

*Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Paragraph 75. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### Modifications etc. (not altering text)

- C1** Definition of "telecommunications code system" in Sch. 4 applied by [Heathrow Express Railway Act 1991 \(c. vii\)](#), **ss. 16(5)**, 17(2)
- C1** Definition of "telecommunications code system" in Sch. 4 para. 1(1) applied (E.W.) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), **ss. 178, 225(2)**, **Sch. 22 para. 1(4)(c)**.
- C1** Definition of "telecommunications code system" in Sch. 4 para. 1(1) applied (E.W.) (1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), **ss. 183, 223(2)**, **Sch. 13 para. 1(5)(c)**
- C1** Definition of "telecommunications code system" in Sch. 4 applied by [Strathclyde Regional Council Order Confirmation Act 1991 \(c. xx, SIF 200\)](#), s. 1, Sch. Pt. IV s. 11(2).

#### *The <sup>M1</sup>Local Government, Planning and Land Act 1980*

##### Marginal Citations

- M1** [1980 c. 65](#).

- 75 (1) Schedule 28 to the Local Government, Planning and Land Act 1980 shall be amended as follows.
- (2) In paragraph 5(2) (under which provisions as to extinguishment of rights over land do not apply in relation to rights and apparatus of statutory undertakers), at the end there shall be inserted the words “ or to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or to any telecommunication apparatus kept installed for the purposes of any such system ”.
- (3) In paragraph 6(2) (under which the power to override easements etc. shall not be used to interfere with rights vested in, or belonging to, statutory undertakers), at the end there shall be inserted the words “ or a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system ”.
- (4) For paragraph 13 (which contains provision with respect to telegraphic lines where a public right of way is extinguished under that Schedule) there shall be substituted the following paragraph:—
- “13 (1) Where an order under paragraph 11 above extinguishing a public right of way is made on the application of an urban development corporation or local highway authority, and at the time of the publication of the notice required by sub-paragraph (2) of that paragraph any telecommunication apparatus was

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kept installed for the purposes of a telecommunications code system under, in, on, over, along or across the land over which the right of way subsisted—

- (a) the power of the operator of the system to remove the apparatus shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished and shall be exercisable in respect of the whole or any part of the apparatus after the end of that period if before the end of that period the operator of the system has given notice to the corporation or authority of his intention to remove the apparatus or that part of it, as the case may be;
  - (b) the operator of the system may by notice given in that behalf to the corporation or authority not later than the end of the said period of three months abandon the telecommunication apparatus or any part of it;
  - (c) subject to paragraph (b), the operator of the system shall be deemed at the end of that period to have abandoned any part of the apparatus which he has then neither removed nor given notice of his intention to remove;
  - (d) the operator of the system shall be entitled to recover from the corporation or authority the expense of providing, in substitution for the apparatus and any other telecommunication apparatus connected with it which is rendered useless in consequence of the removal or abandonment of the first-mentioned apparatus, any telecommunication apparatus in such other place as the operator may require;
  - (e) where under the preceding provisions of this sub-paragraph the operator of the system has abandoned the whole or any part of any telecommunication apparatus, that apparatus or that part of it shall vest in the corporation or authority and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of a telecommunications code system.
- (2) As soon as practicable after the making of an order under paragraph 11 above extinguishing a public right of way in circumstances in which sub-paragraph (1) above applies in relation to the operator of any telecommunications code system, the Secretary of State shall give notice to the operator of the making of the order.”.
- (5) Where in any case a notice has been given before the appointed day under paragraph 11(2) of the said Schedule 28 (notice of proposal to extinguish right of way) paragraph 13 of the said Schedule 28 shall have effect in relation to that case, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (4) above.
- (6) In paragraph 14 (extinguishment of rights of way and rights as to apparatus of statutory undertakers), for sub-paragraphs (7) and (8) there shall be substituted the following sub-paragraph:—
- “(7) Except in a case in which paragraph 13 above has effect—
- (a) the reference in paragraph (a) of sub-paragraph (1) above to a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to a right

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conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system; and

- (b) the reference in paragraph (b) of that sub-paragraph to apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking shall include a reference to telecommunication apparatus kept installed for the purposes of any such system;

and for the purposes of this sub-paragraph, in this paragraph (except the said paragraphs (a) and (b)) and in paragraph 15 below, references to statutory undertakers shall have effect as references to the operator of any such system and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.”.

- (7) In paragraph 16 (notice given by statutory undertakers), after sub-paragraph (8) there shall be inserted the following sub-paragraph:—

“(9) In sub-paragraph (1)(a) above, the reference to apparatus vested in or belonging to statutory undertakers shall include a reference to telecommunication apparatus kept installed for the purposes of a telecommunications code system; and for the purposes of this sub-paragraph, in this paragraph references (except in the said sub-paragraph (1)(a)) to statutory undertakers shall have effect as references to the operator of any such system and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.”.

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