

## SCHEDULES

### SCHEDULE 10

#### PROTECTION OF CERTAIN PERSONS

#### PART III

#### PROTECTION OF BRITISH TELECOMMUNICATIONS PLC

**24.**—(1) The provisions of this Part of this Schedule shall, unless otherwise agreed in writing between the undertaker and British Telecommunications PLC, have effect for the protection of BT.

(2) In this Part of this Schedule—

“BT” means British Telecommunications PLC;

“installation” shall include construction and “construct” shall be construed accordingly; and

“telecommunications operator” means the operator of a telecommunications code system, and “operator”, “telecommunications apparatus”, “telecommunications code system” and “telecommunications system” have the same meanings as in Schedule 4 to the Telecommunications Act 1984<sup>(1)</sup>.

**25.** The temporary stopping up or diversion of any street under article 7 above shall not affect any right of a telecommunications operator under paragraph 9 of the Telecommunications Code, contained in Schedule 2 to the Telecommunications Act 1984, in respect of any apparatus which at the time of the temporary stopping up or diversion is in that street.

**26.** If BT suffers damage in consequence of the construction, use or failure of the works or any subsidence resulting from the works, the undertaker shall pay the cost reasonably incurred by BT in making good such damage, and shall indemnify BT against claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by BT by reason or in consequence of any such damage, but—

- (a) nothing in this paragraph shall impose any liability on the undertaker with respect to any damage to the extent that such damage is attributable to any act or omission of BT, its officers, servants, contractors or other agents; and
- (b) BT shall give to the undertaker reasonable notice of any claim, demand or proceedings and shall make no settlement or compromise thereof without the consent of the undertaker, such consent not to be unreasonably withheld.

**27.** Nothing in this Order shall affect any right of a telecommunications operator under Schedule 2 to the Telecommunications Act 1984.

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(1) 1984 c. 12.