



Product Security and Telecommunications Infrastructure Act 2022

2022 CHAPTER 46

PART 2

TELECOMMUNICATIONS INFRASTRUCTURE

Rights to upgrade and share apparatus

57 Rights under the electronic communications code to share apparatus

(1) The electronic communications code is amended as follows.

(2) In paragraph 3 (meaning of “code right”)—

(a) the existing wording becomes sub-paragraph (1);

(b) in sub-paragraph (1)—

(i) after paragraph (c) insert—

“(ca) to share with another operator the use of electronic communications apparatus which the first operator keeps installed on, under or over the land.”;

(ii) after paragraph (e) insert—

“(ea) to carry out any works on the land for the purposes of, or in connection with, sharing with another operator the use of electronic communications apparatus which the first operator keeps installed on, under or over the land or elsewhere.”;

(iii) after paragraph (f) insert—

“(fa) to enter the land for the purposes of, or in connection with, sharing with another operator the use of electronic communications apparatus which the first operator keeps installed on, under or over the land or elsewhere.”;

Status: This is the original version (as it was originally enacted).

- (c) after sub-paragraph (1) insert—
- “(2) In sub-paragraph (1), references to “the first operator” are to the operator mentioned in the opening words of that sub-paragraph.”
- (3) For paragraph 4 (the statutory purposes) substitute—
- “4 (1) In this code “the statutory purposes”, in relation to an operator, means—
- (a) in relation to sharing rights, the purposes of enabling the provision by other operators of their networks, and
 - (b) in relation to rights other than sharing rights—
 - (i) the purposes of providing the operator’s network, or
 - (ii) the purposes of providing an infrastructure system.
- (2) In sub-paragraph (1), “sharing right” means a right within paragraph 3(1) (ca), (ea) or (fa).”
- (4) In paragraph 9 (conferral of code rights)—
- (a) the existing wording becomes sub-paragraph (1), and
 - (b) after that sub-paragraph insert—
- “(2) But in a case where an operator (“the first operator”) has the right to share the use of electronic communications apparatus with another operator (“the second operator”) under or by virtue of an agreement under this Part, sub-paragraph (1) does not prevent the agreement from providing for the first operator to permit the second operator to exercise, in connection with the sharing, a code right conferred on the first operator by the agreement.”
- (5) In paragraph 13 (access to land)—
- (a) in sub-paragraph (1)(a), for “paragraph 3” substitute “paragraph 3(1)”; and
 - (b) in sub-paragraph (2), for “paragraph 3” substitute “paragraph 3(1)”.
- (6) In paragraph 38 (right of landowner or occupier of neighbouring land to require removal of electronic communications apparatus), in sub-paragraph (3), for “paragraph 3(h)” substitute “paragraph 3(1)(h)”.
- (7) The amendments made by this section do not affect any rights conferred before the coming into force of this section by an agreement under Part 2 of the electronic communications code.