



Opencast Coal Act 1958

1958 CHAPTER 69 6 and 7 Eliz 2

PART III

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

45 Provisions as to telegraphic lines.

- (1) Notwithstanding anything in Part I of this Act, none of the rights or powers conferred thereby or by any order made thereunder shall authorise any interference with any [^{F1}[^{F2}electronic communications apparatus] kept installed for purposes of [^{F3}an electronic communications code network] or include any right or power to require any such apparatus to be altered.]
- [^{F4}(2) Where [^{F5}opencast planning permission has been granted], [^{F6}Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)] (which provides a procedure for certain cases where works involve the alteration of [^{F2}electronic communications apparatus]) shall apply [^{F7}for the purposes of any permitted activities to the person with the benefit of that permission].]
- (3) Where in pursuance of an order made under . . . ^{F8} section fifteen of this Act, a public right of way is suspended, and, immediately before the date on which that order became operative, there was under, in, upon, over, along or across the way to which the order relates ^{F9} . . . [^{F10}[^{F2}electronic communications apparatus] kept installed for the purposes of [^{F3}an electronic communications code network], the operator of [^{F11}that network] shall have the same rights in respect of that apparatus] as if the order had not become operative:

Provided that this subsection shall have effect without prejudice to the provisions of the last preceding subsection.

- [^{F12}(4) [^{F13}Paragraph [^{F14}108(2)] of the electronic communications code] (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of subsection (1) above as it applies for the purposes of that code.]

- (5) ^{F15}

Changes to legislation: There are currently no known outstanding effects for the Opencast Coal Act 1958, Section 45. (See end of Document for details)

Textual Amendments

- F1** Words substituted by [Telecommunications Act 1984](#) (c. 12, SIF 96), s. 109, Sch. 4 para. 38(2), **Sch. 5 para. 45**
- F2** Words in s. 45 substituted (25.7.2003 for specified purposes) by [Communications Act 2003](#) (c. 21), s. 411(2), **Sch. 17 para. 27(1)(a)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3))
- F3** Words in s. 45 substituted (25.7.2003 for specified purposes) by [Communications Act 2003](#) (c. 21), s. 411(2), **Sch. 17 para. 27(1)(b)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3))
- F4** S. 45(2), substituted by [Telecommunications Act 1984](#) (c. 12, SIF 96), s. 109, Sch. 4 para. 38(3), **Sch. 5 para. 45**
- F5** Words substituted by [Housing and Planning Act 1986](#) (c. 63, SIF 86), s. 39(3), **Sch. 8 para. 12(a)**
- F6** Words in s. 45(2) substituted (28.12.2017) by [Digital Economy Act 2017](#) (c. 30), s. 118(6), **Sch. 3 para. 5(2)**; S.I. 2017/1286, reg. 2(d)
- F7** Words in s. 45(2) substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 34** (with s. 40(7)); S.I. 1994/2553, **art. 2**
- F8** Words replaced by [Coal Industry Act 1975](#) (c. 56), s. 5(3), **Sch. 5**
- F9** Word in s. 45(3) repealed (25.7.2003 for specified purposes and for further purposes 29.12.2003) by [Communications Act 2003](#) (c. 21), s. 411(2), **Sch. 19(1)** Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 3(3))
- F10** Words substituted by [Telecommunications Act 1984](#) (c. 12, SIF 96), s. 109, Sch. 4 para. 38(4), **Sch. 5 para. 45**
- F11** Words in s. 45 substituted (25.7.2003 for specified purposes) by [Communications Act 2003](#) (c. 21), s. 411(2), **Sch. 17 para. 27(1)(d)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3))
- F12** S. 45(4) substituted by [Telecommunications Act 1984](#) (c. 12, SIF 96), s. 109, Sch. 4 para. 38(5), **Sch. 5 para. 45**
- F13** Words in s. 45(4) substituted (28.12.2017) by [Digital Economy Act 2017](#) (c. 30), s. 118(6), **Sch. 3 para. 5(3)**; S.I. 2017/1286, reg. 2(d)
- F14** Word in s. 45(4) substituted (immediately after [Digital Economy Act 2017](#) (c. 30), Sch. 3 comes into force) by [The Communications Act 2003 and the Digital Economy Act 2017 \(Consequential Amendments to Primary Legislation\) Regulations 2017](#) (S.I. 2017/1285), reg. 1(1)(2), **Sch. 1 para. 2(2)**
- F15** S. 45(5) repealed by [Coal Industry Act 1975](#) (c. 56), s. 5(3), **Sch. 5**

Changes to legislation:

There are currently no known outstanding effects for the Opencast Coal Act 1958, Section 45.