



# Product Security and Telecommunications Infrastructure Act 2022

## 2022 CHAPTER 46

### PART 2

#### TELECOMMUNICATIONS INFRASTRUCTURE

##### *Renewal of business tenancies conferring code rights*

PROSPECTIVE

#### **64 Compensation relating to code rights: Northern Ireland**

- (1) The Business Tenancies (Northern Ireland) Order 1996 (S.I. 1996/725 (N.I. 5)) is amended as follows.
- (2) After Article 18A (inserted by section 62) insert—

##### **“18B Compensation for exercise of code rights**

- (1) This Article applies where—
  - (a) the Lands Tribunal makes an order for the grant of a new tenancy,
  - (b) the primary purpose of the new tenancy is to confer code rights,
  - (c) the tenancy subsisting at the time the order is made is a subsisting agreement within the meaning of Schedule 2 to the Digital Economy Act 2017, and
  - (d) the primary purpose of that tenancy was to confer code rights.
- (2) The Lands Tribunal may order the tenant to pay compensation to the landlord for any damage or loss that has been sustained or will be sustained by the landlord as a result of the exercise of the code rights conferred by the new tenancy.

*Status: This version of this provision is prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Product Security and Telecommunications Infrastructure Act 2022, Section 64. (See end of Document for details)

- (3) An order under paragraph (2) may be made—
  - (a) at the time the Lands Tribunal makes the order for the grant of the new tenancy, or
  - (b) at any time afterwards, on the application of the landlord.
- (4) An order under paragraph (2) may—
  - (a) specify the amount of compensation to be paid by the tenant, or
  - (b) give directions for the determination of any such amount.
- (5) Directions under paragraph (4)(b) may provide—
  - (a) for the amount of compensation to be agreed between the landlord and the tenant;
  - (b) for any dispute about that amount to be determined by arbitration.
- (6) An order under paragraph (2) may provide for the tenant—
  - (a) to make a lump sum payment,
  - (b) to make periodical payments,
  - (c) to make a payment or payments on the occurrence of an event or events, or
  - (d) to make a payment or payments in such form or at such other time or times as the Lands Tribunal may direct.
- (7) Article 18C makes further provision about compensation in relation to the exercise of code rights conferred by a tenancy granted in pursuance of an order of the Lands Tribunal.
- (8) In this Article, references to “code rights” are to be read—
  - (a) in relation to the new tenancy, in accordance with paragraph 3 of the electronic communications code set out in Schedule 3A to the Communications Act 2003;
  - (b) in relation to a subsisting agreement within the meaning of Schedule 2 to the Digital Economy Act 2017, in accordance with paragraph 3 of that Schedule.

### **18C Further provision about compensation under Article 18B**

- (1) This Article applies to the Lands Tribunal’s power to order a tenant to pay compensation to a landlord under Article 18B (compensation for exercise of code rights).
- (2) Depending on the circumstances, the power of the Lands Tribunal to order the payment of compensation for damage or loss includes power to order payment for—
  - (a) expenses (including reasonable legal and valuation expenses, subject to any statutory provision about the powers of the Lands Tribunal to award costs),
  - (b) diminution in the value of the land, and
  - (c) costs of reinstatement.
- (3) For the purposes of assessing such compensation for diminution in the value of land, rules (2) to (4) set out in Article 6(1) of the Land Compensation (Northern Ireland) Order 1982 ([S.I. 1982/712 \(N.I. 9\)](#)) apply

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with any necessary modifications as they apply for the purposes of assessing compensation for the compulsory acquisition of any interest in land.

- (4) Article 13(1) to (3) of the Land Acquisition and Compensation (Northern Ireland) Order 1973 (S.I. 1973/1896 (N.I. 21)) (compensation in respect of mortgages, trusts for sale and settlements) applies in relation to such compensation for diminution in the value of land as it applies in relation to compensation under Part 2 of that Order.
- (5) Where a landlord has a claim for compensation to which this Article applies and a claim for compensation under any other provision of this Order, or any provision of the electronic communications code, in respect of the same loss, the compensation payable to the landlord must not exceed the amount of the landlord's loss.
- (6) In this Article “the electronic communications code” means the code set out in Schedule 3A to the Communications Act 2003.”
- (3) In Article 42 (enforcement of orders of Lands Tribunal), in paragraph (1), after “18(5),” insert “18B(2),”.

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#### **Commencement Information**

- II** S. 64 not in force at Royal Assent, see [s. 79](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Product Security and Telecommunications Infrastructure Act 2022, Section 64.