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SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

The Electric Lighting (Clauses) Act 1899

- 9 (1) The Schedule to the Electric Lighting (Clauses) Act 1899 shall be amended in accordance with the following provisions of this paragraph.
- (2) At the end of section 1 of the Schedule (interpretation) there shall be inserted the following:—
- “References in this Schedule to telecommunication apparatus shall not include references to any telecommunication apparatus which is kept installed in a conduit or structure falling within subsection (6)(a) of section 98 of the Telecommunications Act 1984 (by virtue of which telecommunication apparatus may be installed in electricity conduits etc.); and, for the purposes of this Schedule, telecommunication apparatus shall be deemed to be injuriously affected where the service provided by the telecommunication system for the purposes of which that apparatus is used is in any manner affected.”.
- (3) The concurrence of British Telecommunications shall cease to be required for the giving of an approval under section 10(c) of the Schedule.
- (4) In section 14 of the Schedule (notice of works with plan to be served on local authority and British Telecommunications)—
- (a) in paragraph (a) of subsection (1)—
 - (i) for the words from " upon the " to " and the local authority" there shall be substituted the words " upon the local authority and any relevant telecommunications operator "; and
 - (ii) for the words from " by the " to " desire " there shall be substituted the words " by the local authority or that operator give the authority or that operator any such further information as the authority or that operator desires ";
 - (b) in paragraph (b) of that subsection, for the words from the beginning to "discretion" there shall be substituted the words " the local authority or the relevant telecommunications operator may, in the discretion of the authority or that operator ";
 - (c) in paragraph (c) of that subsection, for the words from the beginning to " approve ", in the first place where it occurs, there shall be substituted the words " Where the local authority or the relevant telecommunications operator approves " and for the word " disapprove", in the first place where it occurs, there shall be substituted the word " disapproves ";
 - (d) in paragraph (d) of that subsection, for the words from the beginning to " fail" there shall be substituted the words " If the local authority or the relevant

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- telecommunications operator fails " and for the words " he or they " there shall be substituted the words " the local authority or that operator ";
- (e) in paragraph (e) of that subsection, for the words from " approved, by " to " authority " there shall be substituted the words " approved by the local authority or the relevant telecommunications operator ";
- (f) in paragraph (f) of that subsection, for the words from " compensation to " to " or they " there shall be substituted the words " compensation to the local authority or the relevant telecommunications operator for any loss or damage which the authority or that operator ";
- (g) after that subsection there shall be inserted the following subsection: —
- “(1A) In the application of this subsection to a street or public bridge references to a relevant telecommunications operator are references to the operator of any telecommunications code system for the purposes of which any telecommunication apparatus is kept installed in, under, along or across that street or bridge.”; and
- (h) in subsection (4), for the words from " telegraphic line " to " being " there shall be substituted the words " telecommunication apparatus kept installed for the purposes of any telecommunications code system being ".
- (5) In section 20 of the Schedule (protection for telegraphic and telephonic wires etc.)—
- (a) in the first paragraph of subsection (1), for the words " telegraphic, telephonic or electric signalling communication" there shall be substituted the word " telecommunications ";
- (b) in subsection (2), for the words from " the work " to " signalling communication" there shall be substituted the words " telecommunications ";
- (c) after subsection (4) there shall be inserted the following subsection: —
- “(5) References in this section to the owner of any wire or line used for the purpose of telecommunications shall include references to any person who is running, or is authorised by a licence under section 7 of the Telecommunications Act 1984 to run, any telecommunication system for the purposes of which that wire or line is kept installed.”
- (6) In section 60 of the Schedule (map of area of supply to be made), the references to British Telecommunications shall have effect as references to the operator of any telecommunications code system.
- (7) In section 69(1) of the Schedule (remedying of system and works), in paragraph (c), for the words from " any telegraphic " to the end of the paragraph there shall be substituted the words " any telecommunication apparatus kept installed for the purposes of a telecommunications code system ; ".
- (8) For section 79 of the Schedule (saving for British Telecommunications) there shall be substituted the following section: —
- “79 Nothing in this Schedule shall affect any right or remedy conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or otherwise prejudice the provisions of that code.”.