

## SCHEDULE

### RELATED AMENDMENTS

#### *Communications Act 2003*

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

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*Status: This is the original version (as it was originally enacted).*

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“(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)—

(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);”.