

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

The Planning (Northern Ireland) Order 1972

- 56 (1) The power to make a development order under Article 13 of the Planning (Northern Ireland) Order 1972 (development orders) shall include power—
- (a) to repeal paragraph 12(3) of Schedule 5 to that Order and sub-paragraph (5) below ; and
 - (b) to make any such provision as is mentioned in that Article in relation to cases in which planning permission is required by virtue of that repeal;
- and the power conferred by virtue of this sub-paragraph shall include power to make different provision for different cases.
- (2) In Article 80(2) of that Order (copies of notices to be served on certain persons), at the end there shall be inserted the words " and on the operator of any telecommunications code system for the purposes of which any telecommunication apparatus is kept installed along, across, under or over any such land. " .
- (3) For Article 81 of that Order (telegraphic lines) there shall be substituted the following Article: —
- “81 (1) Where an order is made under Article 79 and immediately before the date on which the order became operative there was, under, in, on, over, along or across the right of way any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same powers in respect of that apparatus as if the order had not become operative ; but the Department shall be entitled to require the alteration of the apparatus.
- (2) If the operator of a telecommunications code system removes any telecommunication apparatus in circumstances in which paragraph (1) applies and serves a notice on the Department notifying the Department of the removal, the operator shall be entitled to recover from the Department the expense of providing in substitution for the apparatus and any telecommunication apparatus connected therewith which is rendered useless in consequence of the removal, any telecommunication apparatus in such other place as the operator may require.
- (3) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this Article as it applies for the purpose of that code.
- (4) Paragraph 21 of the telecommunications code (restriction on removal of apparatus) shall apply in relation to any entitlement conferred by this Article

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

to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.”.

- (4) In relation to an order under Article 79 of that Order which becomes operative before the appointed day, Article 81 of that Order shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (3) above.
- (5) In paragraph 12(3) of Schedule 5 to that Order (saving for functions of British Telecommunications), for the words from "functions " onwards there shall be substituted the words " rights conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or any duty of any such operator under that code or apply to any telecommunication apparatus kept installed for the purposes of any such system. ".