works (if one were given in relation to the works), or
    - (ii) a reference to a notice of proposed works which relates to the works that are emergency works (if one has been given).
- (4) A transport undertaker may, within the compensation notice period, give the operator notice which requires the operator to pay compensation for loss or damage sustained in consequence of the carrying out of emergency works (“compensation notice”).
- (5) The operator must pay the transport undertaker any compensation which is required by a compensation notice (if given within the compensation notice period).

---

**Changes to legislation:** Communications Act 2003, Paragraph 51 is up to date with all changes known to be in force on or before 24 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

---

- (6) The amount of compensation payable under sub-paragraph (5) is to be agreed between the operator and the transport undertaker.
- (7) But if—
- (a) the compensation agreement period has ended, and
  - (b) the operator and the transport undertaker have not agreed the amount of compensation payable under sub-paragraph (6),
- the operator or the transport undertaker may give the other notice that the disagreement is to be referred to arbitration under paragraph 52.
- (8) A reference in this paragraph to emergency works includes a reference to any works which are included in a notice of proposed works but become emergency works before the operator is authorised by paragraph 50 or 51 to carry them out.
- (9) In this paragraph—
- “compensation agreement period” means the period of 28 days beginning with the day on which a compensation notice is given;
  - “compensation notice period” means the period of 28 days beginning with the day on which an emergency works notice is given;
  - “emergency works” means works carried out in order to stop anything already occurring, or to prevent anything imminent from occurring, which is likely to cause—
    - (a) danger to persons or property,
    - (b) the interruption of any service provided by the operator's network, or
    - (c) substantial loss to the operator,and any other works which it is reasonable (in all the circumstances) to carry out with those works;
  - “notice of proposed works” means such notice given under paragraph 49.]

**Changes to legislation:**

Communications Act 2003, Paragraph 51 is up to date with all changes known to be in force on or before 24 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.

[View outstanding changes](#)

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

- 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\(1\)](#)