

Status: Point in time view as at 26/12/2022.

Changes to legislation: There are currently no known outstanding effects for the Telecommunications Infrastructure (Leasehold Property) Act 2021, Cross Heading: Communications Act 2003. (See end of Document for details)

SCHEDULE

RELATED AMENDMENTS

Communications Act 2003

1 The Communications Act 2003 is amended as follows.

Commencement Information

- I1** [Sch. para. 1](#) in force at 15.3.2021 for specified purposes, see [s. 3\(3\)\(b\)\(4\)](#)
I2 [Sch. para. 1](#) in force at 26.12.2022 for E.W. in so far as not already in force by [S.I. 2022/1308, reg. 3\(c\)](#)

2 In section 134 (restrictions in leases and licences), in subsection (8), for the definition of “lease” substitute—

““lease”—

- (a) in relation to England and Wales and Northern Ireland, includes—
(i) any head lease, sub-lease or underlease,
(ii) any tenancy (including a sub-tenancy), and
(iii) any agreement to grant any such lease or tenancy;
(b) in relation to Scotland, includes any sub-lease and any agreement to grant a sub-lease,

and “lessor” and “lessee” are to be construed accordingly.”

Commencement Information

- I3** [Sch. para. 2](#) in force at 15.3.2021 for specified purposes, see [s. 3\(3\)\(b\)\(4\)](#)
I4 [Sch. para. 2](#) in force at 26.12.2022 for E.W. in so far as not already in force by [S.I. 2022/1308, reg. 3\(c\)](#)

3 In section 402 (orders and regulations)—

(a) in subsection (2), for paragraph (aa) substitute—

“(aa) regulations within subsection (2A),”;

(b) in subsection (2A)—

- (i) for “regulations under paragraph 95 of Schedule 3A which amend, repeal or modify the application of primary legislation,” substitute “any of the following”;
(ii) at the end insert “—

- (a) regulations under paragraph 27E(4) of Schedule 3A;
(b) regulations under paragraph 95 of Schedule 3A which amend, repeal or modify the application of primary legislation.”

Commencement Information

- I5** [Sch. para. 3](#) in force at 15.3.2021 for specified purposes, see [s. 3\(3\)\(b\)\(4\)](#)
I6 [Sch. para. 3](#) in force at 26.12.2022 for E.W. in so far as not already in force by [S.I. 2022/1308, reg. 3\(c\)](#)

4 (1) Schedule 3A (the electronic communications code) is amended as follows.

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- (2) In paragraph 10—
- (a) in sub-paragraph (1), for “in accordance with this Part” substitute “ pursuant to an agreement under this Part or Part 4A ”;
 - (b) in sub-paragraph (4), after “who has” insert “ , pursuant to an agreement under this Part or Part 4A, ”.
- (3) In paragraph 12(2), after “Part” insert “ or Part 4A ”.
- (4) In paragraph 19(a)—
- (a) for “the circumstances” substitute “ certain circumstances ”;
 - (b) at the end insert “ (see also Part 4A) ”.
- (5) In paragraph 20(2)(a), after “code right,” insert “ the land to which it relates ”.
- (6) In paragraph 23, after sub-paragraph (2) insert—
- “(2A) In determining the terms of the agreement the court may take into account, among other things, any breach by the operator of an agreement between the operator and the relevant person which was imposed by an order under Part 4A (whether or not in force).”
- (7) In paragraph 26—
- (a) after sub-paragraph (1) insert—
 - “(1A) But an operator may not make an application under this paragraph if there is a relevant Part 4A agreement in effect between the operator and the person.
 - (1B) In sub-paragraph (1A) “relevant Part 4A agreement” means an agreement imposed by an order under Part 4A by which the person—
 - (a) confers a Part 4A code right on the operator, or
 - (b) otherwise agrees to be bound by a Part 4A code right which is exercisable by the operator,
 where the Part 4A code right is in respect of the same land as the code right mentioned in sub-paragraph (1).”;
 - (b) in sub-paragraph (6), in the words before paragraph (a), after “Paragraphs” insert “ 20(3), 22, ”.
- (8) In paragraph 27(6), in the words before paragraph (a), after “Paragraphs” insert “ 20(3), 22, ”.
- (9) In paragraph 37(3), after paragraph (a) insert—
- “(aa) as mentioned in paragraph 27G(1) and (4) ;”.
- (10) In paragraph 84(1), after paragraph (a) insert—
- “(aa) the power in paragraph 27H(2) (compensation where Part 4A order made);”.
- (11) In paragraph 95(1), after paragraph (a) insert—
- “(aa) in relation to Wales, the First-tier Tribunal, but only in connection with proceedings under Part 4A;”.
- (12) In paragraph 108(1)—

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(a) for the definition of “lease” substitute—

““lease”—

(a) in relation to England and Wales and Northern Ireland, includes—

(i) any head lease, sub-lease or underlease,

(ii) any tenancy (including a sub-tenancy), and

(iii) any agreement to grant any such lease or tenancy,

but does not include a mortgage by demise or sub-demise;

(b) in relation to Scotland, includes any sub-lease and any agreement to grant a sub-lease,

and “leased premises” and “lessee” are to be read accordingly;”;

(b) before the definition of “relevant person” insert—

““Part 4A code right” has the meaning given by paragraph 27E(3);”.

Commencement Information

I7 Sch. para. 4 in force at 15.3.2021 for specified purposes, see s. 3(3)(b)(4)

I8 Sch. para. 4 in force at 26.12.2022 for E.W. in so far as not already in force by S.I. 2022/1308, reg. 3(c)

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