



# Product Security and Telecommunications Infrastructure Act 2022

## 2022 CHAPTER 46

### PART 2

#### TELECOMMUNICATIONS INFRASTRUCTURE

##### *Interim arrangements*

#### **68 Arrangements pending determination of certain applications under code**

- (1) Paragraph 35 of the electronic communications code (arrangements pending determination of an application under paragraph 32 or 33) is amended as follows.
- (2) In sub-paragraph (2)—
  - (a) at the end of paragraph (a) insert “or”, and
  - (b) omit paragraph (c) (and the “or” preceding it).
- (3) After sub-paragraph (2) insert—
  - (2A) The operator or the site provider may apply to the court for—
    - (a) an order specifying the payments of consideration to be made by the operator to the site provider under the agreement relating to the existing code right until the application for an order under paragraph 32(1)(b) or 33(5) has been finally determined;
    - (b) an order otherwise modifying the terms of that agreement until that time.
  - (2B) An order under sub-paragraph (2A)(a) may provide for the order to have effect from the date of the application for the order.”
- (4) In sub-paragraph (3), for “under sub-paragraph (2)(c)” substitute “referred to in sub-paragraph (2A)(a)”.

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*Status: This is the original version (as it was originally enacted).*

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(5) After sub-paragraph (3) insert—

“(4) In determining whether to make an order under sub-paragraph (2A)(b), the court must have regard to all the circumstances of the case, and in particular to—

- (a) the terms of the agreement relating to the existing code right,
- (b) the operator’s business and technical needs,
- (c) the use that the site provider is making of the land to which the agreement relates,
- (d) any duties imposed on the site provider by an enactment, and
- (e) the amount of consideration payable by the operator to the site provider under the agreement.”

(6) In the italic heading before paragraph 35, omit “for payment”.