



Telecommunications Act 1984

1984 CHAPTER 12

PART VII U.K.

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

93 Grants to promote interests of disabled persons. U.K.

- [^{F1}(1) The Secretary of State may, with the approval of the Treasury, make grants for the purpose of defraying or contributing towards—
- (a) any expenses which may be incurred by any person in supporting research into or the development of apparatus to which this section applies; or
 - (b) any fees incurred by any person in respect of the exercise in relation to apparatus to which this section applies of any function conferred by or under section 22 above.
- (2) This section applies to—
- (a) telecommunication apparatus which is constructed for use by disabled persons;
 - (b) telecommunication apparatus which is so constructed as to be capable of being adapted for such use; and
 - (c) apparatus by means of which telecommunication apparatus falling within paragraph (b) above may be so adapted.
- (3) In making a grant under this section, the Secretary of State may impose such conditions as he thinks fit and may, in particular, impose a condition requiring the repayment of all or any part of the grant—
- (a) if any other condition is not complied with; or
 - (b) in such other circumstances as he may specify.
- (4) There shall be paid out of money provided by Parliament any sums required by the Secretary of State for making grants under this section.

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Cross Heading: Miscellaneous. (See end of Document for details)

- (5) Any sums received by the Secretary of State under subsection (3) above shall be paid into the Consolidated Fund.]

Textual Amendments

- F1** S. 93 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by [Communications Act 2003](#) (c. 21), ss. 398(4)(a), 406, 408, 411, [Sch. 19\(1\)](#) (with [Sch. 18](#), [Sch. 19\(1\)](#) Note 1); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#) (as amended (8.12.2003) by S.I. 2003/3142, [art. 1\(3\)](#))); S.I. 2003/3142, [art. 3](#), [Sch. 1](#) (with [art. 11](#))

F294 **Directions in the interests of national security etc.** **U.K.**

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Textual Amendments

- F2** S. 94 omitted (12.3.2018 for specified purposes, 22.8.2018 in so far as not already in force) by virtue of [Investigatory Powers Act 2016](#) (c. 25), s. 272(1), [Sch. 10 para. 99](#) (with [Sch. 9](#) paras. 7, 8, 10); S.I. 2018/341, [reg. 2\(p\)](#) (with [reg. 4](#)); S.I. 2018/873, [reg. 3\(k\)](#) (with [regs. 5, 7](#))

95 **Orders under the 1973 and 1980 Acts.** **U.K.**

[^{F3}[^{F4}(1) Where the Office of Fair Trading, the Commission or (as the case may be) the Secretary of State (in this section “the relevant authority”) makes a relevant order, the order may also provide for the revocation or modification of licences granted under section 7 above to such extent as may appear to the relevant authority to be requisite or expedient for the purpose of giving effect to, or taking account of, any provision made by the order.

(2) In subsection (1) above, “relevant order” means—

- (a) an order under section 75, 83 or 84 of, or paragraph 5, 10 or 11 of Schedule 7 to, the Enterprise Act 2002 where—
- (i) one or more than one of the enterprises which have, or may have, ceased to be distinct enterprises was engaged in the carrying on of a commercial activity connected with telecommunications; or
 - (ii) one or more than one of the enterprises which will or may cease to be distinct enterprises is engaged in the carrying on of a commercial activity connected with telecommunications; or
- (b) an order under section 160 or 161 of that Act where the feature, or combination of features, of the market in the United Kingdom for goods or services which prevents, restricts or distorts competition relates to commercial activities connected with telecommunications.]

[^{F5}(3) Expressions used in subsection (2) above and in Part 3 or (as the case may be) Part 4 of the Enterprise Act 2002 have the same meanings in that subsection as in that Part.]]

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Cross Heading: Miscellaneous. (See end of Document for details)

Textual Amendments

- F3** S. 95 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by **Communications Act 2003** (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)
- F4** S. 95(1)(2) substituted (20.6.2003) by 2002 c. 40, ss. 86(5), 164(2), 279, Sch. 9 Pt. 1 para. 1(2); S.I. 2003/1397, **art. 2(1)**, Sch.
- F5** S. 95(3) substituted (20.6.2003) by 2002 c. 40, ss. 86(5), 164(2), 279, Sch. 9 Pt. 1 para. 1(3); S.I. 2003/1397, **art. 2(1)**, Sch.

Modifications etc. (not altering text)

- C1** S. 95(2)(a) amended (20.6.2003) by **The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003** (S.I. 2003/1592), art. 16, **Sch. 4 para. 4**

96 Prohibitions and restrictions applying to lessees with respect to telecommunications. **U.K.**

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Textual Amendments

- F6** S. 96 repealed (25.7.2003 for specified purposes, otherwise prosp.) by **Communications Act 2003** (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)))

97 Contributions by local authorities towards provision of facilities. **U.K.**

[^{F7}(1) Where a local authority consider that it would be for the benefit of the whole or any part of their area that—

- (a) any additional telecommunication facilities should be provided; or
- (b) any existing telecommunication facilities should continue to be provided,

by a public telecommunications operator, whether within or outside the area to be benefited, the authority may undertake to pay to that operator any loss he may sustain by reason of the provision or continued provision of those facilities.

(2) In the application of this section to Scotland, nothing in subsection (1) above shall authorise the giving of an undertaking as respects the provision or continued provision of facilities outside the area to be benefited.

(3) In this section “local authority”—

- (a) in relation to England ^{F8} . . . , means a county council, ^{F9} a district council, a London borough council, the Common Council of the City of London [^{F10}or], a parish council ^{F11} . . . ;

[^{F12}(aa) in relation to Wales, means a county council, a county borough council or a community council;]

- (b) in relation to Scotland, means a [^{F13}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
- (c) in relation to Northern Ireland, means a district council.]

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Cross Heading: Miscellaneous. (See end of Document for details)

Textual Amendments

- F7** S. 97 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by **Communications Act 2003** (c. 21), ss. 398(4)(b), 406, 408, 411, **Sch. 19(1)** (with **Sch. 18**, **Sch. 19(1)** Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), **Sch. 1** (with art. 3(2)) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, **art. 3**, **Sch. 1** (with art. 11)
- F8** Words in s. 97(3)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), **Sch. 16** para. 72(a), **Sch. 18** (with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F9** Words repealed by **Local Government Act 1985** (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**
- F10** Word in s. 97(3)(a) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16** para. 72(a) (with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F11** Words in s. 97(3)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), **Sch. 16** para. 72(a), **Sch. 18** (with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F12** S. 97(3)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16** para. 72(b) (with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F13** Words in s. 97(3)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13** para. 133(2); S.I. 1996/323, **art. 4(b)(c)**

98 Use of certain conduits for telecommunication purposes. **U.K.**

- (1) The functions of an authority with control of a relevant conduit shall include the power—
- (a) to carry out, or to authorise another person to carry out, any works in relation to that conduit for or in connection with the installation, maintenance, adjustment, repair or alteration of [^{F14}electronic communications apparatus];
 - (b) to keep [^{F14}electronic communications apparatus] installed in that conduit or to authorise any other person to keep [^{F14}electronic communications apparatus] so installed;
 - (c) to authorise any person to enter that conduit to inspect [^{F14}electronic communications apparatus] kept installed there;
 - (d) to enter into agreements, on such terms (including terms as to the payments to be made to the authority) as it thinks fit, in connection with the doing of anything authorised by or under this section; and
 - (e) to carry on an ancillary business consisting in the making and carrying out of such agreements.
- (2) Where any enactment or subordinate legislation expressly or impliedly imposes any limitation on the use to which a relevant conduit may be put, that limitation shall not have effect so as to prohibit the doing of anything authorised by or under this section.
- (3) Where the doing by an authority with control of a public sewer of anything authorised by this section would, apart from this subsection, constitute a contravention of any obligation imposed (whether by virtue of any conveyance or agreement or otherwise) on the authority, the doing of that thing shall not constitute such a contravention to the extent that it consists in, or in authorising, the carrying out of works or inspections, or keeping of apparatus, wholly inside a public sewer.
- (4) Subject to subsections (2) and (3) above, subsection (1) above is without prejudice to the rights of any person with an interest in land on, under or over which a relevant conduit is situated.

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Cross Heading: Miscellaneous. (See end of Document for details)

- (5) Without prejudice to subsections (1) to (4) above, the Secretary of State may by order provide for any local Act under or in accordance with which any conduits (whether or not relevant conduits) are kept installed in [F15streets][F15roads] to be amended in such manner as appears to him requisite or expedient for securing—
- (a) that there is power for those conduits to be used for [F16the purposes of any electronic communications network or of any electronic communications service];
 - (b) that the terms (including terms as to payment) on which those conduits are used for those purposes are reasonable; and
 - (c) that the use of those conduits for those purposes is not unreasonably inhibited (whether directly or indirectly) by reason of the terms of any consent, licence or agreement which has been given, granted or made in relation to any of those conduits for the purposes of that Act.
- (6) In this section “relevant conduit” means—
- (a) any conduit which, whether or not it is itself an electric line, is maintained by an electricity authority for the purpose of enclosing, surrounding or supporting such a line, including where such a conduit is connected to any box, chamber or other structure (including a building) maintained by an electricity authority for purposes connected with the conveyance, transmission or distribution of electricity, that box, chamber or structure; or
 - (b) a water main or any other conduit maintained by a water authority for the purpose of conveying water from one place to another; or
 - (c) a public sewer; or
 - (d) a culvert which is a designated watercourse within the meaning of the ^{M1}Drainage (Northern Ireland) Order [F172006].
- (7) In this section a reference to the authority with control of a relevant conduit—
- (a) in relation to a conduit or structure falling within paragraph (a) or (b) of subsection (6) above, shall be construed as a reference to the authority by whom the conduit or structure is maintained;
 - (b) in relation to a public sewer, shall be construed, subject to subsection (8) below, as a reference to the [F18 person] in whom the sewer is vested; and
 - (c) in relation to a culvert falling within paragraph (d) of subsection (6) above, shall be construed as a reference to the Department of Agriculture for Northern Ireland.
- (8) Where—
- (a) the functions of an authority with control of a public sewer are, in pursuance of any enactment, discharged on its behalf by [F19another person], and
 - (b) the [F20other person] is authorised by the authority with control of the sewer to act on its behalf for the purposes of the matters referred to in subsection (1) above,
- this section shall have effect in relation to that sewer as if any reference to the authority with control of the sewer included, to such extent as may be necessary for the [F20other person] so to act, a reference to the [F20other person].
- (9) In this section—
- “alteration”, “[F21street][F21road]” [F22and “telecommunication apparatus”] have the same meanings as in Schedule 2 to this Act;
 - “conduit” includes a tunnel or subway;

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“electric line”—

- (a) in Great Britain, has the same meaning as in [^{F23}the Electricity Act 1989]; and
- (b) in Northern Ireland, has the same meaning as in the [^{F24}Electricity (Northern Ireland) Order 1992];

“electricity authority” means [^{F25}a person authorised by a licence under Part I of the Electricity Act 1989 to [^{F26}supply or participate in the transmission of] electricity] or [^{F27}a person authorised by a licence under Part II of the Electricity (Northern Ireland) Order 1992 to transmit or supply electricity];

“public sewer”—

- (a) in England and Wales, has the same meaning as in the ^{M2}Public Health Act 1936;
- (b) in Scotland, means any sewer which is vested in [^{F28}Scottish Water]; and
- (c) in Northern Ireland, means a sewer as defined in the ^{M3}Water and Sewerage Services (Northern Ireland) Order [^{F17}2006];

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“subordinate legislation” means any subordinate legislation within the meaning of the Interpretation Act 1978 or any instrument, as defined in section 1 of the ^{M4}Interpretation Act (Northern Ireland) 1954;

“water authority”—

- (a) [^{F30}in England and Wales, [^{F31}means the Environment Agency, the Natural Resources Body for Wales or] a water undertaker;]
- (b) in Scotland, [^{F32}means Scottish Water]; and
- (c) in Northern Ireland, means the [^{F33}a water undertaker (within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006)];

“water main”—

- (a) [^{F34}in England and Wales, means a water main [^{F35}or resource main within the meaning of the Water Industry Act 1991];]
- (b) in Scotland, means a main within the meaning of the ^{M5}Water (Scotland) Act 1980; and
- (c) in Northern Ireland, means [^{F36}a water main or resource main] within the meaning of the ^{M6}Water and Sewerage Services (Northern Ireland) Order [^{F37}2006].

Textual Amendments

- F14** Words in s. 98(1) substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411, [Sch. 17 para. 71\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by [S.I. 2003/3142](#), art. 1(3))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)
- F15** Word in s. 98(5) substituted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), [Sch. 9 para. 92\(3\)\(a\)](#)
- F16** Words in s. 98(5)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 408, 411, [Sch. 17 para. 71\(3\)](#); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by [S.I. 2003/3142](#), art. 1(3))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)
- F17** Word in definition of “public sewer” in s. 98(9) substituted (N.I.) (1.4.2007) by [The Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(1), [Sch. 12 para. 19\(1\)\(a\)](#) (with arts. 8(8), 121(3), 307); [S.R. 2007/194](#), [art. 2\(2\)](#), [Sch. 1 Pt. II](#) (subject to art. 3, [Sch. 2](#))

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- F18** Word in s. 98(7)(b) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 para. 68(1)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F19** Words in s. 98(8)(a) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 paras. 68(1)(b)(i), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F20** Words in s. 98(8) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 paras. 68(1)(b)(i), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F21** Word in s. 98(9) substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), **Sch. 9 para. 92(3)(b)**
- F22** Words in s. 98(9) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)
- F23** Words in s. 98(9) substituted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(2)(a), Sch. 17 paras. 33, **35(1)**
- F24** Words in s. 98(9) substituted (N.I.) (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12**, para. 28(a); S.R. 1992/117, **art. 3(1)**
- F25** Words in s. 98(9) substituted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 29(2)(b), Sch. 17 paras. 33, **35(1)**
- F26** Words in s. 98(9) substituted (E.W.S.) (1.9.2004) by Energy Act 2004 (c. 20), s. 198(2), **Sch. 19 para. 2**; S.I. 2004/2184, art. 2(2), **Sch. 2**
- F27** Words in s. 98(9) substituted (N.I.) (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 28(b)**; S.R. 1992/117, **art. 3(1)**
- F28** Words in definition of "public sewer" in s. 98(9) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1, **Sch. Pt. 1 para. 12(a)**
- F29** In s. 98(9) definition of "sewerage authority" repealed (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1, **Sch. Pt. 1 para. 12(b)**
- F30** Para. (a) of definition of "water authority" in s. 98(9) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 para. 68(c)(i), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F31** Words in s. 98(9) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 181** (with Sch. 7)
- F32** Words in definition of "water authority" in s. 98(9) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1, **Sch. Pt. 1 para. 12(c)**
- F33** Words in definition of "water authority" in s. 98(9) substituted (N.I.) (1.4.2007) by virtue of The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 19(1)(b)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)
- F34** Para. (a) of definition of "water main" in s. 98(9) substituted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 para. 68(c)(ii), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F35** Words in para. (a) in definition of 'water main' in s. 98(9) substituted (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 38(1)**
- F36** Words in definition of "water main" in s. 98(9) substituted (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 19(1)(c)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

*Changes to legislation: There are currently no known outstanding effects for the
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F37 Word in definition of "water main" in s. 98(9) substituted (N.I.) (1.4.2007) by [The Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(1), **Sch. 12 para. 19(1)(c)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Marginal Citations

- M1** S.I. 1973/69 (N.I. 1).
- M2** 1936 c. 49.
- M3** S.I. 1973/70 (N.I. 2).
- M4** 1954 c. 33 (N.I.).
- M5** 1980 c. 45.
- M6** S.I. 1973/70 (N.I. 2).

99 **U.K.**

- F38**(1)
- F39**(2)
- F39**(3)

Textual Amendments

- F38** [S. 99\(1\)](#) repealed (26.3.2001) by [2000 c. 26, s. 127\(6\)](#), **Sch. 9**; S.I. 2001/1148, art. 2, **Sch.** Table (with art. 34)
- F39** [S. 99\(2\)\(3\)](#) repealed (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(2), **Sch. 2** (with art. 4(11))

F40¹⁰⁰ **U.K.**

Textual Amendments

- F40** [S. 100](#) repealed (6.9.1994) by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), ss. 109, 110(4), **Sch. 7 Pt. III**; S.I. 1994/2162, **art. 2**

Changes to legislation:

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