



Product Security and Telecommunications Infrastructure Act 2022

2022 CHAPTER 46

PART 2

TELECOMMUNICATIONS INFRASTRUCTURE

Rights of network providers in relation to infrastructure

73 Rights of network providers in relation to infrastructure

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 148 (powers of local authorities in connection with networks) insert—

“Rights of network providers in relation to infrastructure

148A Rights of network providers in relation to infrastructure

- (1) The Secretary of State may by regulations make provision conferring rights on network providers in relation to relevant infrastructure for the purpose of facilitating the development of public electronic communications networks.
- (2) The provision that may be made by regulations under subsection (1) includes (among other things)—
 - (a) provision requiring a person to grant network providers access to relevant infrastructure for specified purposes if specified conditions are met;
 - (b) provision requiring a person to provide network providers with information relating to relevant infrastructure, or land on, over or under which that infrastructure is installed, for specified purposes if specified conditions are met;

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- (c) provision in relation to the carrying out of works of a specified description;
 - (d) provision about requests by network providers for rights conferred by the regulations;
 - (e) provision about the treatment of information provided in accordance with the regulations;
 - (f) provision about disputes under the regulations;
 - (g) provision enabling or requiring a specified person to issue guidance relating to the regulations;
 - (h) provision about such guidance, including (among other things)—
 - (i) provision about the publication of guidance;
 - (ii) provision requiring specified persons, or persons of a specified description, to be consulted about the guidance;
 - (iii) provision about reviewing the guidance;
 - (i) provision requiring regulations under subsection (1) to be reviewed at specified intervals.
- (3) The provision that may be made by virtue of subsection (2)(d) includes (among other things)—
- (a) provision about the procedure by which a network provider may make a request for rights conferred by the regulations, including provision requiring a network provider to comply with requirements imposed by a specified person in relation to the making of such a request;
 - (b) provision about the form in which a request is to be made, including provision for a specified person to make provision about the form of requests;
 - (c) provision about the refusal of requests, including provision about the circumstances in which a request may or must be refused;
 - (d) provision imposing a duty on a Minister of the Crown to give an opinion in relation to the refusal of a request;
 - (e) provision about the effect of such an opinion, including provision for the opinion to be binding on specified persons, or persons of a specified description, in specified circumstances.
- (4) The provision that may be made by virtue of subsection (2)(f) includes (among other things) provision about—
- (a) the procedure for the resolution of disputes;
 - (b) the appointment of a person to determine disputes;
 - (c) the powers of a person when determining disputes;
 - (d) time limits within which disputes must be determined;
 - (e) appeals in respect of decisions relating to disputes.
- (5) Regulations under subsection (1) may provide for any provision of the regulations to apply in relation to land in which there subsists, or at any material time subsisted, a Crown interest as it applies in relation to land in which no such interest subsists.
- (6) Regulations made under subsection (1) may in particular amend or revoke any provision made by the Communications (Access to Infrastructure) Regulations 2016 ([S.I. 2016/700](#)).

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- (7) Before making regulations under subsection (1) the Secretary of State must consult—
- (a) OFCOM;
 - (b) such other persons as the Secretary of State considers appropriate.
- (8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (9) In this section—
- “Crown interest” has the same meaning as in the electronic communications code (see paragraph 104(2) of the code);
- “Minister of the Crown” has the meaning given by section 8(1) of the Ministers of the Crown Act 1975;
- “network provider” means a person who provides, or intends to provide, a public electronic communications network;
- “public utility” means any of the following—
- (a) gas;
 - (b) electricity;
 - (c) heating;
 - (d) water;
- “relevant infrastructure” means infrastructure that is used for the purpose of providing any of the following—
- (a) an electronic communications network;
 - (b) a service consisting of the production, transportation, transmission or distribution of a public utility;
 - (c) a service consisting of the disposal or treatment of waste water and sewage;
 - (d) drainage systems;
 - (e) public lighting;
 - (f) a transport service;
- “specified” means specified in the regulations.”
- (3) In section 402 (power of Secretary of State to make orders and regulations), in subsection (2)(a), after “regulations under section” insert “148A or”.