

SCHEDULES

SCHEDULE 10

PROVISIONS RELATING TO STATUTORY UNDERTAKERS, ETC.

Application of telecommunications code

3.—(1) Paragraph 21 of the electronic communications code shall not apply for the purposes of the authorised works to the extent that such works are regulated by Part XI 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) Paragraph 23 of the electronic communications code shall apply for the purposes of the authorised works, save—

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

(b) where the Executive 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 of this Order shall not affect any right of an operator of an electronic communications code network under paragraph 9 of the electronic communications code 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 III of the 1991 Act;

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