

SCHEDULES

SCHEDULE 2

THE TELECOMMUNICATIONS CODE

Linear obstacles

- 12 (1) Subject to the following provisions of this code, the operator shall, for the statutory purposes, have the right in order to cross any relevant land with a line, to install and keep the line and other telecommunication apparatus on, under or over that land and—
- (a) to execute any works on that land for or in connection with the installation, maintenance, adjustment, repair or alteration of that line or the other telecommunication apparatus ; and
 - (b) to enter on that land to inspect the line or the other apparatus.
- (2) A line installed in pursuance of any right conferred by this paragraph need not cross the relevant land in question by a direct route or by the shortest route from the point at which the line enters that land, but it shall not cross that land by any route which, in the horizontal plane, exceeds the said shortest route by more than 400 metres.
- (3) Telecommunication apparatus shall not be installed in pursuance of any right conferred by this paragraph in any position on the relevant land in which it interferes with traffic on the railway, canal or tramway on that land.
- (4) The operator shall not execute any works on any land in pursuance of any right conferred by this paragraph unless—
- (a) he has given the person with control of the land 28 days' notice of his intention to do so ; or
 - (b) the works are emergency works.
- (5) A notice under sub-paragraph (4) above shall contain a plan and section of the proposed works or (in lieu of a plan and section) any description of the proposed works (whether or not in the form of a diagram) which the person with control of the land has agreed to accept for the purposes of this sub-paragraph.
- (6) If, at any time before a notice under sub-paragraph (4) above expires, the person with control of the land gives the operator notice of objection to the works, the operator shall be entitled to execute the works only—
- (a) if, within the period of 28 days beginning with the giving of the notice of objection, neither the operator nor that person has given notice to the other requiring him to agree to an arbitrator to whom the objection may be referred under paragraph 13 below ; or
 - (b) in accordance with an award made on such a reference ; or
 - (c) to the extent that the works have at any time become emergency works.
- (7) If the operator exercises any power conferred by this paragraph to execute emergency works on any land, he shall, as soon as reasonably practicable after commencing

Status: This is the original version (as it was originally enacted).

those works, give the person with control of the land a notice identifying the works and containing—

- (a) a statement of the reason why the works are emergency works ; and
 - (b) either the matters which would be required to be contained in a notice under sub-paragraph (4) above with respect to those works or, as the case may require, a reference to an earlier notice under that sub-paragraph with respect to those works.
- (8) If within the period of 28 days beginning with the giving of a notice under sub-paragraph (7) above the person to whom that notice was given gives a notice to the operator requiring him to pay compensation, the operator shall be liable to pay that person compensation in respect of loss or damage sustained in consequence of the carrying out of the emergency works in question; and any question as to the amount of that compensation shall, in default of agreement, be referred to arbitration under paragraph 13 below.
- (9) If the operator commences the execution of any works in contravention of any provision of this paragraph, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) In this paragraph " relevant land " means land which is used wholly or mainly either as a railway, canal or tramway or in connection with a railway, canal or tramway on that land, and a reference to the person with control of any such land is a reference to the person carrying on the railway, canal or tramway undertaking in question.