

Status: Point in time view as at 31/07/2017.

Changes to legislation: Communications Act 2003, PART 11 is up to date with all changes known to be in force on or before 13 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)

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)

PART 11

OVERHEAD APPARATUS

Introductory

- 73 This Part of this code—
- (a) confers a power on operators to install and keep certain overhead apparatus, and
 - (b) imposes a duty on operators to affix notices to certain overhead apparatus.

Power to fly lines

- 74 (1) This paragraph applies where any electronic communications apparatus is kept on or over any land for the purposes of an operator's network.
- (2) The operator has the right, for the statutory purposes, to install and keep lines which—
- (a) pass over other land adjacent to, or in the vicinity of, the land on or over which the apparatus is kept,
 - (b) are connected to that apparatus, and
 - (c) are not, at any point where they pass over the other land, less than three metres above the ground or within two metres of any building over which they pass.
- (3) Sub-paragraph (2) does not authorise the installation or keeping on or over any land of—
- (a) any electronic communications apparatus used to support, carry or suspend a line installed under sub-paragraph (2), or
 - (b) any line which, as a result of its position, interferes with the carrying on of any business carried on on that land.

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- (4) In this paragraph “business” includes a trade, profession or employment and includes any activity carried on by a body of persons (whether corporate or unincorporate).

Duty to attach notices to overhead apparatus

- 75 (1) This paragraph applies where—
- (a) an operator has, for the purposes of the operator's network, installed any electronic communications apparatus, and
 - (b) the whole or part of the apparatus is at a height of three metres or more above the ground.
- (2) The operator must, before the end of the period of three days beginning with the day after that on which the installation is completed, in a secure and durable manner attach 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 electronic communications apparatus to which the apparatus that is installed is directly or indirectly connected.
- (3) A notice attached under sub-paragraph (2)—
- (a) must be attached in a position where it is reasonably legible, and
 - (b) must give the name of the operator and an address in the United Kingdom at which any notice of objection may be given under paragraph 77(5) in respect of the apparatus in question.
- (4) Any person giving such a notice at that address in respect of that apparatus is to be treated as having given that address for the purposes of paragraph 91(2).
- (5) An operator who breaches the requirements of this paragraph is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) In any proceedings for an offence under this paragraph it is a defence for the person charged to prove that the person took all reasonable steps and exercised all due diligence to avoid committing the offence.]

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