

Changes to legislation: Communications Act 2003, Paragraph 77 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

[^{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 12

RIGHTS TO OBJECT TO CERTAIN APPARATUS

When and by whom can a right to object be exercised?

- 77 (1) A right to object under this Part of this code is available where, pursuant to the right in paragraph 62, an operator keeps electronic communications apparatus installed on, under or over tidal water or lands within the meaning of Part 9 of this code.
- (2) In that case a person has a right to object under this Part of this code if the person—
- is an occupier of, or has an interest in, the tidal water or lands,
 - is not bound by a code right enabling the operator to keep the apparatus installed on, under or over the tidal water or lands, and
 - is not a person with the benefit of a Crown interest in the tidal water or lands.
- (3) A right to object under this Part of this code is available where an operator keeps a line installed over land pursuant to the right in [^{F2}paragraph 74(2) or (2A)].
- (4) In that case a person has a right to object under this Part of this code if the person—
- is an occupier of, or has an interest in, the land, and
 - is not bound by a code right enabling the operator to keep the apparatus installed over the land.
- (5) A right to object under this Part of this code is available where—
- electronic communications apparatus is kept on or over land for the purposes of an operator's network, and

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- (b) the whole or any part of that apparatus is at a height of three metres or more above the ground.
- (6) In that case a person has a right to object under this Part of this code if—
- (a) the person is an occupier of, or has an interest in, any neighbouring land, and
 - (b) because of the nearness of the neighbouring land to the land on or over which the apparatus is kept—
 - (i) the enjoyment of the neighbouring land is capable of being prejudiced by the apparatus, or
 - (ii) any interest in that land is capable of being prejudiced by the apparatus.
- (7) There is no right to object under this Part of this code in respect of electronic communications apparatus if the apparatus—
- (a) replaces any electronic communications apparatus which is not substantially different from the new apparatus, and
 - (b) is not in a significantly different position.]

Textual Amendments

- F2** Words in Sch. 3A para. 77(3) substituted (7.2.2023) by [Product Security and Telecommunications Infrastructure 2022 \(c. 46\)](#), [ss. 60\(7\)](#), [79\(2\)](#); S.I. 2023/109, [reg. 2\(b\)](#)

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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\(1\)](#)