

**Changes to legislation:** Housing and Regeneration Act 2008, Cross Heading: *Electronic communications* is up to date with all changes known to be in force on or before 23 June 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) View outstanding changes

## SCHEDULES

### SCHEDULE 4 **E+W**

#### POWERS IN RELATION TO, AND FOR, STATUTORY UNDERTAKERS

##### Modifications etc. (not altering text)

- C1** Sch. 4 applied (with modifications) by 1999 c. 29, s. 333ZB(3)(4) (as inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 187(3)**, 240(2); S.I. 2012/57, art. 4(1)(w) (with arts. 6, 7, 9-11))
- C1** Sch. 4 applied (with modifications) (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 208(4)(5)**, 240(1)(l)
- C1** Schs. 2-4 applied (with modifications) (17.3.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(2), 9(3), **Sch. 3 Pt. 2**
- C1** Schs. 2-4 applied (with modifications) (2.11.2018) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018 \(S.I. 2018/1133\)](#), arts. 1, 14(5), **Sch. 3** (with art. 28)
- C1** Schs. 2-4 applied (with modifications) (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, 10(5), **Sch. 2 Pt. 2**
- C1** Schs. 2-4 applied (with modifications) (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **13(5)**, **Sch. 2 Pts. 1, 2**
- C1** Sch. 4: transfer of functions (3.5.2023) by [The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions \(National Security and Investment Act 2021 etc\) Order 2023 \(S.I. 2023/424\)](#), arts. 1(2), **9(1)** (with art. 17)
- C1** Sch. 4 applied (with modifications) (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), 9(5), **Sch. 2 Pt. 2**
- C1** Schs. 2-4 applied (with modifications) (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), 10(5), **Sch. 2 Pt. 2**
- C1** Schs. 2-4 applied (with modifications) (7.5.2024) by [The North East Mayoral Combined Authority \(Establishment and Functions\) Order 2024 \(S.I. 2024/402\)](#), arts. 1(3), 36(4), Sch. 4 (with art. 9)

### PART 1 **E+W**

#### EXTINGUISHMENT OR REMOVAL POWERS FOR THE HCA

##### *Electronic communications*

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- (1) The reference in paragraph 1(1)(a) to a protected right vested in, or belonging to, statutory undertakers for the purpose of carrying on their undertaking includes a reference to a protected right conferred by, or in accordance with, the electronic communications code on the operator of an electronic communications code network.
  - (2) The reference in paragraph 1(1)(b) to apparatus vested in, or belonging to, statutory undertakers for the purpose of carrying on their undertaking includes a reference

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to electronic communications apparatus kept installed for the purposes of any such network.

- (3) Sub-paragraphs (1) and (2) do not apply where paragraphs 12 and 13 of Part 2 of Schedule 3 apply (orders under paragraph 3 of that Schedule which relate to electronic communications apparatus).
- (4) Where paragraph 1 has effect as mentioned in sub-paragraphs (1) and (2) above—
- (a) any reference in this Part of this Schedule to statutory undertakers has effect as a reference to the operator of the electronic communications code network, and
  - (b) any reference in this Part of this Schedule to the appropriate Minister has effect as a reference to <sup>[F1</sup>the Secretary of State for Science, Innovation and Technology].

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**Textual Amendments**

- F1** Words in Sch. 4 para. 8(4)(b) substituted (3.5.2023) by [The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions \(National Security and Investment Act 2021 etc\) Order 2023 \(S.I. 2023/424\)](#), art. 1(2), **Sch. para. 15(a)** (with art. 17)

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**Modifications etc. (not altering text)**

- C1** Sch. 4 para. 15(2)(b) transfer of functions (13.4.2011) by [Transfer of Functions \(Media and Telecommunications etc.\) Order 2011 \(S.I. 2011/741\)](#), arts. 1(2), 3, **Sch. 1** (with art. 5)

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**Commencement Information**

- I1** Sch. 4 para. 8 in force at 1.12.2008 by [S.I. 2008/3068](#), **art. 2(1)(g)** (with arts. 6-13)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(6A) inserted by [2023 c. 55 s. 138](#)
- s. 251(1)(c) and word inserted by [2023 c. 36 s. 31\(7\)](#)
- s. 251(1)(ab)(ac) inserted by [2023 c. 36 s. 10\(6\)](#)