



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)”.