

## SCHEDULES

### SCHEDULE 2

#### THE TELECOMMUNICATIONS CODE

##### *Tree lopping*

- 19 (1) Where any tree overhangs any street and, in doing so, either—
- (a) obstructs or interferes with the working of any telecommunication apparatus used for the purposes of the operator's system, or
  - (b) will obstruct or interfere with the working of any telecommunication apparatus which is about to be installed for those purposes.
- the operator may by notice to the occupier of the land on which the tree is growing require the tree to be lopped so as to prevent the obstruction or interference.
- (2) If within the period of 28 days beginning with the giving of the notice by the operator, the occupier of the land on which the tree is growing gives the operator a counter-notice objecting to the lopping of the tree, the notice shall have effect only if confirmed by an order of the court.
- (3) If at any time a notice under sub-paragraph (1) above has not been complied with and either—
- (a) a period of 28 days beginning with the giving of the notice has expired without a counter-notice having been given, or
  - (b) an order of the court confirming the notice has come into force,
- the operator may himself cause the tree to be lopped as mentioned in sub-paragraph (1) above.
- (4) Where the operator lops a tree in exercise of the power conferred by sub-paragraph (3) above he shall do so in a husband-like manner and in such a way as to cause the minimum damage to the tree.
- (5) Where—
- (a) a notice under sub-paragraph (1) above is complied with either without a counter-notice having been given or after the notice has been confirmed, or
  - (b) the operator exercises the power conferred by sub-paragraph (3) above,
- the court shall, on an application made by a person who has sustained loss or damage in consequence of the lopping of the tree or who has incurred expenses in complying with the notice, order the operator to pay that person such compensation in respect of the loss, damage or expenses as it thinks fit.