



Airports Act 1986

1986 CHAPTER 31

PART V

STATUS OF CERTAIN AIRPORT OPERATORS AS STATUTORY UNDERTAKERS, ETC.

62 Provisions as to ^{F1}telecommunication apparatus][^{F1}electronic communications apparatus] .

- (1) Paragraph 23 of [^{F2}the telecommunications code][^{F2}the electronic communications code] (undertakers' works) shall apply for the purposes—
- (a) of any work in pursuance of an order or direction under section 44 or 46 of the 1982 Act, as applied by section 59 above, and
 - (b) of anything done with respect to a highway in pursuance of an order under section 48 of the 1982 Act (as so applied) to which subsection (2) below applies.

to the person doing that work or, as the case may be, the highway authority; and, in the case of any such order as is mentioned in paragraph (b), any person entitled to land over which the highway passes shall be entitled to require the alteration of the [^{F1}telecommunications apparatus][^{F1}electronic communications apparatus] in question.

- (2) This subsection applies to an order under section 48 of the 1982 Act where the order provides—
- (a) for the stopping up or diversion of the highway, or
 - ^{F3}(b) for the improvement of the highway where the Secretary of State is not the highway authority,

and immediately before the order comes into operation any [^{F1}telecommunication apparatus][^{F1}electronic communications apparatus] is kept installed for the purposes of [^{F4}a telecommunications code system][^{F4}an electronic communications code network] under, in, on, over, along or across the highway.

- (3) Subject to the preceding provisions of this section, the operator of [^{F4}a telecommunications code system][^{F4}an electronic communications code network]

Status: Point in time view as at 25/07/2003. This version of this provision has been superseded.

Changes to legislation: Airports Act 1986, Section 62 is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

shall, in a case falling within subsection (2)(a), have the same rights in respect of any apparatus kept installed for the purposes of [^{F5}that system][^{F5}that network] as if the order had not come into operation.

- (4) Paragraph 23 of [^{F2}the telecommunications code][^{F2}the electronic communications code] shall not apply by virtue of subsection (2)(b) in relation to the alteration of any [^{F1}telecommunication apparatus][^{F1}electronic communications apparatus] where the alteration is for the purpose of [^{F6}major highway works, major bridge works or major transport works within the meaning of Part III of the New Roads and Street Works Act 1991 or, in Scotland, major works for roads purposes, major bridge works or major transport works within the meaning of Part IV of that Act].
- (5) Sub-paragraph (8) of paragraph 23 (offence) shall be deemed to be omitted for the purposes of the application by this section of that paragraph to the Secretary of State.
- (6) Paragraph 1(2) of [^{F2}the telecommunications code][^{F2}the electronic communications code] (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this section as it applies for the purposes of the code.
- (7) Paragraph 21 of [^{F2}the telecommunications code][^{F2}the electronic communications code] (restriction on removal of apparatus) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any [^{F1}telecommunication apparatus][^{F1}electronic communications apparatus] as it applies in relation to an entitlement to require the removal of any such apparatus.
- (8) [^{F7}In this section “[^{F2}the telecommunications code][^{F2}the electronic communications code] ” and other expressions defined by paragraph 1(1) of Schedule 4 to the Telecommunications Act 1984 shall be construed in accordance with that provision.]
- (9) In the application of this section to Scotland, the reference to the highway authority shall be read as a reference to the roads authority as defined by section 151(1) of the Roads (Scotland) Act 1984, and any reference to a highway shall be read as a reference to a road as defined in that provision.

Textual Amendments

- F1** Words in s. 62 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 80\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))
- F2** Words in s. 62 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 80\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))
- F3** S. 62(2)(b) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), ss. 168\(1\), 170\(1\), Sch. 8 para. 118\(2\)](#); [S.I. 1991/2288, art. 3, Sch.](#)
- F4** Words in s. 62 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 80\(c\)](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))
- F5** Words in s. 62(3) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 80\(d\)](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))

Status: Point in time view as at 25/07/2003. This version of this provision has been superseded.

Changes to legislation: Airports Act 1986, Section 62 is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F6** Words in s. 62(4) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 118\(3\)](#); (E.W.) [S.I. 1992/2984](#), art. 2(2), [Sch.2](#) and (S.) [S.I. 1992/2990](#), art. 2(2), [Sch.2](#).
- F7** S. 62(8) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with art. 11)

Status:

Point in time view as at 25/07/2003. This version of this provision has been superseded.

Changes to legislation:

Airports Act 1986, Section 62 is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.