

SCHEDULES

SCHEDULE 3

THE NEW TOWNS CODE

PART V

SPECIAL POWERS IN RELATION TO LAND ACQUIRED

Provisions as to telegraphic lines

- 39 (1) Where an order under paragraph 38 above extinguishing a public right of way is made on the application of the Board or a local highway authority, and at the time of the publication of the notice required by sub-paragraph (2) of that paragraph there was under, in, on, over, along or across the land over which the right of way subsisted a telegraphic line belonging to or used by the Post Office—
- (a) the power of the Post Office to remove the line shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished and shall be exercisable in respect of the whole or any part of the line after the end of that period if before the end of that period the Post Office has given notice to the Board or local highway authority of its intention to remove the line or that part thereof, as the case may be ;
 - (b) the Post Office may by notice given in that behalf to the Board or local highway authority not later than the end of the said period of three months abandon the telegraphic line or any part thereof ;
 - (c) subject to paragraph (b) above, the Post Office shall be deemed at the end of that period to have abandoned any part of the line which the Post Office has then neither removed nor given notice of its intention to remove ;
 - (d) the Post Office shall be entitled to recover from the Board or local highway authority the expense of providing, in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line, a telegraphic line in such other place as the Post Office may require ;
 - (e) where under the foregoing provisions of this paragraph the Post Office has abandoned the whole or any part of a telegraphic line, it shall vest in the Board or local highway authority, and the provisions of the Telegraph Acts 1863 to 1962 shall not apply in relation to the line or that part thereof with respect to anything done or omitted after its abandonment.
- (2) In this paragraph " telegraphic line " has the same meaning as in the Telegraph Act 1878.