

## SCHEDULES

### SCHEDULE 2

#### THE TELECOMMUNICATIONS CODE

##### *Application to the Crown*

- 26 (1) This code shall apply in relation to land in which there subsists, or at any material time subsisted, a Crown interest as it applies in relation to land in which no such interest subsists.
- (2) In this paragraph "Crown interest" means an interest which belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster or to the Duchy of Cornwall or to a Government department or which is held in trust for Her Majesty for the purposes of a Government department and, without prejudice to the foregoing, includes any interest which belongs to Her Majesty in right of Her Majesty's Government in Northern Ireland or to a Northern Ireland department or which is held in trust for Her Majesty for the purposes of a Northern Ireland department.
- (3) An agreement required by this code to be given in respect of any Crown interest subsisting in any land shall be given by the appropriate authority, that is to say—
- (a) in the case of land belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners or, as the case may require, the government department having the management of the land in question ;
  - (b) in the case of land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of that Duchy ;
  - (c) in the case of land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints ;
  - (d) in the case of land belonging to Her Majesty in right of Her Majesty's Government in Northern Ireland, the Northern Ireland department having the management of the land in question ;
  - (e) in the case of land belonging to a government department or a Northern Ireland department or held in trust for Her Majesty for the purposes of a government department or a Northern Ireland department, that department;
- and if any question arises as to what authority is the appropriate authority in relation to any land that question shall be referred to the Treasury, whose decision shall be final.
- (4) Paragraphs 12(9) and 18(3) above shall not apply where this code has effect by virtue of section 10(1)(6) of this Act.