

SCHEDULES

SCHEDULE 9

PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC.

Application of electronic communications code

3.—(1) Part 6 of the electronic communications code does not apply for the purposes of the authorised works to the extent that such works are regulated by Part 11 of the 1990 Act, sections 84 and 85 of the 1991 Act (or regulations made under section 85 of that Act), paragraph 2 or subparagraph (3).

(2) Part 10 of the electronic communications code applies for the purposes of the authorised works, except—

(a) in so far as such works are regulated by the 1991 Act or any regulation made under that Act; or

(b) where the Authority exercises a right under subsection (4)(b) of section 272 of the 1990 Act or under an order made under that section to remove apparatus.

(3) The temporary stopping up, alteration or diversion of any highway under article 14 (temporary stopping up of streets) does not affect any the code rights of an operator of an electronic communications code network in respect of any apparatus which at the time of the stopping up or diversion is in the highway.

(4) In this paragraph—

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“code rights” means those rights set out in paragraph 3 of the electronic communications code; and

“electronic communications code” and “electronic communications code network” have the same meaning as in paragraph 1(6).