

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4845 GIBRALTAR Thursday 22nd April 2021

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LEGAL NOTICE NO. 239 OF 2021.

## EUROPEAN UNION (WITHDRAWAL) ACT 2019 TOWN PLANNING ACT 2018

### BROADBAND INFRASTRUCTURE (EU EXIT)(AMENDMENT) REGULATIONS 2021

In exercise of the powers conferred upon him by section 11 and paragraph 1 of Schedule 3 of the European Union (Withdrawal) Act 2019 and section 68(1)(l) of the Town Planning Act 2018 the Minister has made the following Regulations-

#### **Title.**

1. These Regulations may be cited as Broadband Infrastructure (EU Exit)(Amendment) Regulations 2021.

#### **Commencement.**

2. These Regulations come into operation on publication.

#### **Amendment of the Broadband Infrastructure Regulations 2020.**

3.(1) The Broadband Infrastructure Regulations 2020 are amended in accordance with this regulation.

(2) In regulation 3-

- (a) in the definition of “Directive” after “networks” insert “as it had effect immediately before 1 January 2021”;
- (b) for the definition of “electronic communications network” substitute ““electronic communications network” has the meaning set out in section 2 of the Communications Act 2006;”;
- (c) for the definition of “electronic communications service” substitute ““electronic communications service” has the meaning set out in section 2 of the Communications Act 2006;”;

(3) In regulation 4(6)(c)-

- (a) omit the words from “where appropriate” to “services and”.

(b) for “any price set by the Authority must” substitute “in setting any price,”.

(4) Omit regulations 5(7), 6(7) and 7(7) and 9(6).

Dated: 22<sup>nd</sup> April 2021

A J ISOLA  
Minister for Town Planning

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**EXPLANATORY MEMORANDUM**

These Regulations are made in exercise of the powers in section 68(1) of the Town Planning Act 2018 and section 11 and paragraph 1 of Schedule 3 of the European Union (Withdrawal) Act 2019 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom and Gibraltar from the European Union.

These Regulations make amendments to the Broadband Infrastructure Regulations 2020 which transposed into Gibraltar law Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014.