

2009 No. 584

ELECTRONIC COMMUNICATIONS

The Electronic Communications Code (Conditions and Restrictions) (Amendment) Regulations 2009

<i>Made</i>	- - - -	<i>10th March 2009</i>
<i>Laid before Parliament</i>		<i>11th March 2009</i>
<i>Coming into force</i>	- -	<i>6th April 2009</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 109(1) and (3) and 402(3)(a), (b) and (c) of the Communications Act 2003(a) (“the Act”).

In accordance with section 109(4) of the Act the Secretary of State has consulted OFCOM and such other persons as he considers appropriate.

Citation and commencement

1. These Regulations may be cited as the Electronic Communications Code (Conditions and Restrictions) (Amendment) Regulations 2009 and shall come into force on 6th April 2009.

Amendments

2. The Electronic Communications Code (Conditions and Restrictions) Regulations 2003(b) are amended as set out in the Schedule.

10th March 2009

Stephen Carter
Minister for Communications, Technology and Broadcasting
Department for Business, Enterprise and Regulatory Reform

(a) 2003 c.21.
(b) S.I.2003/2553.

SCHEDULE

Regulation 2

1. In regulation 2(2) (Interpretation)—
 - (a) after the definition of “appropriate authority” insert—

““area of outstanding natural beauty” means an area designated under section 82 of the Countryside and Rights of Way Act 2000”(a);
 - (b) omit the definition of “English Nature”;
 - (c) for “national park” substitute “National Park”;
 - (d) for the definition of “national scenic area” substitute—

““national scenic area” means an area defined as a national scenic area in Part II of “Scotland’s Scenic Heritage” published by the Countryside Commission for Scotland on 26th April 1978”(b);
 - (e) after the definition of “national scenic area” insert—

““Natural England” means the body known as Natural England and established by section 1 of the Natural Environment and Rural Communities Act 2006”(c);
 - (f) omit the definition of “the New Forest”; and
 - (g) in sub-paragraph (c) of the definition of “planning authority”, for “a national park authority” substitute “a National Park authority”.
2. In regulation 5 (Installation of electronic communications apparatus)—
 - (a) in paragraph (1) omit the word “calendar”; and
 - (b) in paragraph (3) omit the word “calendar”.
3. In regulation 8(1) (Protected areas)—
 - (a) for sub-paragraph (a) substitute—

“(a) a National Park, the Broads, a limestone pavement area or an area of outstanding natural beauty he must give written notice to the planning authority”; and
 - (b) in paragraph (b)(i) for “English Nature” substitute “Natural England”.

(a) 2000 c.37.

(b) Available from the Scottish Natural Heritage website at <http://www.snh.org.uk/publications/on-line/scotlandsscenicareas/>.

(c) 2006 c.16.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (“the principal Regulations”).

The electronic communications code (“the code”) is set out in Schedule 2 to the Telecommunications Act 1984 (c.12) as amended by Schedule 3 to the Communications Act 2003 (“the Act”). The code is designed to facilitate the installation and maintenance of electronic communications networks. It confers rights on providers of such networks, and on providers of systems of conduits which are made available for use by providers of electronic communications networks for the purposes of the provision of those networks, to install and maintain apparatus in, over and under land and results in considerably simplified planning procedures. Section 106(7) of the Act provides that “conduit” includes a tunnel, subway, tube or pipe. The principal Regulations set out restrictions and conditions subject to which the code applies.

Paragraph 1 of the Schedule to these Regulations amends regulation 2(2) of the principal Regulations by—

- a) adding a definition of “area of outstanding natural beauty”;
- b) replacing the previously defined term “English Nature” with “Natural England”
- c) capitalising the defined terms “National Park” and “National Park authority”
- d) inserting a new definition of “national scenic area”; and
- e) omitting the definition of “the New Forest”.

A print of “Scotland’s National Heritage” which defines a national scenic area is available for inspection at Scottish Natural Heritage, Silvan House, 231 Corstorphine Road, Edinburgh, EH9 2AS. This is in addition to the web version on the Scottish Natural Heritage website at <http://www.snh.org.uk/publications/on-line/scotlandsscenicareas/>.

Paragraph 2 of the Schedule to these Regulations amends regulation 5 of the principal Regulations by twice removing the word “calendar” from the term “calendar month”.

Paragraph 3 of the Schedule to these Regulations amends regulation 8 of the principal Regulations by amending, in accordance with the new definitions, the lists of areas with respect to which a code operator must give written notice when he intends to install electronic communications apparatus.

An impact assessment has been prepared for these Regulations and can be obtained from the Department for Business, Enterprise and Regulatory Reform website.

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STATUTORY INSTRUMENTS

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