
STATUTORY INSTRUMENTS

1994 No. 426

The Airports (Northern Ireland) Order 1994

PART II

**POWERS IN RELATION TO LAND EXERCISABLE
IN CONNECTION WITH AIRPORTS**

Supplementary

Provisions as to telecommunication apparatus

12.—(1) Paragraph 23 of the telecommunications code (undertaker's works) shall apply for the purposes—

- (a) of any work in pursuance of an order or direction under Article 7 or 8;
- (b) of anything done with respect to a road in pursuance of an order under Article 10 to which paragraph (2) applies,

to the person doing that work or, as the case may be, the Department; and, in the case of any such order as is mentioned in sub-paragraph (b), any person having an estate in land over which the road passes shall be entitled to require the alteration of the telecommunication apparatus in question.

(2) This paragraph applies to an order under Article 10 where the order provides—

- (a) for the stopping up or diversion of the road; or
- (b) unless the road is a trunk road, for the improvement of the road,

and immediately before the order comes into operation any telecommunication apparatus is kept installed for the purposes of a telecommunications code system under, in, on, over, along or across the road.

(3) Subject to the preceding provisions of this Article, the operator of a telecommunications code system shall, in a case falling within paragraph (2)(a), have the same rights in respect of any apparatus kept installed for the purposes of that system as if the order had not come into operation.

(4) Sub-paragraph (8) of paragraph 23 of the telecommunications code (offence) shall be deemed to be omitted for the purposes of the application by this Article of that paragraph to the Department.

(5) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement or apparatus) shall apply for the purposes of the preceding provisions of this Article as it applies for the purposes of the code.

(6) Paragraph 21 of the telecommunications code (restriction on removal of apparatus) shall apply in relation to any entitlement conferred by this Article to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.

(7) In this Article “the telecommunications code” and other expressions defined by paragraph 1(1) of Schedule 4 to the Telecommunications Act 1984(1) shall be construed in accordance with that provision.