

*Status: Point in time view as at 06/04/2011.*

**Changes to legislation:** *Marine and Coastal Access Act 2009, Cross Heading: Electronic Communications Code: Scotland is up to date with all changes known to be in force on or before 04 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)*

## SCHEDULES

### SCHEDULE 9 **U.K.**

#### LICENSING: TRANSITIONAL PROVISION RELATING TO PART 4

#### **PART 4** **U.K.**

#### MISCELLANEOUS

##### *Electronic Communications Code: Scotland*

- 12 (1) In this paragraph—
- (a) “the Code” means the Electronic Communications Code set out in Schedule 2 to the Telecommunications Act 1984 (c. 12);
  - (b) “communications approval” means an approval under paragraph 11 of the Code;
  - (c) “Scottish transitional date” means the date on which the repeals made in paragraph 11 of the Code by this Act take effect in relation to Scotland.
- (2) Sub-paragraphs (3) to (5) apply to any communications approval (a “qualifying Scottish approval”)—
- (a) which is in effect immediately before the Scottish transitional date, and
  - (b) which relates to any works, falling within sub-paragraph (3) or (4) of paragraph 11 of the Code, the execution of which on or after that date needs a licence under section 5 or 6 of FEPA.
- (3) A qualifying Scottish approval has effect on and after the Scottish transitional date as if it were a licence granted under section 5 or 6 (as the case may be) of FEPA by the licensing authority in relation to the activity (a “deemed FEPA licence”).
- (4) If the qualifying Scottish approval was given for a specified period, the deemed FEPA licence is to remain in force (subject to the provisions of FEPA) for so much of that period as falls after the Scottish transitional date.
- (5) If, by virtue of paragraph 11(5) of the Code, the qualifying Scottish approval was given subject to a condition, the deemed FEPA licence has effect as if the condition were a condition attached to the deemed FEPA licence.
- (6) Any application for a communications approval—
- (a) which was submitted before the transitional date, and
  - (b) which relates to an activity which, on or after that date, needs a licence under section 5 or 6 of FEPA,
- has effect on and after that date as if it were an application for a licence under the section in question made to the licensing authority in relation to that activity.

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**Commencement Information**

**II** Sch. 9 para. 12 in force at 6.4.2011 by S.I. 2011/556, art. 3(2)(a) (with art. 4)

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