

Electronic Communications Code

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In December 2017 a new Electronic Communications Code took effect under the Communications Act 2003 to make it easier for network operators to install and maintain apparatus such as phone masts, exchanges and cabinets on public and private land.

What do Code powers allow an operator to do?

Code powers allow an operator to have access to the public highway to perform certain street works necessary for the construction, inspection, maintenance, adjustment, repair and/or alteration of associated network apparatus, without the need for a specific street works licence.

Code powers also enable an operator to benefit from certain immunities from the Town and Country Planning legislation

The Code confers "code rights" on a person with Code powers. A "code right is a right —

- to install electronic communications apparatus on, under or over the land;
- to keep installed apparatus which is on, under or over land;
- to inspect, maintain, and operate apparatus;
- to carry out any works on the land to enable apparatus to be installed and maintained;
- to gain access to land to maintain or operate apparatus;
- to connect to a power supply;
- to interfere with or obstruct a means of access to or from the land (whether or not any electronic communications apparatus is on, under or over the land), or
- to lop or cut back any tree or other vegetation that could interfere with apparatus.

In the event that agreement cannot be reached with the owner or occupier of private land, the Code allows an operator to apply to the Court to impose an agreement which confers the Code right being sought or for the Code right to bind the landowner or occupier.

Code powers also allow an operator to claim compensation from a local authority in circumstances where that local authority has obstructed access to electronic communications apparatus in certain stipulated circumstances.

