

Status: Point in time view as at 28/11/1991. This version of this cross heading contains provisions that are not valid for this point in time.

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

SCHEDULES

SCHEDULE 2 **U.K.**

THE TELECOMMUNICATIONS CODE

Modifications etc. (not altering text)

C1 Sch. 2 excluded by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), **s. 189(1)**

VALID FROM 25/07/2003

[^{F1}Effect of agreements concerning sharing of apparatus

Textual Amendments

F1 Sch. 2 para. 29 and cross-heading inserted (25.7.2003 for certain purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 106, 406, 408, 411, **Sch. 3 para. 11** (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)

- 29 (1) This paragraph applies where—
- (a) this code has been applied by a direction under section 106 of the Communications Act 2003 in a person's case;
 - (b) this code expressly or impliedly imposes a limitation on the use to which electronic communications apparatus installed by that person may be put or on the purposes for which it may be used; and
 - (c) that person is a party to a relevant agreement or becomes a party to an agreement which (after he has become a party to it) is a relevant agreement.
- (2) The limitation is not to preclude—
- (a) the doing of anything in relation to that apparatus, or
 - (b) its use for particular purposes,
- to the extent that the doing of that thing, or the use of the apparatus for those purposes, is in pursuance of the agreement.
- (3) This paragraph is not to be construed, in relation to a person who is entitled or authorised by or under a relevant agreement to share the use of apparatus installed by another party to the agreement, as affecting any consent requirement imposed (whether by a statutory provision or otherwise) on that person.
- (4) In this paragraph—
- “consent requirement”, in relation to a person, means a requirement for him to obtain consent or permission to or in connection with—

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- (a) the installation by him of apparatus; or
- (b) the doing by him of any other thing in relation to apparatus the use of which he is entitled or authorised to share;

“relevant agreement” means an agreement in relation to electronic communications apparatus which—

- (a) relates to the sharing by different parties to the agreement of the use of that apparatus; and
- (b) is an agreement that satisfies the requirements of sub-paragraph (5);

“statutory provision” means a provision of an enactment or of an instrument having effect under an enactment.

- (5) An agreement satisfies the requirements of this sub-paragraph if—
 - (a) every party to the agreement is a person in whose case this code applies by virtue of a direction under section 106 of the Communications Act 2003; or
 - (b) one or more of the parties to the agreement is a person in whose case this code so applies and every other party to the agreement is a qualifying person.
- (6) A person is a qualifying person for the purposes of sub-paragraph (5) if he is either—
 - (a) a person who provides an electronic communications network without being a person in whose case this code applies; or
 - (b) a designated provider of an electronic communications service consisting in the distribution of a programme service by means of an electronic communications network.

- (7) In sub-paragraph (6)—
 - “designated” means designated by an order made by the Secretary of State;
 - “programme service” has the same meaning as in the Broadcasting Act 1990.]

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