

## SCHEDULES

### SCHEDULE 4

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Roads (Scotland) Act 1970*

- 51 (1) The Roads (Scotland) Act 1970 shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (6) of section 7 (power to divert waters after consulting local authority and other bodies acting under statutory powers), at the end there shall be inserted the words " ; and in subsection (3) above the reference to a body acting under statutory powers includes a reference to the operator of a telecommunication code system (whether or not a body) acting in pursuance of any right conferred by or in accordance with the telecommunications code. "
- (3) For subsection (3) of section 9 (which applies section 7 of the Telegraph Act 1878 to work authorised by a scheme made by a highway authority) there shall be substituted the following subsections:—
- “(3) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of any works authorised by a scheme made by a highway authority under this section, to the person authorised to do the works.
- (4) Sub-paragraph (8) of paragraph 23 of the telecommunications code (offence) shall be deemed to be omitted for the purposes of the application by this section of that paragraph to a highway authority in relation to a trunk road.”.
- (4) In section 50 (interpretation)—
- (a) in subsection (1), for the definition of statutory undertakers there shall be substituted the following definition: —
- “‘ statutory undertakers ’ means—
- (a) any statutory undertakers as defined in section 275(1) of the Town and Country Planning (Scotland) Act 1972;
- (b) the Post Office ; and
- (c) except in section 39(4) of this Act, the operator of any telecommunications code system ;”;
- (b) after subsection (2) there shall be inserted the following subsection—
- “(2A) Any reference in this Act to apparatus belonging to statutory undertakers shall, in relation to the operator of a telecommunications code system, have effect as a reference to telecommunication apparatus kept installed for the purposes of that system.”.