

## SCHEDULES

### SCHEDULE 4

Section 13(1).

#### DRIVER INFORMATION SYSTEM LICENCES: APPLICATION OF ACTS TO LICENCE HOLDERS

- 1 Sections 230 to 232 of the Town and Country Planning Act 1971 (extinguishment of statutory undertakers' rights as to apparatus, and their rights of removal, in consequence of certain works), as applied by section 21(1) and (3) of the Highways Act 1980 in relation to any land specified in subsection (2) of that section (land for highway works), shall apply, in relation to such land, to the holders of operators' licences under Part II of this Act (and the operations authorised by their licences) as they apply to statutory undertakers; and so as respects the other provisions of the 1971 Act as applied by the said section 21(1).
- 2 Section 219 of the Town and Country Planning (Scotland) Act 1972 (extinguishment of statutory undertakers' rights to apparatus etc. in consequence of certain works), as applied by section 134(1) and (2) of the Roads (Scotland) Act 1984 in relation to any land specified in subsection (1) of that section (land for works in connection with special roads), shall apply, in relation to such land, to the holders of operator's licences under Part II of this Act (and the operations authorised by their licences) as it applies to statutory undertakers; and so as respects the other provisions of the 1972 Act as applied by the said section 134(1).
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  - (1) The Highways Act 1980 shall be amended as provided in this paragraph.
  - (2) In subsection (9) of section 20 (restriction on laying apparatus in special roads), after the words "Post Office" there shall be inserted the words "and the operator of a driver information system".
  - (3) In section 116 (power of magistrates' court to authorise stopping up or diversion of highway subject to arrangements for apparatus of statutory undertakers), at the end there shall be inserted the following subsection—

“(11) In this section “statutory undertakers” includes operators of driver information systems.”
  - (4) In subsection (5) of section 142 (licence to plant trees, shrubs, etc., in a highway), at the end there shall be inserted the words “or driver information systems”.
  - (5) In subsection (6) of section 144 (power to erect flagpoles etc. on highways), at the end there shall be inserted the words “or a driver information system”.
  - (6) In subsection (4) of section 156 (which authorises overhead telegraphic lines), after the words “overhead telecommunication apparatus” there shall be inserted the words “,overhead apparatus of a driver information system”.
  - (7) In subsection (4) of section 169 (control of scaffolding on highways), at the end there shall be inserted the words “or a driver information system”.
  - (8) In subsection (3) of section 170 (control of mixing of mortar etc. on highways), at the end there shall be inserted the words “or a driver information system”.

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*Status: This is the original version (as it was originally enacted).*

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- (9) In subsection (4) of section 177 (restriction on construction of buildings over highways), at the end there shall be inserted the words “or a driver information system”.
- (10) In subsection (5) of section 178 (restriction on placing of apparatus over highways), after the words “telecommunications code system” there shall be inserted the words “or a driver information system”.
- (11) In section 181 (provisions relating to placing of apparatus in or under a highway)—
- (a) in subsection (8), after the words “telecommunications code system” there shall be inserted the words “or a driver information system”, and at the end there shall be inserted the words “or, as the case may be, section 12 of the Road Traffic (Driver Licensing and Information Systems) Act 1989”; and
  - (b) in subsection (9), at the end there shall be inserted the words “or a driver information system”.
- (12) In section 256 (power of highway authority to exchange land to adjust boundaries of highways subject to arrangements for apparatus of statutory undertakers), after subsection (6) there shall be inserted the following subsection—
- “(6A) In this section “statutory undertakers” includes operators of driver information systems.”
- (13) In subsection (1) of section 329 (definitions), after the definition of “drainage authority” there shall be inserted the following definition—
- ““driver information system” has the same meaning as in Part II of the Road Traffic (Driver Licensing and Information Systems) Act 1989, and references to an “operator” of a driver information system are references to an operator licensed under that Part of that Act;”.
- (14) In Schedule 12 (provisions as to orders under s.116 and conveyances under s.256), at the end there shall be inserted the following—

### “PART III

#### INTERPRETATION

- 11            In this Schedule, “statutory undertakers” includes operators of driver information systems.”
- 4            Paragraph 23 of Schedule 2 to the Telecommunications Act 1984 (application of telecommunications code) shall apply to the holders of operators' licences under Part II of this Act for the purposes of the operations authorised by their licences.
- 5            (1) The Roads (Scotland) Act 1984 shall be amended as provided in this paragraph.
- (2) In subsection (4) of section 78 (power to divert waters when constructing or improving public road), at the end there shall be inserted “and a reference to the operator of a driver information system (whether or not a body) acting in pursuance of a right conferred by or in accordance with section 12 of the Road Traffic (Driver Licensing and Information Systems) Act 1989”.
- (3) In subsection (1) of section 151 (definitions)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) after the definition of “days” there shall be inserted the following definition—
- ““driver information system” has the same meaning as in Part II of the Road Traffic (Driver Licensing and Information Systems) Act 1989, and references to an “operator” of a driver information system are references to an operator licensed under that Part of that Act;”;  
and
- (b) in the definition of “statutory undertakers”—
- (i) after the word “includes” there shall be inserted “(a)”,
- (ii) for the word “and,” in the second place where it occurs there shall be substituted “(b)”, and
- (iii) at the end there shall be added—
- “and
- (c) except in section 140(4) of this Act, the operator of any driver information system;”.