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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The electronic communications code (“the code”) is set out in Schedule 2 to the Telecommunications Act 1984 as amended by Schedule 3 to the Communications Act 2003 (“the Act”). The code is designed to facilitate the installation and maintenance of electronic communications networks. It confers rights on providers of such networks, and on providers of systems of conduits which are made available for use by providers of electronic communications networks for the purposes of the provision of those networks, to install and maintain apparatus in, over and under land and results in considerably simplified planning procedures. Section 106(7) of the Act provides that “conduit” includes a tunnel, subway, tube or pipe. These Regulations set out restrictions and conditions subject to which the code applies.

Regulation 3 sets out general conditions to which code operators are subject (a “code operator” is defined by regulation 2 as a person in whose case the code has been applied by a direction under section 106(3)(a) of the Act). Regulations 4 to 15 set out specific restrictions and conditions to which code operators are subject, relating to such matters as the installation of lines and electronic communications apparatus, the use of conduits and the maintenance and safety of apparatus. Regulation 16 sets out a condition to which code operators are subject, under which they are obliged to ensure that funds are available to meet certain specified liabilities. Regulation 17 imposes a duty on code operators to co-operate with planning authorities and with highway authorities (or, in Scotland, roads authorities) to produce and follow guidelines on how code operators should conduct the installation, including the positioning, of certain types of apparatus.