

SCHEDULES

SCHEDULE 9

Article 44.

TRANSITIONAL AND SAVING PROVISIONS

Savings for Secretary of State

Transitional provisions relating to interest payable on certain compensation

1. An order by the Ministry of Finance under sub-paragraph (2) of paragraph 18 of Schedule 6 to the Local Government Act (Northern Ireland) 1972 prescribing the rate of interest payable under that paragraph shall apply to the rate of interest payable upon any outstanding compensation under the Drainage Act (Northern Ireland) 1947 (including that Act as applied by any other statutory provision) as if the interest were payable under the said paragraph 18.

Savings for Secretary of State

2. The administrative powers conferred by this Order on the Ministry shall not be taken to authorise any matter or thing to be done without the consent of the Secretary of State or of the Board of Trade and, if the case so requires, of the Crown Estate Commissioners, where that consent is required to be obtained under section 9(2) of the Northern Ireland (Miscellaneous Provisions) Act 1932 .

[^{F1}3.—(1) Subject to the provisions of this paragraph, nothing in this Order or any scheme made there under shall affect any rights conferred by or in accordance with the [^{F2} electronic communications code] on the operator of [^{F2} an electronic communications code network] or authorise the Department to interfere with any [^{F2} electronic communications apparatus] kept installed for the purposes of [^{F2} any such network] .

(2) Where for the purposes of carrying out any scheme, the Department diverts or closes any public road, or any part of a public road, under, in, on, over, along or across which there is any [^{F2} electronic communications apparatus] kept installed for the purposes of [^{F2} an electronic communications code network], the operator of [^{F2} that network] shall have the same powers in respect of that apparatus as if such road or part had not been diverted or closed; but the Department or any person in whom the site of that road, or part of a road, is vested shall be entitled to require the alteration of the apparatus.

(3) Paragraph 23 of the [^{F2} electronic communications code] (which provides a procedure for certain cases where works involve the alteration of [^{F2} electronic communications apparatus]) shall apply to the Department for the purposes of the carrying out of any drainage scheme or of a confirmed scheme under Schedule 7.

(4) Paragraph 1(2) of the [^{F2} electronic communications code] (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this paragraph as it applies for the purposes of the code.

(5) Paragraph 21 of the [^{F2} electronic communications code] (restriction on removal of apparatus) shall apply in relation to any entitlement conferred by this paragraph to require the alteration,

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Drainage (Northern Ireland) Order 1973, SCHEDULE 9. (See end of Document for details)

moving or replacement of any^{F2} electronic communications apparatus] as it applies in relation to an entitlement to require the removal of any such apparatus.]

F1 1984 c.12

F2 2003 c. 21

Saving for powers under other statutory provisions and powers of certain trustees, etc.

4. Nothing in this Order shall, except when otherwise expressly provided, affect the provisions of any other statutory provision or the powers of any trustee or other person (including a government department) holding any property on trust for the purpose of draining or maintaining or improving the drainage of any land.

5. Notwithstanding the repeal of any statutory provision by this Order—

(a) any loan repayable under any such provision shall continue to be repayable as if this Order had not been made; and

(b) any money recoverable under any such provision shall be recoverable under this Order.

6. Nothing in this Order shall affect the provisions of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954 (effect of repeals and of substituting provisions).

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