
Changes to legislation: There are currently no known outstanding effects for the Telecommunications Act 1984, Paragraph 12. (See end of Document for details)

SCHEDULES

SCHEDULE 5

GENERAL TRANSITIONAL PROVISIONS AND SAVINGS

PART I

PROVISIONS AND SAVINGS COMING INTO FORCE ON APPOINTED DAY

- 12 [F1(1) Where immediately before the appointed day British Telecommunications—
- (a) are providing, or have acceded to an application for the provision of, any services for any persons; or
 - (b) are supplying, or have acceded to an application for the supply of, any apparatus to any persons,
- in pursuance of a scheme made under section 21 of the 1981 Act, British Telecommunications shall be deemed to have contracted with those persons for the provision of the services or the hire of the apparatus as from that day.
- (2) The express terms and conditions of a contract which, by virtue of sub-paragraph (1) above, is deemed to have been made shall be such of the following as are applicable, namely—
 - (a) the terms and conditions contained in the scheme; and
 - (b) where a scheme is made under this paragraph, the terms and conditions contained in the scheme so made.
 - (3) British Telecommunications may make, as respects any of the services provided or apparatus supplied by it, a scheme for determining the terms and conditions which are to be incorporated in the contracts which, by virtue of sub-paragraph (1)(a) above, are to be deemed to have been made.
 - (4) Nothing in the 1981 Act shall be taken to limit or restrict the provision which may be made by a scheme under this paragraph.
 - (5) A scheme made under this paragraph may—
 - (a) make different provision for different cases or classes of cases determined by, or in accordance with, the provisions of the scheme; and
 - (b) revoke or amend any scheme made under section 21 of the 1981 Act.
 - (6) A scheme made under this paragraph shall be published in the London, Edinburgh and Belfast Gazettes before the appointed day and shall come into operation on that day; and conclusive evidence of a scheme so made may be given in all courts of justice and in all legal proceedings whatever by the production of a copy of any of those Gazettes purporting to contain it.

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(7) Terms and conditions incorporated in a contract by virtue of sub-paragraph (2) above shall not be regarded, for the purposes of section 29(1) of the ^{M1}Unfair Contract Terms Act 1977, as authorised by necessary implication of this paragraph.]

Textual Amendments

F1 Sch. 5 paras. 9-14 repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 408, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Marginal Citations

M1 1977 c. 50.

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