

*Status: Point in time view as at 06/04/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Cross Heading: Street works. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### THE TELECOMMUNICATIONS CODE

##### Modifications etc. (not altering text)

- C1 Sch. 2 excluded by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 189(1)
- C1 Sch. 2: definition applied (E.W.)(1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), ss. 221(1), 225(2).
- C1 Sch. 2: definition applied (E.W.)(1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), ss. 219(1), 223(2).
- C1 Sch. 2: modified by [Greater Manchester \(Light Rapid Transit System\) Act 1991 \(c. xvi, SIF 200\)](#), s.10.
- C1 Sch. 2 modified (12.11.1992) by [Greater Manchester \(Light Rapid Transit System\) Act 1992 \(c. xviii\)](#), s.10
- C1 Sch. 2 applied (27.7.1993) by [1993 c. xii, s. 1](#), [Sch. Pt. IV s. 28](#).  
Sch. 2 modified (26.5.1994) by [1994 c. vi, s. 10](#)
- C1 Sch. 2 applied (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), arts. 1, 2, [Sch. Pt. I](#)

##### *Street works*

- 9 (1) The operator shall, for the statutory purposes, have the right to do any of the following things, that is to say—
- (a) install [<sup>F1</sup>electronic communications apparatus], or keep [<sup>F1</sup>electronic communications apparatus] installed, under, over, [<sup>F2</sup>in, on,] along or across [<sup>F3</sup>a street or, in Scotland, a road];
  - (b) inspect, maintain, adjust, repair or alter any [<sup>F1</sup>electronic communications apparatus] so installed; and
  - (c) execute any works requisite for or incidental to the purposes of any works falling within paragraph (a) or (b) above, including for those purposes the following kinds of works, that is to say—
    - (i) breaking up or opening [<sup>F3</sup>a street or, in Scotland, a road];
    - (ii) tunnelling or boring under [<sup>F3</sup>a street or, in Scotland, a road]; and
    - (iii) breaking up or opening a sewer, drain or tunnel;
- <sup>F4</sup> . . .
- (2) This paragraph has effect subject to [<sup>F5</sup>section 11(1) of this Act,] paragraph 3 above and the following provisions of this code, and the rights conferred by this paragraph shall not be exercisable [<sup>F6</sup>in a street which is not a maintainable highway or, in Scotland, a road which is not a public road] without either the agreement required by paragraph 2 above or an order of the court under paragraph 5 above dispensing with the need for that agreement.

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<sup>F7</sup>(3) .....

#### Textual Amendments

- F1** Words in Sch. 2 para. 9 substituted (25.7.2003 for certain purposes, 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 106, 406, 408, 411, **Sch. 3 para. 5(a)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F2** Words in Sch. 2 para. 9(1) inserted (1.1.1993) by New Roads and Street Works Act 1991 (c.22, SIF 59, SIF 108), s. 168(1), **Sch. 8 Pt. IV para. 115(2)**; S.I. 1992/2984, art. 2(2), **Sch. 2**; S.I. 1992/2990, art. 2(2), **Sch. 2**
- F3** Words in Sch. 2 para. 9(1) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, SIF 108), s. 168(1), **Sch. 8 Pt. IV para. 115(2)**; S.I. 1992/2984, art. 2(2), **Sch. 2**; S.I. 1992/2990, art. 2(2), **Sch. 2**
- F4** Words in Sch. 2 para. 9(1) repealed (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, SIF 108), s. 168(2), **Sch. 9**; S.I. 1992/2984, art. 2(2), **Sch. 2**; S.I. 1992/2990, art. 2(2), **Sch. 2**
- F5** Words in Sch. 3 para 9(2) repealed (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by Communications Act 2003, (c. 21), ss. 406, 408, 411, {Sch. 19(1)} (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F6** Words in Sch. 2 para. 9(2) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, SIF 108), s. 168(1), **Sch. 8 Pt. IV para. 115(3)**; S.I. 1992/2984, art. 2(2), **Sch. 2**; S.I. 1992/2990, art. 2(2), **Sch. 2**
- F7** Sch. 2 para. 9(3) repealed (N.I.) (18.11.2001) by S.I. 1995/3210 (N.I. 19), art. 60(2), **Sch. 4**; S.R. 2001/388, art. 2, **Sch.**

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