



Infrastructure (Wales) Act 2024

2024 asc 3

PART 6

INFRASTRUCTURE CONSENT ORDERS

Provision in orders: specific limitations and powers

75 Extinguishment of rights, and removal of apparatus, of statutory undertakers etc.

- (1) This section applies if an infrastructure consent order authorises the acquisition of land (compulsorily or by agreement) and—
 - (a) there subsists over the land a relevant right,
 - (b) a relevant restrictive covenant applies to the land, or
 - (c) there is on, under or over the land relevant apparatus.
- (2) “Relevant right” means a right of way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, which—
 - (a) is vested in or belongs to statutory undertakers for the purpose of the carrying on of their undertaking, or
 - (b) is conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network.
- (3) “Relevant restrictive covenant” means a restrictive covenant that benefits statutory undertakers in carrying on their undertaking.
- (4) “Relevant apparatus” means—
 - (a) apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or
 - (b) electronic communications apparatus kept installed for the purposes of an electronic communications code network.
- (5) The order may include provision for the extinguishment of the relevant right or relevant restrictive covenant, or the removal of the relevant apparatus, only if the

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Welsh Ministers are satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates

(6) In this section, “statutory undertakers” means persons who are, or are deemed to be, statutory undertakers for the purpose of any provision of Part 11 of TCPA 1990.

(7) In this section—

“electronic communications apparatus” (“*cyfarfpar cyfarthrebu electronig*”) has the meaning given in paragraph 5 of the electronic communications code;

“electronic communications code” (“*cod cyfarthrebu electronig*”) means the code set out in Schedule 3A to the Communications Act 2003 (c. 21);

“operator of an electronic communications code network” (“*gweithredwr rhwydwaith cod cyfarthrebu electronig*”) has the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003.