
STATUTORY INSTRUMENTS

2003 No. 2553

**The Electronic Communications Code
(Conditions and Restrictions) Regulations 2003**

Interpretation

2.—(1) Unless the contrary intention appears, expressions used in these Regulations which are used in Schedule 2 to the Telecommunications Act 1984⁽¹⁾ have the same meanings as in that Schedule.

(2) In these Regulations—

“the Act” means the Communications Act 2003;

“appropriate authority” means—

- (a) in relation to England and Wales, a relevant authority within the meaning of section 49(6) of the New Roads and Street Works Act 1991⁽²⁾;
- (b) in relation to Scotland, a person to whom notice would be required to be given by section 108(6) of the New Roads and Street Works Act 1991⁽³⁾; and
- (c) in relation to Northern Ireland, a relevant authority within the meaning of article 7(5) of the Street Works (Northern Ireland) Order 1995⁽⁴⁾;

“area of special scientific interest” means, in relation to Great Britain, any area in respect of which notice has been given under section 28(1) of the Wildlife and Countryside Act 1981⁽⁵⁾ or, in relation to Northern Ireland, any area in respect of which a declaration has been made under article 24(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985⁽⁶⁾;

“authorised area” has, in relation to Great Britain, the meaning given by section 6(9) of the Electricity Act 1989⁽⁷⁾ and, in relation to Northern Ireland, the meaning given by article 3 of the Electricity (Northern Ireland) Order 1992⁽⁸⁾;

“the Broads” means the area in which the Broads Authority established under section 1 of the Norfolk and Suffolk Broads Act 1988⁽⁹⁾ exercises powers of development control;

“carriageway” has the meanings given—

- (a) in relation to England and Wales, by section 329 of the Highways Act 1980⁽¹⁰⁾;

(1) 1984 c. 12, amended by 2003 c. 21, section 106(2) and Schedule 3.

(2) 1991 c. 22.

(3) Section 108(6) was amended by section 180 of, and paragraph 168 of Schedule 13 to, the Local Government etc. (Scotland) Act 1994 (c. 39).

(4) S.I.1995/3210 (N.I. 19).

(5) 1981 c. 69; section 28(1), in relation to England and Wales, was substituted by section 75(1) of and paragraph 1 of Schedule 9 to the Countryside and Rights of Way Act 2000 (c. 37) and, in its application to Scotland, was amended by section 36 of and paragraph 8 of Schedule 5 to the National Parks (Scotland) Act 2000 (asp. 10).

(6) S.I. 1985/170 (N.I. 1); article 24(1) was amended by article 10 of S.I. 1989/492 (N.I. 3).

(7) 1989 c. 29; section 6 was substituted by section 30 of the Utilities Act 2000 (c. 27).

(8) S.I. 1992/231 (N.I. 1).

(9) 1988 c. 4; section 1 was amended by section 73(4) of and paragraph 1(1)(i) of Schedule 8 to the Countryside and Rights of Way Act 2000 (c. 37) and by article 4(a) of S.I. 1989/1380.

(10) 1980 c. 66.

- (b) in relation to Scotland, by section 151 of the Roads (Scotland) Act 1984⁽¹¹⁾; and
- (c) in relation to Northern Ireland, by article 2(2) of the Roads (Northern Ireland) Order 1993⁽¹²⁾;

and additionally means, in relation to a street to which vehicles have access, that part of the street which is primarily intended to carry vehicles;

“code operator” means a person in whose case the electronic communications code is applied by a direction under section 106(3)(a) of the Act;

“conservation area” means—

- (a) in relation to England and Wales, any area designated as a conservation area under sections 69 and 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990⁽¹³⁾;
- (b) in relation to Scotland, any area designated as a conservation area under section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997⁽¹⁴⁾; and
- (c) in relation to Northern Ireland, any area designated as a conservation area under article 50 of the Planning (Northern Ireland) Order 1991⁽¹⁵⁾;

“Countryside Council for Wales” means the body known as the Countryside Council for Wales and established by section 128 of the Environmental Protection Act 1990⁽¹⁶⁾;

“electricity supplier” means, in relation to an area in which a code operator has installed or proposes to install any electronic communications apparatus, the person who is the holder of a licence granted (in Great Britain) under section 6(1) of the Electricity Act 1989 or (in Northern Ireland) under article 10(1) of the Electricity (Northern Ireland) Order 1992;

“emergency organisation” means any of the police, fire, ambulance and coastguard services and any other organisation which, in the normal course of its activities, may be called upon in an emergency to undertake tasks necessary for—

- (a) the preservation of life,
- (b) the prevention or treatment of injury or disease,
- (c) the protection of public health, or
- (d) national defence or the protection of national security;

“English Nature” means the body known as English Nature and established by section 128 of the Environmental Protection Act 1990⁽¹⁷⁾;

“footway” has the meanings given—

- (a) in relation to England and Wales, by section 329 of the Highways Act 1980;
- (b) in relation to Scotland, by section 151 of the Roads (Scotland) Act 1984; and
- (c) in relation to Northern Ireland, by article 2 of the Roads (Northern Ireland) Order 1993;

and additionally means, in relation to a street to which vehicles have access, that part of the street which is not primarily intended to carry vehicles;

“a high load grid route” is a route included in the records of routes suitable for the transport of high abnormal loads maintained by the Secretary of State;

(11) 1984 c. 54.

(12) S.I. 1993/3160 (N.I. 15).

(13) 1990 c. 9.

(14) 1997 c. 9.

(15) S.I. 1999/1220 (N.I. 11).

(16) 1990 c. 43.

(17) The words “English Nature” in section 128 were substituted by section 73(4) of and paragraph 1(n)(ii) of Schedule 8 to the Countryside and Rights of Way Act 2000 (c. 37).

“highway authority” means, in relation to England and Wales, the highway authority as defined in section 1 of the Highways Act 1980 and, in relation to Northern Ireland, the Department for Regional Development;

“limestone pavement area” means an area designated as such by an order made under section 34(2) of the Wildlife and Countryside Act 1981;

“local nature reserve” means an area designated as such under section 21(1) of the National Parks and Access to the Countryside Act 1949⁽¹⁸⁾;

“marine nature reserve” means, in relation to Great Britain, an area designated as such under section 36(1) of the Wildlife and Countryside Act 1981⁽¹⁹⁾ and, in relation to Northern Ireland, an area designated as such under article 20(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

“national nature reserve” means any land declared to be a national nature reserve under section 35(1) of the Wildlife and Countryside Act 1981⁽²⁰⁾ by—

- (a) English Nature, in England;
- (b) Scottish Natural Heritage, in Scotland; or
- (c) the Countryside Council for Wales, in Wales;

and in Northern Ireland means any land declared to be a national nature reserve under article 18(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

“national park” means—

- (a) any area in England and Wales designated and confirmed as such under section 5(3) of the National Parks and Access to the Countryside Act 1949⁽²¹⁾;
- (b) any area in Scotland designated as such by an order made under section 6(2) of the National Parks (Scotland) Act 2000⁽²²⁾; or
- (c) any area in Northern Ireland designated as such under article 12(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985;

“national scenic area” means any area designated as such under section 262C of the Town and Country Planning (Scotland) Act 1972⁽²³⁾;

“natural heritage area” means any area designated as such under section 6(2) of the Natural Heritage (Scotland) Act 1991⁽²⁴⁾;

“the New Forest” means the area defined by section 1(1) of the New Forest Act 1964⁽²⁵⁾;

“OFCOM” means the Office of Communications as established by section 1 of the Office of Communications Act 2002⁽²⁶⁾;

“planning authority” means—

⁽¹⁸⁾ 1949 c. 97; section 21(1) was amended by section 1(1)(b) and (7) of and paragraph 1 of Schedule 1 to the Nature Conservancy Council Act 1973 (c. 54).

⁽¹⁹⁾ Section 36(1) was amended by section 3 of and paragraph 6 of Schedule 1 to the Territorial Sea Act 1987 (c. 49).

⁽²⁰⁾ Section 27A of the Wildlife and Countryside Act 1981, which was inserted by section 132 of and paragraph 11(8) of Schedule 8 to the Environmental Protection Act 1990 (c. 43), provides that references in the 1981 Act to “the Nature Conservancy Council” are to be construed as references to “English Nature” in relation to land in England, to “Scottish Natural Heritage” in relation to land in Scotland, and to “the Countryside Council for Wales” in relation to land in Wales.

⁽²¹⁾ Section 5(3) was amended by article 3(d) of and paragraph 1(1) and (5) of Schedule 1 to S.I. 1999/416.

⁽²²⁾ 2000 asp. 10.

⁽²³⁾ 1972 c. 52; section 6(9) of the Natural Heritage (Scotland) Act 1991 (c. 28) contained a saving provision for any areas which were designated as national scenic areas under section 262C of the 1972 Act as at the date of repeal of that section by section 27 of and Schedule 11 to the 1991 Act.

⁽²⁴⁾ 1991 c. 28.

⁽²⁵⁾ 1964 c. 83.

⁽²⁶⁾ 2002 c. 11.

- (a) in relation to England, a local planning authority within the meaning of section 1(1) or (2) of the Town and Country Planning Act 1990⁽²⁷⁾;
- (b) in relation to Wales, a local planning authority within the meaning of section 1(1B) or (2) of the Town and Country Planning Act 1990⁽²⁸⁾;
- (c) in relation to Scotland, a planning authority within the meaning of section 1 of the Town and Country Planning (Scotland) Act 1997⁽²⁹⁾ or a national park authority designated as a planning authority by an order made under section 10(1) of the National Parks (Scotland) Act 2000; and
- (d) in relation to Northern Ireland, the Department of the Environment.

“relevant undertaker” has the meaning given by paragraph 23(10) of Schedule 2 to the Telecommunications Act 1984 and additionally includes any undertaker engaged in the supply of gas, electricity, water, heat or the disposal of sewage;

“responsible authority”—

- (a) in relation to England and Wales, has the meaning given by section 90(4) of the New Roads and Street Works Act 1991;
- (b) in relation to Scotland, has the meaning given by section 194(4) of that Act⁽³⁰⁾; and
- (c) in Northern Ireland, has the meaning given by article 49(4) of the Street Works (Northern Ireland) Order 1995;

“roads authority” has the meaning given by section 151(1) of the Roads (Scotland) Act 1984⁽³¹⁾;

“road works authority” has the meaning given by section 108(1) of the New Roads and Street Works Act 1991;

“Scottish Natural Heritage” means the body known as Scottish Natural Heritage and established by section 1 of the Natural Heritage (Scotland) Act 1991;

“service line” means any line placed or intended to be placed for the purposes of providing any electronic communications service to the occupier from time to time of any land, as distinct from a line placed or intended to be placed for the general purposes of any electronic communications network;

“service line distribution point” means the point at which any line placed or intended to be placed for the general purposes of any electronic communications network is connected to any service line;

“site of special scientific interest” means an area in respect of which a notification has been given under section 28(1) of the Wildlife and Countryside Act 1981⁽³²⁾;

“statutory list of buildings” means—

- (a) in relation to England and Wales, the list of buildings of special architectural or historic interest compiled or approved under section 1(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (b) in relation to Scotland, the list compiled under section 1(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; or

(27) 1990 c. 8.

(28) Section 1(1B) was inserted by section 18(3) and (4) of the Local Government (Wales) Act 1994 (c. 19).

(29) 1997 c. 8.

(30) Section 149(4) was amended by section 71(2) of and paragraph 21(1) and (6) of Schedule 7 to the [Water Industry \(Scotland\) Act 2002](#) (asp. 3).

(31) The words in the definition of “roads authority” were substituted by section 180(1) of and paragraph 135(10)(a)(iii) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39).

(32) Section 28, in so far as it applies to England and Wales, was substituted by section 75(1) of and paragraph 1 of Schedule 9 to the Countryside and Rights of Way Act 2000 (c. 37).

(c) in relation to Northern Ireland, the list compiled under article 42 of the Planning (Northern Ireland) Order 1991;

“street authority” has, in relation to England and Wales, the meaning given by section 49 of the New Roads and Street Works Act 1991 and, in relation to Northern Ireland, the meaning given by article 7(1) of the Street Works (Northern Ireland) Order 1995;

“traffic authority” has, in relation to England and Wales, the meaning given by section 121A of the Road Traffic Regulation Act 1984⁽³³⁾ and, in relation to Northern Ireland, means the Department for Regional Development.

(33) 1984 c. 27; section 121A was inserted by section 168(1) of and paragraph 70 of Part II of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22).