

## SCHEDULES

### SCHEDULE 2

#### THE TELECOMMUNICATIONS CODE

##### *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 telecommunication apparatus, or keep telecommunication apparatus installed, under, over, along or across a street;
  - (b) inspect, maintain, adjust, repair or alter any telecommunication 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 a street;
    - (ii) tunnelling or boring under a street; and
    - (iii) breaking up or opening a sewer, drain or tunnel;
- and accordingly (without prejudice to its application in relation to works authorised by any other paragraph of this code) the street works code contained in the Public Utilities Street Works Act 1950 has effect in relation to the right of the operator to do those things.
- (2) This paragraph has effect subject to 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 in a street which is not a maintainable highway 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.
- (3) The rights conferred by this paragraph shall not be exercisable on any land comprised in the route of a special road (within the meaning of the Highways Act 1980, the Special Roads Act 1949 or the Roads (Northern Ireland) Order 1980).