

SCHEDULES

SCHEDULE 9

Article 134(1).

SAVING PROVISIONS

Telecommunications apparatus

1. Subject to paragraph 2, nothing in this Order or in any order made under it shall affect any rights conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or apply to any telecommunication apparatus kept installed for the purposes of any such system.

2.—(1) Where in pursuance of an order under Article 68 any road is stopped-up or abandoned and, immediately before that order comes into force there is under, in, upon, over, along or across the road any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same powers in respect of that apparatus as if the order had not come into force; but the Department or any person in whom the site of the road is vested shall be entitled to require the alteration of the apparatus.

(2) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of sub-paragraph (1) as it applies for the purposes of the code.

(3) Paragraph 21 of the telecommunications code (restrictions on removal of apparatus) shall apply in relation to any entitlement conferred by sub-paragraph (1) to require the alteration, moving or replacement of any apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.

3. Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to the Department for the purposes of any work authorised to be carried out under this Order.

Preservation of certain savings in Roads (Northern Ireland) Order 1980

4. The repeal by this Order of Schedule 7 to the Roads (Northern Ireland) Order 1980(1) does not affect the operation of the savings in paragraphs 5 to 7 of that Schedule in so far as they remain capable of having effect.

(1) 1980 NI 11