

## SCHEDULES

### SCHEDULE 33

#### PROTECTIVE PROVISIONS

##### PART 3

###### ELECTRONIC COMMUNICATIONS CODE NETWORKS

- 39 (1) Any dispute arising between the nominated undertaker and an operator under this Part is to be determined by arbitration if—
- (a) the parties agree, or
  - (b) the dispute relates to the amount of any sum payable under this Part, but is otherwise to be determined by a person appointed by the appropriate Ministers.
- (2) Any person appointed by the appropriate Ministers under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the appropriate Ministers on making the appointment.
- (3) The costs and fees of the person determining the dispute and the costs of the parties to the dispute are to be allocated between the parties as that person may direct.