

2017 No. 1008

ELECTRONIC COMMUNICATIONS

**The Electronic Communications Code (Transitional Provisions)
Regulations 2017**

Made - - - - - *18th October 2017*

Laid before Parliament *19th October 2017*

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by section 5 of the Digital Economy Act 2017(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Electronic Communications Code (Transitional Provisions) Regulations 2017 and come into force on the day that section 4 of, and Schedule 1 to, the Digital Economy Act 2017 come fully into force.

Interpretation

2. In these Regulations—

“the Act” means the Communications Act 2003(b);

“the existing code” means the code set out in Schedule 2 to the Telecommunications Act 1984(c);

“the new code” means the code set out in Schedule 3A to the Act(d).

Application of the electronic communications code, etc.

3.—(1) Paragraph (2) applies where, immediately before the coming into force of the new code, the existing code applies to a person by virtue of a direction made by OFCOM under section 106(3)(a) of the Act.

(2) The direction referred to in paragraph (1) shall be treated as having been made in relation to the new code.

4. Anything done under or for the purposes of sections 106 to 119 of the Act in relation to the existing code, and in force or effective immediately before the repeal of the existing code comes into force, has effect after the new code comes into force as if done under or for the purposes of those sections in relation to the new code.

(a) 2017 c.30.

(b) 2003 c.21.

(c) 1984 c.12.

(d) Schedule 3A was inserted by section 4(2) of the Digital Economy Act 2017.

18th October 2017

Matt Hancock
Minister of State
Department for Digital, Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Regulations)

The electronic communications code in Schedule 2 to the Telecommunications Act 1984 (the “existing code”, for the purposes of these Regulations) was re-enacted in a revised code in Schedule 3A to the Communications Act 2003, as inserted by section 4 of the Digital Economy Act 2017 (the “new code” for the purposes of these Regulations). Schedule 2 to the Digital Economy Act 2017 makes transitional provision in relation to provisions of the revised code itself.

These Regulations make transitional provision in relation to sections 106 to 119 of the Communications Act 2003 which are concerned with the procedures by which OFCOM authorises persons to become “operators” (those persons who may exercise rights under the electronic communications code to install their apparatus on land), and by which OFCOM regulates those operators.

Regulation 3 make provision so that an operator to whom OFCOM has applied the existing code (in Schedule 2 to the 1984 Act) continues, after commencement of the new code, to have the rights of an operator in relation to the new code.

Regulation 4 makes provision so that procedures and other matters that applied in relation to OFCOM’s regulatory supervision of operators immediately before repeal of the existing code, continue to apply in relation to the new code.

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