



Product Security and Telecommunications Infrastructure Act 2022

2022 CHAPTER 46

PART 2

TELECOMMUNICATIONS INFRASTRUCTURE

Power to fly lines

60 Power to fly lines from apparatus kept by another operator

- (1) Paragraph 74 of the electronic communications code (power to fly lines) is amended as follows.
- (2) For sub-paragraph (1) substitute—
 - “(1) This paragraph applies where an operator (“the main operator”) keeps electronic communications apparatus on or over any land for the purposes of the main operator’s network.”
- (3) In sub-paragraph (2)—
 - (a) before “operator” insert “main”, and
 - (b) in paragraph (a), after “apparatus” insert “mentioned in sub-paragraph (1)”.
- (4) After sub-paragraph (2) insert—
 - “(2A) With the agreement of the main operator, another 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 mentioned in sub-paragraph (1) 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.”

- (5) In sub-paragraph (3)—
- (a) for “Sub-paragraph (2) does” substitute “Sub-paragraphs (2) and (2A) do”, and
 - (b) in paragraph (a), for “sub-paragraph (2)” substitute “either of those sub-paragraphs”.
- (6) After sub-paragraph (3) insert—
- “(3A) The main operator has the right to upgrade, or carry out works to, the apparatus mentioned in sub-paragraph (1) for the purposes of, or in connection with—
- (a) the exercise by the main operator of the right conferred by sub-paragraph (2), or
 - (b) the exercise by another operator of the right conferred by sub-paragraph (2A).
- (3B) With the agreement of the main operator, another operator has the right to upgrade, or carry out works to, the apparatus mentioned in sub-paragraph (1) for the purposes of, or in connection with, the exercise by the other operator of the right conferred by sub-paragraph (2A).
- (3C) Sub-paragraphs (3A) and (3B) do not authorise an operator to upgrade, or carry out works to, the apparatus mentioned in sub-paragraph (1) if the upgrade or works would—
- (a) have more than a minimal adverse impact on the appearance of the apparatus,
 - (b) have more than a minimal adverse impact on the land on or over which the apparatus is kept, or
 - (c) cause loss, damage or expense to any person with an interest in the land on or over which the apparatus is kept.
- (3D) An operator may not enter the land on or over which the apparatus mentioned in sub-paragraph (1) is kept for the purpose of exercising a right conferred by this paragraph without the agreement of the occupier of the land.”
- (7) In paragraph 77 (when and by whom a right to object under Part 12 of the code can be exercised), in sub-paragraph (3), for “paragraph 74” substitute “paragraph 74(2) or (2A)”.