Changes to legislation: *Communications Act 2003, Cross Heading: What is the test to be applied by the court? is up to date with all changes known to be in force on or before 29 September 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

[F1SCHEDULE 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 4

POWER OF COURT TO IMPOSE AGREEMENT

What is the test to be applied by the court?

21 (1) Subject to sub-paragraph (5) **[**F2and paragraph 27ZA**]**, the court may make an order under paragraph 20 if (and only if) the court thinks that both of the following conditions are met.

(2) The first condition is that the prejudice caused to the relevant person by the order is capable of being adequately compensated by money.

(3) The second condition is that the public benefit likely to result from the making of the order outweighs the prejudice to the relevant person.

(4) In deciding whether the second condition is met, the court must have regard to the public interest in access to a choice of high quality electronic communications services.

(5) The court may not make an order under paragraph 20 if it thinks that the relevant person intends to redevelop all or part of the land to which the code right would relate, or any neighbouring land, and could not reasonably do so if the order were made.**]**

Textual Amendments

F2 Words in Sch. 3A para. 21(1) inserted (26.4.2023) by Product Security and Telecommunications Infrastructure 2022 (c. 46), **ss. 66(3)**, 79(2); S.I. 2023/469, reg. 2

Changes to legislation: *Communications Act 2003, Cross Heading: What is the test to be applied by the court? is up to date with all changes known to be in force on or before 29 September 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*

Modifications etc. (not altering text)

C1 Sch. 3A para. 21 applied (with modifications) (E.W.) (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), art. 1, **Sch. 18 para. 4(4)** (with arts. 62, 76, 87)

Changes to legislation:
Communications Act 2003, Cross Heading: What is the test to be applied by the court? is up to date with all changes known to be in force on or before 29 September 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. 148A and cross-heading inserted by 2022 c. 46 s. 73(2)
- s. 204A-204C substituted for s. 204-206 by 2024 c. 15 s. 32(2)
- s. 245(1)(c) inserted by 2024 c. 15 s. 46(2)
- s. 245(3A)-(3C) inserted by 2024 c. 15 s. 46(3)
- s. 264(10A)(10B) inserted by 2024 c. 15 s. 1(3)
- s. 270(3)(ca) inserted by 2024 c. 15 s. 6(3)
- s. 270(4A) inserted by 2024 c. 15 s. 6(4)
- s. 270(7A) inserted by 2024 c. 15 s. 6(7)
- s. 278A inserted by 2024 c. 15 s. 10
- s. 315(6)(c) omitted by 2024 c. 15 s. 47(9)
- s. 315A inserted by 2024 c. 15 s. 44(9)
- s. 351(4)(aa) inserted by 2024 c. 15 Sch. 2 para. 58(2)(b)
- s. 351(5)(aa) substituted for s. 351(5)(a) by 2024 c. 15 Sch. 2 para. 58(3)(a)
- s. 353(4)(aa) inserted by 2024 c. 15 Sch. 2 para. 59(2)(b)
- s. 359A and cross-heading inserted by 2024 c. 15 s. 45
- s. 368E(5)(d)(e) inserted by 2017 c. 30 s. 94(3)
- s. 370(13) inserted by 2024 c. 13 Sch. 29 para. 7(2)
- s. 371(13) inserted by 2024 c. 13 Sch. 29 para. 7(3)
- s. 393(5)(t) inserted by 2024 c. 13 Sch. 30 para. 28(b)
- s. 402(2A)(zza) inserted by 2024 c. 15 s. 46(4)
- s. 402(2A)(zzb) inserted by 2024 c. 15 s. 44(10)
- 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)
- Sch. 12 para. 1(15) inserted by 2024 c. 15 Sch. 1 para. 1(10)
- Sch. 12 para. 4(2A) inserted by 2024 c. 15 Sch. 4 para. 52(4)
- Sch. 12 para. 7(14) inserted by 2024 c. 15 Sch. 1 para. 2(10)
- Sch. 12 para. 3(6)-(7B) substituted for Sch. 12 para. 3(6)(7) by 2024 c. 15 Sch. 4 para. 51(4)