

Changes to legislation: Telecommunications Act 1984 is up to date with all changes known to be in force on or before 14 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

^{F1}SCHEDULE 1 U.K.

Section 1.

DIRECTOR GENERAL OF TELECOMMUNICATIONS

Textual Amendments

- F1** Sch. 1 repealed (prosp.) by Communications Act 2003 (c. 21), ss. 406, 411, Sch. 19(1) (with Sch. 18, Sch. 19(1) Note 1)

- 1 There shall be paid to the Director such remuneration, and such travelling and other allowances, as the Secretary of State with the approval of the Treasury may determine.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-3: transfer of functions (1.4.1995) by S.I. 1995/269, art. 3, Sch. para. 12

- 2 In the case of any such holder of the office of the Director as may be determined by the Secretary of State with the approval of the Treasury, there shall be paid such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or payments towards provision for such a pension, allowance or gratuity as may be so determined.

Modifications etc. (not altering text)

- C2** Sch. 1 paras. 1-3: transfer of functions (1.4.1995) by S.I. 1995/269, art. 3, Sch. para. 12

- 3 If, when any person ceases to hold office as the Director, it appears to the Secretary of State with the approval of the Treasury that there are special circumstances which make it right that he should receive compensation, there may be paid to him a sum by way of compensation of such amount as may be so determined.

Modifications etc. (not altering text)

- C3** Sch. 1 paras. 1-3: transfer of functions (1.4.1995) by S.I. 1995/269, art. 3, Sch. para. 12

- ^{F24}

Textual Amendments

- F2** Sch. 1 para. 4 repealed by Parliamentary and Health Service Commissioners Act 1987 (c. 39, SIF 89), s. 10, Sch. 2

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- 5 In the ^{M1}House of Commons Disqualification Act 1975 in Part III of Schedule 1 (other disqualifying offices) there shall be inserted (at the appropriate place in alphabetical order) the following entry—

““Director General of Telecommunications”,” and the like insertion shall be made in Part III of Schedule 1 to the

^{M2}

Northern Ireland Assembly Disqualification Act 1975.

Marginal Citations

M1 1975 c. 24.

M2 1975 c. 25.

- 6 The Director shall have an official seal for the authentication of documents required for the purposes of his functions.

- 7 The ^{M3}Documentary Evidence Act 1868 shall have effect as if the Director were included in the first column of the Schedule to that Act, as if the Director and any person authorised to act on behalf of the Director were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Director or by any such person.

Marginal Citations

M3 1868 c. 37.

- 8 Anything authorised or required by or under this Act or any other enactment to be done by the Director, other than the making of a statutory instrument, may be done by any member of the staff of the Director who is authorised generally or specially in that behalf by the Director.

Textual Amendments

F3 Sch. 2 omitted (28.12.2017) by virtue of Digital Economy Act 2017 (c. 30), ss. 4(1), 118(6); S.I. 2017/1286, reg. 2(a)

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SCHEDULE 3 U.K.

Section 75

PENALTIES AND MODE OF TRIAL UNDER THE WIRELESS TELEGRAPHY ACT 1949

Modifications etc. (not altering text)

- C4** Sch. 3 extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), Sch. Pt. I
C5 Sch. 3 extended (Jersey) (with modifications) (29.12.2003) by The Wireless Telegraphy (Jersey) Order 2003 (S.I. 2003/3196), art. 3(1), Sch. Pt. I

1 The following subsections shall be substituted for subsection (1) of section 14 of the 1949 Act—

“(1) Any person committing—

- (a) any offence under section 5(a) of this Act; or
- (b) any offence under section 13 of this Act;

shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both, or on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

(1A) Any person committing—

- (a) any offence under section 1(1) of this Act consisting in the installation or use, otherwise than under and in accordance with a wireless telegraphy licence, of any apparatus not designed or adapted for emission (as opposed to reception); or
- (b) any offence under section 3(2) of this Act consisting in a contravention, in relation to any such apparatus, of any regulations made under that section; or
- (c) any offence under section 11(7) or 12(5) of this Act involving or consisting in a contravention of a notice of the Secretary of State in relation to any apparatus, not being apparatus the use of which is likely to cause undue interference with any wireless telegraphy used for the purpose of any safety of life service or any purpose on which the safety of any person or of any vessel, aircraft or vehicle may depend; or
- (d) any offence under section 1(5) or 7(4) of this Act; or
- (e) any offence under section 12A of this Act; or
- (f) any offence under this Act which is an offence under section 5 or 8(2) of the Wireless Telegraphy Act 1967 (failure to comply with notices under Part I of that Act, giving false information, etc.);

shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(1B) Any person committing—

- (a) any offence under section 1(1) of this Act other than one within subsection (1A)(a) of this section; or
- (b) any offence under section 11(7) of this Act other than one within subsection (1A)(c) of this section;

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shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or both.

(1C) Any person committing any other offence under this Act shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

F42

Textual Amendments

F4 Sch. 3 para. 2 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV Group 2.

3

The following provisions shall not apply where a person is convicted of an offence under the 1949 Act [F5 or the Marine, &c., Broadcasting (Offences) Act 1967]—

- [F6(a) section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (which gives the convicting court in England and Wales power to deprive a person convicted of an offence of property used etc. for purposes of crime); and]
- (b) [F7 Part II of the Proceeds of Crime (Scotland) Act 1995] and [F8 Article 11 of the Criminal Justice (Northern Ireland) Order 1994] (which give the convicting court in Scotland and Northern Ireland respectively power corresponding to the power under [F9 that section]).

Textual Amendments

F5 Words in Sch. 3 para. 3 inserted (8.2.2007) by The Wireless Telegraphy (Pre-Consolidation Amendments) Order 2006 (S.I. 2006/1391), arts. 1, 2, Sch. para. 4

F6 Sch. 3 para. 3(a) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 9 para. 92(a)

F7 Words in Sch. 3 para. 3(b) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), Sch. 4 para. 48(4)

F8 Words in Sch. 3 para. 3(b) substituted (9.1.1995) by S.I. 1994/2795 (N.I. 15), art. 26(1), Sch. 2 para. 10; S.R. 1994/446, art. 2

F9 Words in Sch. 3(b) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 9 92(b)

SCHEDULE 4 U.K.

Section 109.

MINOR AND CONSEQUENTIAL AMENDMENTS

Modifications etc. (not altering text)

C6 Definition of "telecommunications code system" in Sch. 4 applied by Heathrow Express Railway Act 1991 (c. vii), ss. 16(5), 17(2)

C7 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).

C8 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)

C9 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).

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Interpretation

- 1 (1) In this Schedule and in any enactment amended by this Schedule—
- “the operator” means—
- (a) in relation to a telecommunications code system the running of which is authorised by a licence under section 7 of this Act, the person to whom the telecommunications code is applied by that licence; and
 - (b) in relation to a telecommunications code system which the Secretary of State or a Northern Ireland department is running or proposing to run, the Secretary of State or, as the case may be, that department;
- “public telecommunications operator” has the meaning given by section 9(3) of this Act;
- “telecommunication apparatus” has the same meaning as in Schedule 2 to this Act;
- “telecommunication system” has the meaning given by subsection (1) of section 4 above (read with subsection (2) of that section);
- “the telecommunications code” means the code contained in Schedule 2 to this Act;
- “telecommunications code system” means—
- (a) a telecommunications system the running of which is authorised by a licence under section 7 of this Act applying the telecommunications code to any person; or
 - (b) a telecommunication system which the Secretary of State or a Northern Ireland department is running or proposing to run and in relation to which the telecommunications code has effect by virtue of section 10(1)(b) of this Act.
- (2) Subsection (11) of section 7 of this Act shall apply for the purposes of this Schedule and any enactment amended by this Schedule as it applies for the purposes of that section and the following provisions of Part II of this Act.

General

- 2 [F10A requirement to do what is necessary to inform designated persons holding office under the Crown concerning matters and things transmitted or in the course of transmission by means of telecommunication services provided by a public telecommunications operator may be laid on the operator for the like purposes and in the like manner as, immediately before the appointed day, a requirement could have been laid on British Telecommunications to do what is necessary to inform such persons concerning matters and things transmitted or in the course of transmission by means of such services provided by it.]

Textual Amendments

- F10** Sch. 4 para. 2 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)

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Enactments relating to statutory undertakers, etc.

3

[^{F11}(1) The references to British Telecommunications in the following enactments (under which British Telecommunications is a statutory undertaker and its undertaking a statutory undertaking) shall (without prejudice to the following provisions of this Schedule) cease to have effect, namely—

- (a) section 73(1) of the ^{M4}Control of Pollution Act 1974;
- (b) [^{F12}section 10(4) of the ^{M5}Scottish Development Agency Act 1975;]
- (c) section 27(1) of the ^{M6}Welsh Development Agency Act 1975;
- (d) section 44(1) of the ^{M7}Local Government (Miscellaneous Provisions) Act 1976;
- ^{F13}(e)
- (f) Article 53(1) of the ^{M8}Pollution Control and Local Government (Northern Ireland) Order 1978;
- (g) section 13(4) of the ^{M9}Electricity (Scotland) Act 1979;
- (h) section 61(2) of the ^{M10}Ancient Monuments and Archaeological Areas Act 1979;
- (i) sections [^{F14} 20(9),] 144(6), 169(4), 170(3), 178(5), [^{F14}181(9),] 254(6), and 290(9) of and paragraph 3(3) of Schedule 6 to the ^{M11}Highways Act 1980;
- ^{F15}(j)
- (k) section 79(1)(c) of the ^{M12}New Towns Act 1981;
- (l) section 8(1)(c) of the ^{M13}Acquisition of Land Act 1981;
- (m) section 105(1) of the ^{M14}Civil Aviation Act 1982.

(2) The following provisions of Schedule 3 to the ^{M15}1981 Act (being provisions by virtue of which British Telecommunications is for the purposes of certain enactments to be treated as a statutory undertaker, a public utility undertaking or other public body) shall cease to have effect—

- (a) paragraph 10(1) and (5) (miscellaneous);
- (b) paragraph 23 (the ^{M16}Civil Defence Act 1939);
- (c) paragraph 31 (the ^{M17}War Damaged Sites Act 1949);
- (d) paragraph 39 (Schedule 4 to the ^{M18}Public Health Act 1961);
- (e) paragraph 50 (the ^{M19}Local Government and Roads Act (Northern Ireland) 1968);
- (f) paragraph 52 (the ^{M20}Harbours Act (Northern Ireland) 1970);
- (g) paragraph 55(2) (the ^{M21}Planning (Northern Ireland) Order 1972);
- (h) paragraph 66 (the ^{M22}Fair Employment (Northern Ireland) Act 1976);
- (i) paragraph 73(2) (Schedule 16 to the ^{M23}Local Government, Planning and Land Act 1980); and
- (j) paragraph 74(2) (certain provisions of the ^{M24}Highways Act 1980);]

Textual Amendments

F11 Sch. 4 para. 3 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),

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- 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)
- F12** Sch. 4 para. 3(1)(b) repealed (E.W.S.) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(2), **Sch. 5 Pt. I**
- F13** Sch. 4 para. 3(1)(e) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**
- F14** Words in Sch. 4 para. 3(1)(i) repealed (1.1.1993 for E.W.S and otherwise *prosp.*) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), ss. 168(2), 170, **Sch.9**; (E.W.) S.I. 1992/2984, art. 2(2), **Sch. 2**; (S.) S.I. 1992/2990, art. 2(2), **Sch. 2**
- F15** Sch. 4 para. 3(1)(j) repealed (17.2.1994) by S.I. 1993/3160 (N.I. 15), art. 134(3), **Sch. 11**.

Marginal Citations

- M4** 1974 c. 40.
M5 1975 c. 69.
M6 1975 c. 70.
M7 1976 c. 57.
M8 S.I. 1978/1049 (N.I. 19).
M9 1979 c. 11.
M10 1979 c. 46.
M11 1980 c. 66.
M12 1981 c. 64.
M13 1981 c. 67.
M14 1982 c. 16.
M15 1981 c. 38.
M16 1939 c. 31.
M17 1949 c. 84.
M18 1961 c. 64.
M19 1968 c. 30 (N.I.).
M20 1970 c. 1 (N.I.).
M21 S.I. 1972/1634 (N.I. 17).
M22 1976 c. 25.
M23 1980 c. 65.
M24 1980 c. 66.

The Telegraph Acts 1863 and 1868

F16⁴

Textual Amendments

- F16** Sch. 4 para. 4 repealed (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(2), **Sch. 2** (with art. 4(11))

The ^{M25}Foreign Enlistment Act 1870

Marginal Citations

- M25** 1870 c. 90.

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- 5 In section 30 of the Foreign Enlistment Act 1870 (interpretation), in the definition of “military service” for the words “military telegraphy” there shall be substituted the words “military telecommunications”.

6 F17

Textual Amendments

F17 Sch. 4 paras. 6, 8, 9 repealed by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(3)(4), Sch. 17 para. 35(1), Sch. 18

The ^{M26}Military Tramways Act 1887

Marginal Citations

M26 1887 c. 65.

F187

Textual Amendments

F18 Sch. 4 para. 7 repealed (E.W.S.) (1.1.1993) by Transport and Works Act 1992 (c. 42), s. 68(1), Sch. 4 Pt. I; S.I. 1992/2784, art. 2(b), Sch. 2 Pt. I (with art. 3(1)).

8 F19

Textual Amendments

F19 Sch. 4 paras. 6, 8, 9 repealed by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(3)(4), Sch. 17 para. 35(1), Sch. 18

9 F20

Textual Amendments

F20 Sch. 4 paras. 6, 8, 9 repealed by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(3)(4), Sch. 17 para. 35(1), Sch. 18

The ^{M27}Telegraph Act 1899

Marginal Citations

M27 1899 c. 38.

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10 In section 2(1) of the Telegraph Act 1899 (supplemental provision with respect to public telephonic systems by certain local authorities), for the words from “by” to “communication” there shall be substituted the words “ to run a public telecommunication system (within the meaning of the Telecommunications Act 1984) ”.

11 F21

Textual Amendments

F21 Sch. 4 para. 11 repealed by [Cinemas Act 1985 \(c. 13, SIF 45A\)](#), [Sch. 3](#)

The ^{M28}Official Secrets Act 1911

Marginal Citations

M28 1911 c. 28.

12 [F22(1)

F23(2) Any telecommunications station or office belonging to, or occupied by, a public telecommunications operator shall be a prohibited place for the purposes of that Act.]

Textual Amendments

F22 Sch. 4 para. 12 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)

F23 Sch. 4 para. 12(1) repealed by [Official Secrets Act 1989 \(c. 6, SIF 39:2\)](#), s. 16(4), [Sch. 2](#)

13 F24

Textual Amendments

F24 Sch. 4 paras. 13, 15, 24, 34 and 70 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(3)(4), [Sch. 17](#) para. 35(1), [Sch. 18](#)

The ^{M29}Official Secrets Act 1920

Marginal Citations

M29 1920 c. 75.

F25 14

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Textual Amendments

F25 Sch. 4 para. 14 repealed (26.3.2001) by S.I. 2001/1149, arts. 1(2), 3(2), **Sch. 2** (with art. 4(11))

15

F26

Textual Amendments

F26 Sch. 4 paras. 13, 15, 24, 34 and 70 repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(3)(4), Sch. 17 para. 35(1), **Sch. 18**

The ^{M30}Law of Property Act 1925

Marginal Citations

M30 1925 c. 20.

16

[^{F27}In subsection (4) of section 194 of the Law of Property Act 1925 (under which that section does not apply, among other things, to a telegraphic line of British Telecommunications), for the words from “telegraphic line” onwards there shall be substituted the words “telecommunication apparatus installed for the purposes of a telecommunications code system”.]

Textual Amendments

F27 Sch. 4 para. 16 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)

The ^{M31}Roads Improvement Act 1925

Marginal Citations

M31 1925 c. 68.

[^{F28}17 (1) For subsection (6) of section 1 of the Roads Improvement Act 1925 (which applies section 7 of the ^{M32}Telegraph Act 1878 to work in connection with the planting of trees etc. in highways) there shall be substituted the following subsections:—

“(6) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of any works which may be done in exercise of the powers conferred by this section, to the persons on whom those powers are conferred.

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- (7) Sub-paragraph (8) of paragraph 23 of the telecommunications code (offence) shall be deemed to be omitted for the purposes of the application by this section of that paragraph to the Minister.”.
- (2) For subsection (9) of section 5 of the said Act of 1925 (saving for enactments relating to telegraphs) there shall be substituted the following subsection:—

“(9) Nothing in this section shall affect any rights conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or apply to any telecommunication apparatus kept installed for the purposes of any such system.”.]

Textual Amendments

F28 Sch. 4 paras. 17, 19, 26 and 51 repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), [Sch. 11](#)

Marginal Citations

M32 [1878 c. 76](#).

The ^{M33}Public Health Act 1925

Marginal Citations

M33 [1925 c. 71](#).

- 18 In section 10 of the Public Health Act 1925 (under which nothing in that Act is to affect works or apparatus of British Telecommunications), for the words from “works” to “or any” there shall be substituted the words “ telecommunication apparatus kept installed for the purposes of a telecommunications code system or the execution for those purposes of any works or any ”.

The ^{M34}Bridges Act 1929

Marginal Citations

M34 [1929 c. 33](#).

- [^{F29}19 For section 13 of the Bridges Act 1929 (which applies section 7 of the Telegraph Act 1878 to work authorised or required by an order made under that Act) there shall be substituted the following section:—

“**13** (1) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to a bridge owner or highway authority for the purposes of works authorised or required by an order under this Act.

- (2) Sub-paragraph (8) of paragraph 23 of the telecommunications code (offence) shall be deemed to be omitted for the purposes of the application by this section of that paragraph to the Secretary of State in any capacity.”.]

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Textual Amendments

F29 Sch. 4 paras. 17, 19, 26 and 51 repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(3), Sch. 11

20

F30

Textual Amendments

F30 Sch. 4 para. 20 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1

The ^{M35}Civil Defence Act (Northern Ireland) 1939

Marginal Citations

M35 1939 c. 15 (N.I.).

21

For section 71 of the Civil Defence Act (Northern Ireland) 1939 (which applies section 7 of the ^{M36}Telegraph Act 1878 to work authorised or required to be done under that Act) there shall be substituted the following section:—

“**71** Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes conferred by this Act, to the persons on whom those powers are conferred.”.

Marginal Citations

M36 1878 c. 76.

The ^{M37}Water Act 1945

Marginal Citations

M37 1945 c. 42.

[^{F31}22 (1) The Water Act 1945 shall be amended in accordance with the following provisions of this paragraph.

(2) For section 60 (which applies section 7 of the Telegraph Act 1878 to works authorised by an order under the Water Act 1945) there shall be substituted the following section:

“**60** Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of any works the execution of which is authorised by an order under this Act, to the person authorised by that order to execute those works.”.

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- (3) In the proviso to section 4 of Schedule 3 (subsidiary works not to interfere with telegraphic lines etc.), for the words from “telegraphic line” onwards there shall be substituted the words “telecommunication apparatus kept installed for the purposes of a telecommunications code system or with the service provided by any such system.”.
- (4) Section 5 of Schedule 3 (which confers power on a water undertaker to operate a system of telegraphic communication) shall cease to have effect.
- (5) In section 70 of Schedule 3, for paragraph (a) of the proviso (works under that section not to interfere with telegraphic lines) there shall be substituted the following paragraph:—
- “(a) any telecommunication apparatus kept installed for the purposes of a telecommunications code system, except in accordance with, and subject to the provisions of, the telecommunications code;”.
- (6) Without prejudice to section 20(2) of the ^{M38}Interpretation Act 1978 (references to enactments), references in this paragraph to a provision of the said Schedule 3 shall include references to that Schedule as incorporated or applied by or under any enactment.]

Textual Amendments

F31 Sch. 4 paras. 22 and 42 repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27**

Marginal Citations

M38 1978 c. 30.

The ^{M39}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947

Marginal Citations

M39 1947 c. 42.

- 23 In section 3 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (which empowers the Secretary of State to extinguish certain public rights of way over land acquired), after subsection (4) there shall be inserted the following subsection:—

“(4A) In subsection (4) above, the reference to apparatus belonging to statutory undertakers shall include a reference to apparatus kept installed for the purposes of a telecommunications code system; and in relation to any such apparatus the references to the undertakers shall have effect as references to the operator of the system.”.

Changes to legislation: Telecommunications Act 1984 is up to date with all changes known to be in force on or before 14 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F32 Sch. 4 paras. 13, 15, 24, 34 and 70 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), ss. 112(3)(4), Sch. 17 para. 35(1), [Sch. 18](#)

The Roads Act (Northern Ireland) 1948

25 For subsections (1) and (2) of section 41 of the Roads Act (Northern Ireland) 1948, as applied by any statutory provision passed before the coming into operation of the ^{M40}Roads (Northern Ireland) Order 1980, there shall be substituted the following subsections:—

“(1) Subject to subsection (1A), nothing in this Act or in any order made under it shall affect any rights conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or apply to any telecommunication apparatus kept installed for the purposes of any such system.

(1A) Where in pursuance of an order under section 17 any road is stopped up, diverted or abandoned and immediately before that order comes into force there is under, in, over, along or across the road 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 come into force; but the Department or any person in whom the site of that road is vested shall be entitled to require the alteration of the apparatus.

(1B) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to the Department for the purposes of any work authorised to be carried out under this Act.

(1C) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of subsection (1A) as it applies for the purposes of that code.

(2) Paragraph 21 of the telecommunications code (restrictions on removal of apparatus) shall apply in relation to any entitlement conferred by this section 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.”

Marginal Citations

M40 [S.I. 1980/1085 \(N.I. 11\)](#).

The ^{M41}Special Roads Act 1949

Marginal Citations

M41 [1949 c. 32](#).

Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 14 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[^{F33}26 (1) For section 20 of the Special Roads Act 1949 (saving for British Telecommunications) there shall be substituted the following section:—

“**20** (1) Subject to the provisions of this section, nothing in this Act or in any scheme or order made under it affects any 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 applies to any telecommunication apparatus kept installed for the purposes of any such system.

(2) Where in pursuance of an order under section 3 of this Act any road is stopped up or diverted and immediately before the order comes into force there is under, in, upon, over, along or across the road any telecommunication apparatus kept installed for the purposes of a telecommunication code system, the operator of that system shall have the same powers in respect of the telecommunication apparatus as if the order had not become operative; but any person entitled to land over which the road subsisted shall be entitled to require the alteration of the apparatus.

(3) Where an order under the said section 3 provides for the alteration of any road, not being a trunk road and, immediately before the date on which the order comes into force, there is under, in, upon, over, along or across the road any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the highway authority shall be entitled to require the alteration of the apparatus.

This subsection does not have effect so far as it relates to the alteration of any telecommunication apparatus for the purpose of authority’s works as defined in Part II of the Public Utilities Street Works Act 1950.

(4) 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 section as it applies for the purposes of that code.

(5) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this section 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.”.

(2) In relation to an order under section 3 of the said Act of 1949 coming into force before the appointed day, section 20 of that Act shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (1) above.]

Textual Amendments

F33 Sch. 4 paras. 17, 19, 26 and 51 repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), [Sch. 11](#)

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The ^{M42}Coast Protection Act 1949

Marginal Citations

M42 1949 c. 74.

- 27 In section 47 of the Coast Protection Act 1949, for paragraph (b) (savings for powers or duties of British Telecommunications) there shall be substituted the following paragraph:—
- “(b) affect any right 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;”.

The National Parks and Access to the ^{M43}Countryside Act 1949

Marginal Citations

M43 1949 c. 97.

- 28 (1) In the proviso to section 20(2) of the National Parks and Access to the Countryside Act 1949 (byelaws for protection of nature reserves not to interfere with the exercise of functions by statutory undertakers), at the end there shall be inserted the words “ or with the running of a telecommunications code system or the exercise of any right conferred by or in accordance with the telecommunications code on the operator of any such system. ”.
- (2) [^{F34}In section 60(5)(f) of that Act (under which land covered by works used for the purposes of a statutory undertaking is excepted land for the purposes of Part V of that Act), after the word “undertaking” there shall be inserted the words “ or a telecommunications code system ”.]

Textual Amendments

F34 Sch. 4 para. 28(2) 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](#))

The ^{M44}Public Utilities Street Works Act 1950

Marginal Citations

M44 1950 c. 39.

- [^{F35}29 (1) The Public Utilities Street Works Act 1950 shall be amended in accordance with the following provisions of this paragraph.
- (2) In sections 3(2)(b), 4(2)(b), 6(1)(b), 10(1)(i), 26(2) and 28(3)(a) and paragraph 5(1)(b) of Schedule 1 and paragraph 1(1) of Schedule 3 (which refer to overhead

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telegraphic lines), for the words “an overhead telegraphic line”, wherever occurring, there shall be substituted the words “overhead telecommunication apparatus”.

(3) For paragraph (c) of section 38(3) (under which the references to a service pipe or service line include certain underground telegraphic lines) there shall be substituted the following paragraph:—

“(c) any telecommunication apparatus placed or intended to be placed underground for the purpose of providing a service by means of a telecommunication system to or from any premises, as distinct from telecommunication apparatus placed or intended to be placed for the general purposes of any such system”.

(4) In Schedule 7 (application to London)—

- (a) in paragraph 6, for the words “overhead telegraphic lines” there shall be substituted the words “overhead telecommunication apparatus”; and
- (b) in paragraph 8(1), for the words “an overhead telegraphic line” there shall be substituted the words “overhead telecommunication apparatus”.]

Textual Amendments

F35 Sch. 4 para. 29 repealed (1.1.1993 for E.W.S. and otherwise *prosp.*) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), ss. 168(2), 170, [Sch.9](#); (E.W.) [S.I. 1992/2984, art. 2, Sch.2](#); (S.) [S.I. 1992/2990, art. 2, Sch.2](#)

30

F36

Textual Amendments

F36 Sch. 4 paras. 30, 32 repealed by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), [Sch. 6](#)

The ^{M45}Local Government (Miscellaneous Provisions) Act 1953

Marginal Citations

M45 1953 c. 26.

31

In section 6 of the Local Government (Miscellaneous Provisions) Act 1953 (supplementary provisions as to bus shelters)—

- (a) in subsection (1), for the words from “telegraphic line” to “in obtaining” there shall be substituted the words “telecommunication apparatus kept installed for the purposes of a telecommunications code system and the operator of that system notifies the local authority that he requires to obtain access to the apparatus, the authority shall, unless they temporarily remove the shelter or accommodation for the purpose of affording such access or so much thereof as is necessary for that purpose, be liable to repay to the operator so much of the expenses reasonably incurred by him in obtaining”; and
- (b) in subsection (2), for the words from “telegraphic line” to “there were” there shall be substituted the words “telecommunication apparatus as is

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therein mentioned, and as if for any reference therein to the operator of the system in question there were ”.

32^{F37}

Textual Amendments

F37 Sch. 4 paras. 30, 32 repealed by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), [Sch. 6](#)

The Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955

33 For subsection (2) of section 17 of the Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955 (which applies section 7 of the ^{M46}Telegraph Act 1878 in relation to schemes under the said Act of 1955) there shall be substituted the following subsection:—

“(2) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply by the Department for the purposes of any works authorised by a scheme under this Act.”.

Marginal Citations

M46 1878 c. 76.

34

^{F38}

Textual Amendments

F38 Sch. 4 paras. 13, 15, 24, 34 and 70 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), ss. 112(3)(4), [Sch. 17 para. 35\(1\)](#), [Sch. 18](#)

The ^{M47}Housing Act 1957

Marginal Citations

M47 1957 c. 56.

[^{F39}35 (1) After section 74 of the Housing Act 1957, in Part III of that Act (clearance and redevelopment), there shall be inserted the following section:—

“ **Saving for telecommunication apparatus etc.**

(1) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to a local authority for the purposes of any works which they are authorised to execute under this Part of this Act.

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- (2) Where in pursuance of an order under section 64 of this Act a public right of way over land is extinguished and, at the beginning of the day on which the order comes into operation, there is under, in, on, over, along or across the land 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 come into operation; but any person entitled to land over which the right of way subsisted shall be entitled to require the alteration of the apparatus.
 - (3) The proviso to subsection (3) of the said section 64 shall have effect in relation to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system, and to telecommunication apparatus kept installed for the purposes of any such system, as it has effect in relation to rights vested in and apparatus belonging to statutory undertakers.
 - (4) 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 section as it applies for the purposes of that code.
 - (5) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this section 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.”
- (2) In relation to any order under section 64 of the said Act of 1957 coming into force before the appointed day, paragraph 33 of Schedule 3 to the 1981 Act (which made provision corresponding to sub-paragraph (1) above in relation to British Telecommunications) shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (1) above.]

Textual Amendments

- F39** Sch. 4 para. 35 repealed (E.W.) by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I

The Land Drainage (Scotland) Act 1958

- 36 (1) For section 17 of the ^{M48}Land Drainage (Scotland) Act 1958 (which applies section 7 of the ^{M49}Telegraph Act 1878 to works under an improvement order) there shall be substituted the following section:—
- “17 Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to the authorised persons under an improvement order for the purposes of works in pursuance of that order.”
- (2) In the proviso to paragraph 3 of Schedule 2 to that Act (temporary works not to interfere with telegraphic lines etc.), for the words from “telegraphic line” onwards there shall be substituted the words “ telecommunication apparatus kept installed for

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the purposes of a telecommunications code system or with the service provided by any such system.”.

Marginal Citations

M48 1958 c. 24.

M49 1878 c. 76.

The ^{M50}Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958

Marginal Citations

M50 1958 c. 50.

37 In section 3 of the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958 (supplementary provisions as to bus shelters etc.)—

- (a) in subsection (1), for the words from “telegraphic line” to “in obtaining” there shall be substituted the words “ telecommunication apparatus kept installed for the purposes of a telecommunications code system, and the operator of that system notifies the local authority that he requires to obtain access to that apparatus, the authority shall, unless they temporarily remove the shelter, barriers or posts for the purpose of affording such access, or so much thereof as is necessary for that purpose, be liable to repay the operator of that system so much of the expenses reasonably incurred by him in obtaining ”; and
- (b) in subsection (2), for the words from “telegraphic line” to “there were” there shall be substituted the words “ telecommunication apparatus as is therein mentioned, and as if for any reference therein to the operator of the system in question there were ”.

The ^{M51}Opencast Coal Act 1958

Marginal Citations

M51 1958 c. 69.

38 (1) Section 45 of the Opencast Coal Act 1958 (provisions as to telegraphic lines) shall be amended in accordance with the following provisions of this paragraph.

(2) In subsection (1) (prohibition on interference with telegraphic lines), for the words from “telegraphic line” onwards there shall be substituted the words “ telecommunication apparatus kept installed for the purposes of a telecommunications code system or include any right or power to require any such apparatus to be altered ”.

(3) For subsection (2) (application of section 7 of the Telegraph Act 1878 to authorised operations) there shall be substituted the following subsection:—

“(2) Where an authorisation has been granted under section 1 of this Act, paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication

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apparatus) shall apply to the Board for the purposes of any authorised operations.”.

(4) In subsection (3) (powers in relation to telegraphic lines where public right of way suspended), for the words from “telegraphic line” to “that line” there shall be substituted the words “ telecommunication apparatus kept installed for the purposes of a telecommunications code system, the operator of that system shall have the same rights in respect of that apparatus ”.

(5) For subsection (4) (meaning of “telegraphic line” and “alter”) there shall be substituted the following subsection:—

“(4) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of subsection (1) above as it applies for the purposes of that code.”.

The ^{M52}Flood Prevention (Scotland) Act 1961

Marginal Citations

M52 1961 c. 41.

39 (1) The Flood Prevention (Scotland) Act 1961 shall be amended in accordance with the following provisions of this paragraph.

(2) In section 3(4) (flood prevention works affecting statutory undertakers to be carried out only with their consent, which shall not be unreasonably refused), for the words “except with the consent in writing of the statutory undertakers” there shall be substituted the words “ or any telecommunication apparatus kept installed for the purposes of a telecommunications code system or the running of any such system, except with the consent in writing of the statutory undertakers or, as the case may be, the operator of the system ”.

(3) In the proviso to paragraph 2 of Schedule 1 (temporary works not to interfere with certain telegraphic lines etc.), for the words from “telegraphic line” onwards there shall be substituted the words “ telecommunication apparatus kept installed for the purposes of a telecommunications code system or with the service provided by any such system. ”.

(4) In paragraph 3(1) of Schedule 2 (which specifies the persons on whom certain notices are to be served), for paragraph (e) there shall be substituted the following paragraph:—

“(e) the operator of a telecommunications code system the running of which may be affected by any of the operations or by any alteration in the flow of water caused by the operations”.

The ^{M53}Public Health Act 1961

Marginal Citations

M53 1961 c. 64.

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[^{F40}In section 29B(3) of the Public Health Act 1961 (which prevents interference with the apparatus or works of statutory undertakers), at the end there shall be inserted the words “ or with any telecommunication apparatus kept installed, or works executed, for the purposes of a telecommunications code system. ”.]

Textual Amendments

F40 Sch. 4 para. 40 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)

The ^{M54}Pipe-lines Act 1962

Marginal Citations

M54 1962 c. 58.

- 41 In section 40 of the Pipe-lines Act 1962 (avoidance of interference with telegraphic lines etc.)—
- (a) in subsection (1), for the words from “telegraphic line” to “such line” there shall be substituted the words “ telecommunication apparatus kept installed for the purposes of a telecommunications code system or with the service provided by any such system ”; and
 - (b) for subsections (2) and (3) there shall be substituted the following subsection:—
 - “(2) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of works in pursuance of a compulsory rights order, to the person authorised to execute those works.”.

The ^{M55}Water Resources Act 1963

Marginal Citations

M55 1963 c. 38.

- [^{F41}42 (1) In section 67 of the Water Resources Act 1963 (compulsory powers for carrying out engineering or building operations), after subsection (5) there shall be inserted the following subsection:—
- “(5A) An order under this section shall not authorise the doing of anything to or in relation to any telecommunication apparatus kept installed for the purposes of a telecommunications code system.”.
- (2) For section 130 of that Act (which applies section 7 of the ^{M56}Telegraph Act 1878 to engineering or building operations of a water authority) there shall be substituted the following section:—

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“**130** Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to a water authority for the purposes of engineering or building operations of the authority.”.]

Textual Amendments

F41 Sch. 4 paras. 22 and 42 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, [Sch. 27](#)

Marginal Citations

M56 1878 c. 76.

The ^{M57}Harbours Act 1964

Marginal Citations

M57 1964 c. 40.

43 For section 53 of the Harbours Act 1964 (saving for telegraphic lines) there shall be substituted the following section:—

“**53** Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of works in pursuance of a harbour revision order and works authorised by a harbour empowerment order, to the person authorised to execute those works.”.

The New Towns Act (Northern Ireland) 1965

44 (1) In section 25 of the New Towns Act (Northern Ireland) 1965 (extinguishment of public rights of way), after subsection (9) there shall be inserted the following subsections:—

“(9A) Where in pursuance of an order under this section a public right of way over land is extinguished and, at the beginning of the day on which the order comes into operation there is under, in, on, over, along or across the land 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 come into operation; but any person entitled to land over which the right of way existed shall be entitled to require the alteration of the apparatus.

(9B) Where the Department has approved an order under this section in respect of any right of way in circumstances in which subsection (9A) applies in relation to the operator of any telecommunications code system, the Department shall send a copy of the order to the operator.

(9C) Paragraph 1(2) of the telecommunications code (alteration of apparatus to include moving, removal, or replacement of apparatus) shall apply for the purposes of subsection (9A) as it applies for the purposes of that code.

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- (9D) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this section 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.”.
- (2) In relation to an order under section 25 of the said Act of 1965 coming into force before the appointed day, paragraph 76(2) of Schedule 3 to the 1981 Act (which made provision corresponding to sub-paragraph (1) above in relation to British Telecommunications) shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (1) above.

The ^{M58}Housing (Scotland) Act 1966

Marginal Citations

M58 1966 c. 49.

[^{F42}45 After section 57 of the Housing (Scotland) Act 1966, in Part III of that Act (clearance), there shall be inserted the following section:—

“ **Saving for telecommunication apparatus.**

Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to a local authority for the purposes of any works which they are authorised to execute under this Part of this Act.”.]

Textual Amendments

F42 Sch. 4 para. 45 repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), ss. 335, 339(3), **Sch. 24**

The ^{M59}Countryside (Scotland) Act 1967

Marginal Citations

M59 1967 c. 86.

- 46 (1) In section 11(5)(f) of the Countryside (Scotland) Act 1967 (under which land covered by works used for the purposes of a statutory undertaking is excepted land for the purposes of Part II of that Act), after the words “statutory undertaking” there shall be inserted the words “ or a telecommunications code system ”.
- (2) In subsection (7) of section 38 of that Act (saving in respect of telegraphic lines in the case of the closure or diversion of a public path), for the words from “any telegraphic line” to the end of the proviso there shall be substituted the words “ 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 the telecommunication apparatus as if the order had not come into force; but any person entitled to land over which the path subsisted shall be entitled to require the alteration

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of the apparatus ”; and after that subsection there shall be inserted the following subsections:—

“(8) 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 section as it applies for the purposes of that code.

(9) Paragraph 21 of the telecommunications code (restriction on removal of apparatus) shall apply in relation to any entitlement conferred by this section 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.”.

(3) In relation to any such order as is mentioned in the said subsection (7) coming into force before the appointed day, that subsection shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (2) above.

(4) In subsection (6) of section 54 of the said Act of 1967 (byelaws for the protection of the countryside etc. not to interfere with the exercise of functions by statutory undertakers), at the end there shall be inserted the words “ or with the running of a telecommunications code system or the exercise of any right conferred by or in accordance with the telecommunications code on the operator of any such system. ”.

The ^{M60}New Towns (Scotland) Act 1968

Marginal Citations

M60 1968 c. 16.

47 (1) The New Towns (Scotland) Act 1968 shall be amended in accordance with the following provisions of this paragraph.

(2) In section 14(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 the proviso to section 19(1) (under which the power to override servitudes 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 section 24 (which contains provision with respect to telegraphic lines where a public right of way is extinguished under that Act) there shall be substituted the following section:—

“**24** (1) Where an order under section 23 of this Act extinguishing a public right of way is made on the application of a development corporation or local highway authority, and at the time of the publication of the notice required by subsection (2) of that section any telecommunication apparatus was kept

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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) above, 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 foregoing provisions of this subsection 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) Where the Secretary of State makes an order under section 23 of this Act in relation to a right of way in circumstances in which subsection (1) of this section applies in relation to the operator of any telecommunications code system, the Secretary of State shall send a copy of the order to the operator.”.

(5) Where in any case a notice has been given before the appointed day under section 23(2) of the said Act of 1968 (notice of proposal to extinguish right of way) section 24 of that Act 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 section 26 (extinguishment of rights of way and rights as to apparatus of statutory undertakers), after subsection (7) there shall be inserted the following subsection:—

“(8) Except in a case in which section 24 above has effect—

- (a) the reference in paragraph (a) of subsection (2) 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 conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system; and

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- (b) the reference in paragraph (b) of that subsection 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 subsection, in this section (except in the said paragraphs (a) and (b)) and in Schedule 5 to this Act and section 27 below, references to statutory undertakers shall have effect as references to the operator of any such system, references, in relation to such an operator, to the carrying on of his undertaking shall have effect as references to the running of the telecommunications code system in question and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.”.

- (7) After section 36 (which, with section 35, makes provision for the transfer etc. of the undertakings of development corporations) there shall be inserted the following section:—

“36A Application of ss. 35 and 36 to operators of certain telecommunication systems.

Sections 35 and 36 of this Act shall have effect as if references to statutory undertakers included references to the operator of any telecommunications code system and as if for this purpose—

- (a) references to a statutory undertaking were references to the running of such a system; and
(b) references to the appropriate Minister were references to the Secretary of State for Trade and Industry.”.

The ^{M61}Countryside Act 1968

Marginal Citations

M61 1968 c. 41.

- 48 (1) In subsections (4) and (12) of section 41 of the Countryside Act 1968 (certain byelaws not to interfere with exercise of certain functions), at the end there shall be inserted the words “ or with the running of a telecommunications code system or the exercise of any right conferred by or in accordance with the telecommunications code on the operator of any such system ”.
- (2) In paragraph 6 of Schedule 2 to that Act (saving for rights 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. ”.

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The ^{M62}Sewerage (Scotland) Act 1968

Marginal Citations

M62 1968 c. 47.

- 49 In section 22(1) of the Sewerage (Scotland) Act 1968 (Part I of that Act not to authorise interference with carrying on of a statutory undertaking), for the words from “without” onwards there shall be substituted the words “ or the running of a telecommunications code system without the consent of the statutory undertakers concerned or, as the case may be, of the operator of that system. ”.

The ^{M63}Post Office Act 1969

Marginal Citations

M63 1969 c. 48.

- ^{F43}50

Textual Amendments

F43 Sch. 4 para. 50 repealed (26.3.2001) by 2000 c. 26, s. 127(6), **Sch. 9**; S.I. 2001/1148, art. 2, **Sch.** (with art. 34)

The ^{M64}Roads (Scotland) Act 1970

Marginal Citations

M64 1970 c. 20.

- [^{F44}51 (1) The Roads (Scotland) Act 1970 shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (6) of section 7 (power to divert waters after consulting local authority and other bodies acting under statutory powers), at the end there shall be inserted the words “ ; and in subsection (3) above the reference to a body acting under statutory powers includes a reference to the operator of a telecommunications code system (whether or not a body) acting in pursuance of any right conferred by or in accordance with the telecommunications code. ”.
- (3) For subsection (3) of section 9 (which applies section 7 of the ^{M65}Telegraph Act 1878 to work authorised by a scheme made by a highway authority) there shall be substituted the following subsections:—
- “(3) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of any works authorised by a scheme made by a highway authority under this section, to the person authorised to do the works.

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- (4) Sub-paragraph (8) of paragraph 23 of the telecommunications code (offence) shall be deemed to be omitted for the purposes of the application by this section of that paragraph to a highway authority in relation to a trunk road.”.
- (4) In section 50 (interpretation)—
- (a) in subsection (1), for the definition of statutory undertakers there shall be substituted the following definition:—
- ““statutory undertakers” means—
- any statutory undertakers as defined in section 275(1) of the Town and Country Planning (Scotland) Act 1972;
- the Post Office; and
- except in section 39(4) of this Act, the operator of any telecommunications code system;”;
- (b) after subsection (2) there shall be inserted the following subsection—
- “(2A) Any reference in this Act to apparatus belonging to statutory undertakers shall, in relation to the operator of a telecommunications code system, have effect as a reference to telecommunication apparatus kept installed for the purposes of that system.”.]

Textual Amendments

F44 Sch. 4 paras. 17, 19, 26 and 51 repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), [Sch. 11](#)

Marginal Citations

M65 1878 c. 76.

The Harbours Act (Northern Ireland) 1970

- 52 For section 37 of the Harbours Act (Northern Ireland) 1970 (which applies sections 6 and 7 of the Telegraph Act 1878 in relation to a harbour order) there shall be substituted the following section:—
- “**37** Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to a person authorised by a harbour order to execute any works, for the purposes of those works.”.

53^{F45}

Textual Amendments

F45 Sch. 4 para. 53 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. I](#)

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The ^{M66}Town and Country Planning (Scotland) Act 1972

Marginal Citations

M66 1972 c. 52.

F46⁵⁴

Textual Amendments

F46 Sch. 4 para. 54 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

The ^{M67}Electricity Supply (Northern Ireland) Order 1972

Marginal Citations

M67 S.I. 1972/1072 (N.I. 9).

55 (1) [^{F47}The Electricity Supply (Northern Ireland) Order 1972 shall be amended in accordance with the following provisions of this paragraph.]

(2) ^{F48}

(3) ^{F48}

(4) ^{F48}

(5) ^{F48}

(6) ^{F48}

(7) [^{F47}In paragraph 3 of Schedule 3 (works in or under roads or bridges), the references to British Telecommunications shall have effect as references to the operator of any telecommunications code system for the purposes of which any telecommunication apparatus is kept installed in, under, along or across the road or bridge mentioned in that paragraph.]

(8) ^{F48}

(9) ^{F48}

(10) ^{F48}

(11) ^{F48}

Textual Amendments

F47 Sch. 4 para. 55(1)(7) 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)

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F48 Sch. 4 para. 55(2)-(6) (8)-(11) repealed (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(4), **Sch. 14**; S.R. 1992/117, **art. 3(1)**

The ^{M68}Planning (Northern Ireland) Order 1972

Marginal Citations

M68 S.I. 1972/1634 (N.I. 17).

- [^{F49}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 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.”.

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- (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) ^{F50}]

Textual Amendments

- F49** Sch. 4 para. 56 repealed (N.I.) (21. 8. 1991) by S.I. 1991/1220, arts. 1, 133(2), Sch. 6
F50 Sch. 4 para. 56(5) repealed by S.I. 1985/366, art. 5

The ^{M69}Fair Trading Act 1973

Marginal Citations

- M69** 1973 c. 41.

- 57 ^{F51}

Textual Amendments

- F51** Sch. 4 para. 57 repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with arts. 8, 10)

The ^{M70}Drainage (Northern Ireland) Order 1973

Marginal Citations

- M70** S.I. 1973/69 (N.I. 1).

- 58 (1) For paragraph 3 of Schedule 9 to the Drainage (Northern Ireland) Order 1973, there shall be substituted the following paragraph;—

“3 (1) Subject to the provisions of this paragraph, nothing in this Order or any scheme made thereunder shall affect any rights conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system or authorise the Department to interfere with any telecommunication apparatus kept installed for the purposes of any such system.

(2) Where for the purposes of carrying out any scheme, the Department diverts or closes any public road, or any part of a public road, under, in, on, over, along or across which there is 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 such road or part had not been diverted or closed; but the Department or any person in whom the site of that road, or part of a road, is vested shall be entitled to require the alteration of the apparatus.

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- (3) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to the Department for the purposes of the carrying out of any drainage scheme or of a confirmed scheme under Schedule 7.
 - (4) 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 paragraph as it applies for the purposes of the code.
 - (5) Paragraph 21 of the telecommunications code (restriction on removal of apparatus) shall apply in relation to any entitlement conferred by this paragraph 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.”.
- (2) Where in any case a public road or part of a public road is diverted or closed as mentioned in sub-paragraph (2) of paragraph 3 of the said Schedule 9 before the appointed day, that paragraph 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 (1) above.

The ^{M71}Water and Sewerage Services (Northern Ireland) Order 1973

Marginal Citations

M71 S.I. 1973/70 (N.I. 2).

- 59 In article 58 of the Water and Sewerage Services (Northern Ireland) Order 1973 (protection of telegraphic and telephonic wires), in paragraph (1), for the words “telegraphic, telephonic or electric signalling communication” there shall be substituted the word “ telecommunications ”.

The ^{M72}Consumer Credit Act 1974

Marginal Citations

M72 1974 c. 39.

- 60 (1) In section 16(6) of the Consumer Credit Act 1974 (power by order to provide exemption from the regulation of consumer hire agreements), for the words after paragraph (b) there shall be substituted the words “ or where the owner is a public telecommunications operator specified in the order ”.
- (2) ^{F52}

Textual Amendments

F52 Sch. 4 para. 60(2) repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with arts. 8, 10)

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The ^{M73}Housing (Scotland) Act 1974

Marginal Citations

M73 1974 c. 45.

- 61 (1) After section 36 of the Housing (Scotland) Act 1974, in Part II of that Act (substandard houses), there shall be inserted the following section;—

“36A Saving for telecommunication apparatus etc.

- (1) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to a local authority for the purposes of any works which they are authorised to execute under this Part of this Act.
 - (2) Where in pursuance of an order under section 33 of this Act a public right of way over land is extinguished or a street is closed or diverted, and, at the beginning of the day on which the order comes into operation, there is under, in, on, over, along or across the land or street 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 come into operation; but any person entitled to land over which the right of way subsisted shall be entitled to require the alteration of the apparatus.
 - (3) The proviso to subsection (4) of the said section 33 shall have effect in relation to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system and to telecommunication apparatus kept installed for the purposes of any such system as it has effect in relation to rights vested in and apparatus belonging to statutory undertakers.
 - (4) 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 section as it applies for the purposes of that code.
 - (5) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this section 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.”
- (2) In relation to an order under section 33 of the said Act of 1974 coming into force before the appointed day, paragraph 47 of Schedule 3 to the 1981 Act (which made provision corresponding to sub-paragraph (1) above in relation to British Telecommunications) shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (1) above.

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Textual Amendments

F53 Sch. 4 para. 62 repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844, **Sch. 31**

The ^{M74}Scottish Development Agency Act 1975

Marginal Citations

M74 1975 c. 69.

[^{F54}63 For subsection (8) of section 10 of the Scottish Development Agency Act 1975 (saving for Telegraph Acts 1863 to 1916 in respect of powers of entry) there shall be substituted the following subsection:—

“(8) Nothing in this section shall affect any 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.”.]

Textual Amendments

F54 Sch. 4 para. 63 repealed (E.W.S.) by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(2), **Sch. 5 Pt. I**

64 ^{F55}

Textual Amendments

F55 Sch. 4 para. 64 repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. I**

The ^{M75}Restrictive Trade Practices Act 1976

Marginal Citations

M75 1976 c. 34.

65 [^{F56}In section 41(1)(a) of the Restrictive Trade Practices Act 1976 (disclosure of information), after the words “the Director,” there shall be inserted the words “ the Director General of Telecommunications, ” and after the words “the ^{M76}Competition Act 1980” there shall be inserted the words “ or the Telecommunications Act 1984 ”.]

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Textual Amendments

F56 Sch. 4 para. 65 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

M76 [1980 c. 21](#).

The ^{M77}Land Drainage Act 1976

Marginal Citations

M77 [1976 c. 70](#).

[^{F57}66 (1) In section 23(4) of the Land Drainage Act 1976 (notice of arrangements to be given to British Telecommunications and to be published), for the words from “give” to “like notice” there shall be substituted the words “publish a notice of their intention”.

(2) In section 112(2) of that Act (which specifies the undertakings whose property and works are not to be interfered with by work under that Act), after paragraph (d) there shall be inserted the following paragraph:—

“(e) any undertaking consisting in the running of a telecommunications code system.”.]

Textual Amendments

F57 Sch. 4 para. 66 repealed (E.W.) (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3(1), 4(2), [Sch. 3](#), Pt.1.(with [Sch. 2](#), paras. 10, 14(1), 15).

The ^{M78}Development of Rural Wales Act 1976

Marginal Citations

M78 [1976 c. 75](#).

^{F58}67

Textual Amendments

F58 Sch. 4 para. 67 repealed (1.10.1998) by [1998 c. 38](#), s. 152, [Sch. 18 Pt. IV](#) (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, [art. 4](#)

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The ^{M79}Gas (Northern Ireland) Order 1977

Marginal Citations

M79 [S.I. 1977/596 \(N.I. 7\)](#).

F59 ⁶⁸

Textual Amendments

F59 [Sch. 4 para. 68](#) repealed (10.6.1996) by [S.I. 1996/275 \(N.I. 2\)](#), [art. 71\(4\)](#), [Sch. 8](#); [S.R. 1996/216](#), [art. 2](#) (with arts. 3, 4)

The ^{M80}Rates (Northern Ireland) Order 1977

Marginal Citations

M80 [S.I. 1977/2157 \(N.I. 28\)](#).

F60 ⁶⁹

Textual Amendments

F60 [Sch. 4 para. 69](#) repealed (20.2.1997) by [S.I. 1996/3162 \(N.I. 25\)](#), [art. 13](#), [Sch.](#)

70 **F61**

Textual Amendments

F61 [Sch. 4 paras. 13, 15, 24, 34](#) and 70 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), [ss. 112\(3\)\(4\)](#), [Sch. 17 para. 35\(1\)](#), [Sch. 18](#)

The ^{M81}Land Registration (Scotland) Act 1979

Marginal Citations

M81 [1979 c. 33](#).

F62 ⁷¹

Textual Amendments

F62 [Sch. 4 para. 71](#) repealed (S.) (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), [ss. 122, 123](#), [sch. 5 para. 26](#) (with [s. 121](#), [sch. 4 paras. 13, 16](#)); [S.S.I. 2014/127](#), [art. 2](#)

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The ^{M82}Estate Agents Act 1979

Marginal Citations

M82 1979 c. 38.

72 **F63**

Textual Amendments

F63 Sch. 4 para. 72 repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with arts. 8, 10)

The ^{M83}Competition Act 1980

Marginal Citations

M83 1980 c. 21.

73 **F64**

Textual Amendments

F64 Sch. 4 para. 73 repealed (20.6.2003) by 2002 c. 40, ss. 278, 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with arts. 8, 10)

The ^{M84}Water (Scotland) Act 1980

Marginal Citations

M84 1980 c. 45.

- 74 (1) Schedule 4 to the Water (Scotland) Act 1980 (provisions to be incorporated in orders relating to water undertakers) shall be amended in accordance with the following provisions of this paragraph.
- (2) In the proviso to section 4 of the Schedule (subsidiary works not to interfere with telegraphic lines etc), for the words from “telegraphic line” onwards there shall be substituted the words “ telecommunication apparatus kept installed for the purposes of a telecommunications code system or with the service provided by any such system.”.
- (3) Section 5 of the Schedule (which confers power on a water undertaking to operate a system of telegraphic communication) shall cease to have effect.
- (4) In section 36 of the Schedule, for paragraph (a) of the proviso (works under that section not to interfere with telegraphic lines) there shall be substituted the following paragraph:—

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“(a) any telecommunication apparatus kept installed for the purposes of a telecommunications code system, except in accordance with, and subject to the provisions of, the telecommunications code; or”.

(5) Without prejudice to section 20(2) of the ^{M85}Interpretation Act 1978 (references to enactments), references in this paragraph to the said Schedule 4 shall include references to that Schedule as incorporated or applied by or under any enactment.

Marginal Citations

M85 1978 c. 30.

The ^{M86}Local Government, Planning and Land Act 1980

Marginal Citations

M86 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 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;

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- (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 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

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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.”.

The ^{M87}Highways Act 1980

Marginal Citations

M87 1980 c. 66.

- 76 (1) The Highways Act 1980 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 35 (creation of walkways by agreement)—
- (a) in subsection (11)(c), for the words from “authorities” to “place” there shall be substituted for words “ authorities and the operators of telecommunications code systems to place ”; and
- (b) in subsection (12), for the words from “authorities” to “place” there shall be substituted the words “ authorities or the operators of telecommunications code systems to place ”.
- (3) In section 115D (which limits the way in which certain powers may be exercised), at the end there shall be inserted the words
- “; or
- (d) as to prevent the operator of a telecommunications code system having access to any telecommunication apparatus kept installed for the purposes of that system under, in, on or over the highway.”.
- (4) In section 142(5) (under which licences to plant trees may contain conditions for the protection of the apparatus of statutory undertakers), for the words from “and”, in the fourth place where it occurs, onwards there shall be substituted the words “ and the operators of telecommunications code systems ”.
- (5) In subsection (6) of section 144 (powers to erect flagpoles on highways), in the definition of “statutory undertakers”, at the end there shall be inserted the words “ and the operator of a telecommunications code system ”.
- [^{F65}(6) In section 156(4) (which authorises works relating to an overhead telegraphic line), for the words “an overhead telegraphic line” there shall be substituted the words “ overhead telecommunication apparatus ”.]

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- (7) In section 157(9) (meaning of undertakers), for the words from “means” onwards there shall be substituted the words “ means persons having powers to break up or open highways in Greater London for the purposes of any sewerage system, any water, gas, electricity, tramway or other undertaking or any telecommunications code system ”.
- (8) In section 169(4) (which, among other things, defines “statutory undertakers” for the purposes of provisions relating to scaffolding and building materials in highways), at the end there shall be inserted the words “ and the operator of a telecommunications code system ”.
- (9) In subsection (3) of section 170 (control of mixing of mortar on highways), in the definition of “statutory undertakers”, at the end there shall be inserted the words “ and the operator of a telecommunications code system ”.
- (10) In section 177 (restriction on construction of buildings over highways)—
- (a) in subsection (4) (no interference with the rights of statutory undertakers), for the words from “statutory undertakers” onwards there shall be substituted the words “ statutory undertakers or the operator of a telecommunications code system ”; and
 - (b) for subsection (12) (which applies section 7 of the ^{M88}Telegraph Act 1878 to work authorised or required by a licence under section 177) there shall be substituted the following subsection:—

“(12) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of works authorised or required by a licence under this section to be executed, to the licensee.”.
- (11) In section 178(5) (statutory undertakers for the purposes of the licensing of the placing of rails, beams, etc.), for the words from “and”, in the second place where it occurs, onwards there shall be substituted the words “ the Post Office and the operator of a telecommunications code system are to be deemed to be statutory undertakers ”.
- [^{F65}(12) In section 181 (provisions relating to placing of certain apparatus in highways)—
- (a) in subsection (7) (which relates to licences of the Secretary of State or British Telecommunications), for the words from “licence”, in the third place where it occurs, to “required” there shall be substituted the words “ licence of the Secretary of State is required ”;
 - (b) in subsection (8) (which provides that that section does not apply to the apparatus of statutory undertakers), at the end there shall be inserted the words “ or to any apparatus which the operator of a telecommunications code system places, maintains, repairs or reinstates in or under the highway in question in pursuance of a right conferred by or in accordance with the telecommunications code. ”; and
 - (c) in subsection (9) (meaning of statutory undertakers), for the words from “include” onwards there shall be substituted the words “ except in subsection (8) above, include the operator of a telecommunications code system ”.]
- (13) In section 329 (interpretation), after subsection (4) there shall be inserted the following subsection:—

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“(4A) Any reference in this Act to apparatus belonging to, or used or maintained by the operator of a telecommunications code system shall have effect as a reference to telecommunication apparatus kept installed for the purposes of that system.”.

(14) For section 334 (savings for British Telecommunications) there shall be substituted the following section:—

“**334**(1) Subject to the provisions of this section, nothing in this Act or in any scheme or order made under it affects any 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 applies to any telecommunication apparatus kept installed for the purposes of any such system; but this subsection does not affect the operation of sections 156 to 159 above.

(2) Where—

- (a) land is conveyed by a highway authority in pursuance of section 256 above, or
- (b) a highway is stopped up or diverted in pursuance of an order to which this paragraph applies,

and immediately before the conveyance or, as the case may be, at the beginning of the day on which the order comes into force there is under, in, upon, over, along or across the land conveyed or, as the case may be, the highway stopped up or diverted any telecommunication apparatus kept installed for the purposes of a telecommunications code system, then the provisions of subsection (3) below have effect.

Paragraph (b) above applies to the following orders, namely an order made or confirmed by the Minister under section 14 or 18 above, a public path extinguishment order and a public path diversion order.

(3) In the circumstances mentioned in subsection (2) above, the operator of the telecommunications code system has the same power in respect of the telecommunication apparatus as if the conveyance had not been made or, as the case may be, the order had not come into force; but the transferee of the land or, as the case may be, any person entitled to land over which the stopped up or diverted highway subsisted shall be entitled to require the alteration of the apparatus.

(4) Where in pursuance of an order made by a magistrates’ court under section 116 above a highway is stopped up or diverted, the following provisions of this subsection have effect in relation to so much of any telecommunication apparatus kept installed for the purposes of a telecommunications code system as is under, in, upon, over, along or across land which by reason of the stopping up or diversion ceases to be a highway (“the affected apparatus”)—

- (a) the power of the operator of the system to remove the affected apparatus is exercisable notwithstanding the making of the order, so however that the said power is not exercisable, as respects the whole or any part of the affected apparatus, after the expiration of a period of 3 months from the date of the sending of the notice referred to in subsection (5) below unless before the expiration of that period the operator of the system has given notice to the authority on

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- whose application the order was made of his intention to remove the affected apparatus or that part of it, as the case may be;
- (b) the operator of the system may by notice in that behalf to the said authority abandon the affected apparatus or any part of it, and is to be deemed, as respects the affected apparatus or any part of it, to have abandoned it at the expiration of the said period of 3 months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
 - (c) the operator of the system is entitled to recover from the said authority the expense of providing, in substitution for the affected apparatus and any telecommunication apparatus connected with it which is rendered useless in consequence of the removal or abandonment of the affected apparatus, any telecommunication apparatus in such other place as he may require;
 - (d) where under paragraph (b) above the operator of the system has abandoned the whole or any part of the affected apparatus, it vests in the authority there referred to and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of a telecommunications code system.
- (5) As soon as practicable after the making of an order under section 116 above in circumstances in which subsection (4) above applies in relation to the operator of any telecommunications code system the authority on whose application the order was made shall by notice to the operator inform him of the making of the order.
- (6) Where an order under section 14 or 18 above provides for the alteration of a highway and, immediately before the date on which the order comes into force, there is under, in, upon, over, along or across the highway any telecommunication apparatus kept installed for the purposes of a telecommunications code system, the highway authority shall be entitled to require the alteration of the apparatus.
- This subsection does not have effect so far as it relates to the alteration of any telecommunication apparatus for the purposes of authority's works as defined in Part II of the Public Utilities Street Works Act 1950.
- (7) Where in pursuance of an order under section 14 or 18 above a highway is stopped up or diverted, or an order under either of those sections provides for the alteration of a highway, and, immediately before the date on which the order comes into force, there is under, in, upon, over, along or across the highway any telecommunication apparatus kept installed for the purposes of a telecommunications code system then, without prejudice to subsections (2), (3) and (6) above, the provisions of subsection (8) below have effect.
- (8) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply, for the purposes of the construction or improvement of the trunk road, special road or classified road, as the case may be, to which the order relates and of any works authorised by the order, to the Minister or other highway authority by whom the order in question was made.
- (9) Without prejudice to the code in Part II of the Public Utilities Street Works Act 1950 (relations between an authority carrying out road alterations and

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undertakers whose apparatus is thereby affected) the said paragraph 23 shall apply for the purposes of—

- (a) any work authorised or required by an order under section 93 above to be done by a highway authority or the owners of a bridge,
- (b) any work which a highway authority is authorised to carry out under section 96 above, and
- (c) any work authorised or required by a licence under section 176 above to be done by the person to whom the licence is granted,

to the authority or person authorised or required to carry out the work.

- (10) Where, in pursuance of any order or scheme made or confirmed under this Act, a navigable watercourse is diverted and, immediately before the date on which the order or scheme comes into force, there is under, in, upon, over, along or across the watercourse, or any towing path or other way adjacent to it, any telecommunications code system, the operator of that system has the same powers in respect of that apparatus as if the order or scheme had not come into force; but—

- (a) the highway authority by whom the order or scheme was made, or
- (b) any person entitled to land on which so much of the watercourse, towing path or way as is diverted in pursuance of the order or scheme was previously situated,

shall be entitled to require the alteration of the apparatus.

- (11) Sub-paragraph (8) of paragraph 23 of the telecommunications code (offence) shall be deemed to be omitted for the purposes of the application by this section of that paragraph to the Minister.

- (12) 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 section as it applies for the purposes of that code.

- (13) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this section 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.”.

- (15) In relation—

- (a) to a conveyance before the appointed day made in pursuance of section 256 of the ^{M89}Highways Act 1980, and
- (b) to an order coming into force before the appointed day to which subsection (2)(b), (4), (6), (7) or (10) of section 334 of that Act applies immediately before that day,

the said section 334 shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (14) above.

Textual Amendments

F65 Sch. 4 para. 76(6)(12) repealed (1.1.1993 for E.W.S. and otherwise *prosp.*) by [New Roads and Street Works Act 1991 \(c. 22\)](#), ss. 168(2), 170, [Sch.9](#); (E.W.) S.I. 1992/2984, art. 2, [Sch.2](#); (S.) S.I. 1992/2990, art. 2(2), [Sch.2](#)

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Marginal Citations

M88 1878 c. 76.

M89 1980 c. 66.

The ^{M90}Roads (Northern Ireland) Order 1980

Marginal Citations

M90 S.I. 1980/1085 (N.I. 11).

F6677

Textual Amendments

F66 Sch. 4 para. 77 repealed (17.2.1994) by S.I. 1993/3160 (N.I. 15), art. 134(3), **Sch.11**.

The ^{M91}British Telecommunications Act 1981

Marginal Citations

M91 1981 c. 38.

F6778

Textual Amendments

F67 Sch. 4 para. 78 repealed (26.3.2001) by 2000 c. 26, s. 127(6), **Sch. 9**; S.I. 2001/1148, art. 2, **Sch.** (with art. 34)

The ^{M92}New Towns Act 1981

Marginal Citations

M92 1981 c. 64.

- 79 (1) The New Towns Act 1981 shall be amended in accordance with the following provisions of this paragraph.
- (2) In section 16(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 section 19(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

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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 section 24 (which contains provision with respect to telegraphic lines where a public right of way is extinguished under that Act) there shall be substituted the following section:—

“**24** (1) Where an order under section 23 of this Act extinguishing a public right of way is made on the application of a development corporation or local highway authority, and at the time of the publication of the notice required by subsection (2) of that section any telecommunication apparatus was kept installed for the purposes of a telecommunications code system under, in, 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 that period of three months abandon the telecommunication apparatus or any part of it;
- (c) subject to paragraph (b) above, 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 expenses 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 subsection 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) Where the Secretary of State makes an order under section 23 above in circumstances in which subsection (1) above applies in relation to the operator of any telecommunications code system, the Secretary of State shall send a copy of the order to the operator.”.

- (5) Where in any case a notice has been given before the appointed day under section 23(2) of the said Act of 1981 (notice of proposal to extinguish right of way), section 24 of that Act 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.

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(6) In section 26 (extinguishment of rights of way and rights as to apparatus of statutory undertakers), for subsection (8) there shall be substituted the following subsection:—

“(8) Except in a case in which section 24 above has effect—

- (a) the reference in paragraph (a) of subsection (2) 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 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 subsection 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 subsection, in this section (except in the said paragraphs (a) and (b)) and in Schedule 7 to this Act and section 27 below, references to statutory undertakers shall have effect as references to the operator of any such system, references, in relation to such an operator, to the carrying on of his undertaking shall have effect as references to the running of the telecommunications code system in question and references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.”.

(7) In section 39 (power of development corporation to transfer undertakings), after subsection (6) there shall be inserted the following subsection:—

“(7) This section shall have effect as if references to statutory undertakers included references to the operator of any telecommunications code system and as if for this purpose—

- (a) references to a statutory undertaking were references to the running of such a system; and
- (b) references to the appropriate Minister were references to the Secretary of State for Trade and Industry.”.

The ^{M93}Acquisition of Land Act 1981

Marginal Citations

M93 1981 c. 67.

80 (1) [F68 At the end of section 28 of the Acquisition of Land Act 1981 (acquisition of rights over land by the creation of new rights) there shall be added the following paragraph:

—
“(f) section 34(3) of the Telecommunications Act 1984”.]

(2) In section 32 of that Act (power to extinguish certain rights of way), after subsection (6) (which contains a saving in relation to the apparatus of statutory undertakers) there shall be inserted the following subsection:—

“(6A) In subsection (6) above the reference to apparatus belonging to statutory undertakers shall include a reference to telecommunication apparatus kept

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installed for the purposes of a telecommunications code system and in relation to any such apparatus—

- (a) the references to the undertakers shall have effect as references to the operator of the system in question; and
- (b) the reference to the appropriate Minister shall have effect as a reference to the Secretary of State.”.

Textual Amendments

F68 Sch. 4 para. 80(1) 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](#))

The ^{M94}Broadcasting Act 1981

Marginal Citations

M94 1981 c. 68.

- [^{F69}81 In section 3 of the Broadcasting Act 1981 (powers of the IBA)—
- (a) in subsection (1)(c), for the words “British Telecommunications” there shall be substituted the words “ operators of telecommunications code systems ”; and
 - (b) in subsection (7), for the words “section 15 of the ^{M95}British Telecommunications Act 1981” there shall be substituted the words “ section 7 of the Telecommunications Act 1984 ”.]

Textual Amendments

F69 Sch. 4 para. 81 repealed (1.1.1991) by [Broadcasting Act 1990 \(c.42, SIF 96\)](#), ss. 4(6), 87(6), 134, 203(3), 204(2), [Sch. 12 Pt. II para. 1](#), [Sch. 21](#); [S.I. 1990/2347](#), [art. 3\(1\)](#) (subject to [art. 3\(2\)\(3\)](#))

Marginal Citations

M95 1981 c. 38.

The ^{M96}Housing (Northern Ireland) Order 1981

Marginal Citations

M96 [S.I. 1981/156 \(N.I.3\)](#).

- 82 (1) After Article 159 of the Housing (Northern Ireland) Order 1981 there shall be inserted the following Article:—

“159A(1) Paragraph 23 of the telecommunications code (which provides a procedure for certain cases where works involve the alteration of telecommunication apparatus) shall apply to the Executive for the purposes of any works which it is authorised to execute under Chapter II, III or V of Part III.

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- (2) Where in pursuance of an order under Article 51 a public right of way over land is extinguished and, at the beginning of the day on which the order comes into operation, there is under, in, on, over, along or across the land 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 come into operation; but any person entitled to land over which the right of way subsisted shall be entitled to require the alteration of the apparatus.
- (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 purposes of that code.
- (4) Paragraph 21 of the telecommunications code (restriction on removal of telecommunication apparatus) shall apply in relation to any entitlement conferred by this Article 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.”
- (2) In relation to an order under Article 51 of the said Order of 1981 coming into force before the appointed day, paragraph 76(2) of Schedule 3 to the 1981 Act (which made provision corresponding to sub-paragraph (1) above in relation to British Telecommunications) shall have effect, notwithstanding any repeal made by this Act, as it has effect immediately before the coming into force of sub-paragraph (1) above.

The ^{M97}Planning Blight (Compensation) (Northern Ireland) Order 1981

Marginal Citations

M97 S.I. 1981/608 (N.I. 16).

- 83 In Article 2(2) of the Planning Blight (Compensation) (Northern Ireland) Order 1981, in the definition of “appropriate authority” after the word “body”, there shall be inserted the words “ or person ”.

The ^{M98}Civil Aviation Act 1982

Marginal Citations

M98 1982 c. 16.

- 84 In section 48(7)(b) of the Civil Aviation Act 1982 (by virtue of which British Telecommunications is deemed to be an electricity undertaker for the purposes of a provision requiring notice to be given of proposals to stop up or divert a highway), for the words “British Telecommunications” there shall be substituted the words “ the operator of a telecommunications code system ”.

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The ^{M99}Cinematograph (Amendment) Act 1982

Marginal Citations

M99 1982 c. 33.

[^{F70}85 In section 1 of the ^{M100}Cinematograph (Amendment) Act 1982 (extension of Cinematograph Act 1909 to certain other exhibitions of moving pictures), for the words from “distributed” to the end there shall be substituted the words “programmes included in a cable programme service which is, or does not require to be, licensed under Part IV of the Telecommunications Act 1984”.]

Textual Amendments

F70 Sch. 4 para. 85 repealed (E.W.S.) by Cinemas Act 1985 (c. 13, SIF 45A), Sch. 3

Marginal Citations

M100 1909 c. 30.

Enactments relating to London

- 86 (1) [^{F71}In the ^{M101}London Overground Wires etc. Act 1933—
- (a) in section 5(3) (service of notices), the words from “and before” onwards shall be omitted;
 - (b) in section 11 (saving for certain regulations), for the words from “the telegraphic” to “made” there shall be substituted the words “any telecommunication apparatus made”; and
 - (c) in section 14 (saving)—
 - (i) for the words from “telegraphic” to “thereto” there shall be substituted the words “telecommunication apparatus kept installed for the purposes of a telecommunications code system”; and
 - (ii) for the words from “power” onwards there shall be substituted the words “conferred by or in accordance with the telecommunications code on the operator of any such system”.]
- (2) In section 7(6) of the ^{M102}London County Council (General Powers) Act 1949 (electrical apparatus not to interfere with telegraphic lines etc.), for the words from “telegraphic line” onwards there shall be substituted the words “telecommunication apparatus kept installed for the purposes of a telecommunications code system or with any service provided by means of any such apparatus.”.
- (3) In section 17(4) of the ^{M103}London County Council (General Powers) Act 1963 (protection for telegraphic lines), for the words from “telegraphic line” to “such line” there shall be substituted the words “telecommunication apparatus kept installed for the purposes of a telecommunications code system or belonging to or used by the London Electricity Board or with any service provided by means of any such apparatus.”.
- (4) In section 7(6) of the ^{M104}Greater London Council (General Powers) Act 1969 (saving for certain powers in relation to telegraphic lines) for the words from “right” onwards there shall be substituted the words “right exercisable in relation to that street

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under or in accordance with the telecommunications code by the operator of any telecommunications code system.”.

Textual Amendments

F71 Sch. 4 para. 86(1) 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

M101 1933 c. xliv.
M102 1949 c. lv.
M103 1963 c. xvii.
M104 1969 c. lii.

Enactments relating to call boxes

- 87 (1) The enactments specified in the following Table (which penalise the use of public telephone boxes for the purpose of making false calls for police assistance, giving false alarms of fire and the like) shall have effect as if—
- (a) for any reference to a call box of British Telecommunications’ telephone service,
 - (b) for any reference to a telephone call box provided by British Telecommunications, and
 - (c) for any reference to a British Telecommunications call box,
- there were substituted a reference to a telephone call box provided by a public telecommunications operator.

Table

Section 176(2) of the ^{M105}Redcar Corporation Act 1938.
Section 211(2) of the ^{M106}Clacton Urban District Council Act 1938.
Section 89(2) of the ^{M107}Tiverton Corporation Act 1939.
Section 101(2) of the ^{M108}Christchurch Corporation Act 1940.
Section 154(2) of the ^{M109}Preston Corporation Act 1947.
Section 173(2) of the ^{M110}Ipswich Corporation Act 1948.
Section 178(2) of the ^{M111}Worcester Corporation Act 1951.
Section 89(2) of the ^{M112}Nottinghamshire County Council Act 1951.
Section 85(2) of the ^{M113}Berkshire County Council Act 1953.
Section 97(2) of the ^{M114}Gloucestershire County Council Act 1956.
Section 96(2) of the ^{M115}Leicester Corporation Act 1956.
Section 70(2) of the ^{M116}Southampton Corporation Act 1960.
Section 41(2) of the ^{M117}Hertfordshire County Council Act 1960.
Section 30(3) of the ^{M118}Devon County Council Act 1961.
Section 44(2) of the ^{M119}Durham County Council Act 1963.
Section 29(2) of the ^{M120}Exeter Corporation Act 1966.

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Section 14(2) of the ^{M121}Huntingdon and Peterborough County Council Act 1970.

Section 107(2) of the ^{M122}Teesside Corporation (General Powers) Act 1971.

Section 63(2) of the ^{M123}Surrey County Council Act 1971.

Section 61(2) of the ^{M124}Torbay Corporation (No. 2) Act 1971.

Section 66(2) of the ^{M125}Oxfordshire County Council Act 1971.

- (2) Any enactment contained in a local Act which is not specified in the above Table, but is similar to any enactment so specified, shall have effect subject to the like amendment as is made by sub-paragraph (1) above.

Marginal Citations

M105 1938 c. liv.
M106 1938 c. lxiii.
M107 1939 c. lxxv.
M108 1940 c. xxx.
M109 1947 c. xlv.
M110 1948 c. xli.
M111 1951 c. xlv.
M112 1951 c. xlv.
M113 1953 c. xli.
M114 1956 c. xl.
M115 1956 c. xlix.
M116 1960 c. xliii.
M117 1960 c. xlix.
M118 1961 c. xlv.
M119 1963 c. xxxvii.
M120 1966 c. xv.
M121 1970 c. xxiv.
M122 1971 c. xv.
M123 1971 c. xxxvi.
M124 1971 c. lx.
M125 1971 c. lxiii.

The London Building Acts and enactments relating to highways, etc.

- 88 (1) Nothing in—
- (a) the London Building Acts 1930 to 1939 or byelaws thereunder, or
 - (b) a special enactment passed or made before the appointed day (including such an enactment relating to Scotland or Northern Ireland) for purposes similar to those of an enactment contained in Part V or IX of the ^{M126}Highways Act 1980 [^{F72}(except sections 156, 157 and 159)],
- shall affect any rights conferred by or in accordance with the [^{F73}electronic communications code] on the [^{F74}provider] of a [^{F75}electronic communications code network] or apply to any [^{F76}electronic communications apparatus] kept installed for the purposes of any such [^{F77}network].
- (2) In this paragraph “special enactment” has the same meaning as in the Highways Act 1980.

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Textual Amendments

- F72** Words in Sch. 4 para. 88(1)(b) repealed (E.W.S.) (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), ss. 168(2), 170, **Sch. 9**; S.I. 1992/2984, art. 2(2), **Sch. 2**; S.I. 1992/2990, art. 2(2), **Sch. 2**
- F73** Words in Sch. 4 para. 88 substituted (17.9.2003) by The Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 3(1), **Sch. 1 para. 1(2)(a)** (with art. 1(2))
- F74** Word in Sch. 4 para. 88 substituted (17.9.2003) by The Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 3(1), **Sch. 1 para. 1(2)(d)** (with art. 1(2))
- F75** Words in Sch. 4 para. 88 substituted (17.9.2003) by The Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 3(1), **Sch. 1 para. 1(2)(b)** (with art. 1(2))
- F76** Words in Sch. 4 para. 88 substituted (17.9.2003) by The Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 3(1), **Sch. 1 para. 1(2)(c)** (with art. 1(2))
- F77** Word in Sch. 4 para. 88 substituted (17.9.2003) by The Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 3(1), **Sch. 1 para. 1(2)(e)** (with art. 1(2))

Marginal Citations

M126 1980 c. 66.

General adaptations of local enactments

- 89 (1) A provision to which this paragraph applies which refers to the rights and powers of British Telecommunications under a provision of any enactment relating to telegraphs shall have effect with the substitution for that reference of a reference to any rights conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system.
- (2) A provision to which this paragraph applies that operates to afford protection or confer a benefit on British Telecommunications with reference to—
- (a) telegraphic lines of, or used by, British Telecommunications or such telegraphic lines of any description specified in that provision, or
 - (b) accommodation for such telegraphic lines or telegraphic lines of any such description, or
 - (c) communication by means of such telegraphic lines or telegraphic lines of any such description,
- shall be construed in accordance with sub-paragraph (3) below.
- (3) That provision shall be construed as if—
- (a) any application (whether or not with modifications) by that provision of section 7 of the ^{M127}Telegraph Act 1878 (which before being repealed by this Act contained provision broadly corresponding to paragraph 23 of the telecommunications code) in relation to any works carried out by any person were an application (without modification) of the said paragraph to that person for the purposes of those works; and
 - (b) subject to that, it in all respects (subject to the like incidents) afforded the like protection to, or conferred the like benefit on, the operator of any telecommunications code system in relation, as the case may be, to—
 - (i) telecommunication apparatus kept installed for the purposes of a telecommunications code system or such apparatus of the description in question, or

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- (ii) accommodation for such apparatus or such apparatus of that description, or
 - (iii) the service provided by any such system.
- (4) The provisions to which this paragraph applies are those of a local Act passed in the same Session as this Act, or in a previous Session, those of an order confirmed by an Act so passed and those of a scheme or order made before the passing of this Act under any Act (whether public general or local).
- (5) [^{F78}This paragraph shall not preclude the making, in relation to any provision to which it applies, of any order under section 109(2) or (3) of this Act which is capable, apart from the provision of this paragraph, of being made in relation to that provision; and this paragraph shall not apply to any provision in relation to which such an order is made, except to the extent provided for in the order.]
- (6) In this paragraph “telegraphic line” means any apparatus (howsoever described) which is a telegraphic line within the meaning of the ^{M128}Telegraph Act 1878.

Textual Amendments

F78 Sch. 4 para. 89(5) 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

M127 1878 c. 76.
M128 1878 c. 76.

Saving in respect of offences under section 5

90

[^{F79}Nothing in a local Act passed after but in the same Session as this Act shall authorise the doing of anything which would constitute an offence under section 5 of this Act.]

Textual Amendments

F79 Sch. 4 para. 90 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](#))

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SCHEDULE 5 **U.K.**

Section 109.

GENERAL TRANSITIONAL PROVISIONS AND SAVINGS

PART I **U.K.**

PROVISIONS AND SAVINGS COMING INTO FORCE ON APPOINTED DAY

- ¹ ^[F80](1) Subject to the following provisions of this paragraph, a licence granted, or having effect as if granted, by the Secretary of State or British Telecommunications under section 15(1) of the 1981 Act which is effective on the appointed day shall have effect as if granted by the Secretary of State under section 7 of this Act, and the provisions of this Act shall apply accordingly.
- (2) Where immediately before the appointed day British Telecommunications has in its possession particulars of licences granted, or having effect as if granted, by it under section 15(1) of the 1981 Act, British Telecommunications shall, as soon as practicable after that day, send to the Secretary of State—
- (a) in the case of each of those licences which is contained in a single document, that document or a copy of that document or of such parts of it as contain the provisions of the licence; and
 - (b) in the case of each of those licences which is not so contained, a bundle of documents consisting of either the original or a copy of, or of the relevant part of, every document in the possession of British Telecommunications which is capable of being relied on as evidence of, or of any provision of, that licence.
- (3) Where a licence has effect by virtue of sub-paragraph (1) above as if granted by the Secretary of State under section 7 of this Act—
- (a) sections 7(7) and (8) and 19(2) of this Act shall not apply in relation to that licence;
 - (b) any provision of that licence made, or having effect as if made, by virtue of section 15(4) of the 1981 Act, being a provision under which any amount would fall to be paid after the appointed day to British Telecommunications, shall have effect as if it required that amount to be paid to the Secretary of State;
 - (c) the Secretary of State may revoke that licence at any time before the end of the relevant period and any provision of that licence under or in accordance with which the licence may be revoked by British Telecommunications shall be deemed to be omitted; and
 - (d) the licence shall expire at the end of the relevant period unless before the end of that period it has either been revoked under this paragraph or expired in accordance with its terms.
- (4) Before revoking a licence under this paragraph the Secretary of State shall give notice—
- (a) stating that he proposes to revoke the licence;
 - (b) stating the reason why he proposes to revoke the licence; and
 - (c) specifying the time (not being less than 28 days from the date of the giving of the notice) within which representations or objections with respect to the proposed revocation may be made,

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and shall consider any representations or objections which are duly made and not withdrawn.

- (5) A notice under sub-paragraph (4) above shall be given—
- (a) in the case of a licence granted to a particular person, by sending a copy of the notice to that person; and
 - (b) in any other case, by publication of the notice in such manner as the Secretary of State considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them.
- (6) Any sums received by the Secretary of State under this paragraph shall be paid into the Consolidated Fund.
- (7) In this paragraph “the relevant period” means the period of two years beginning with the appointed day or such other period beginning with that day as the Secretary of State may by order prescribe for the purposes of this paragraph.]

Textual Amendments

F80 Sch. 5 paras. 1-7 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](#))

- 2
- [^{F81}(1) An approval issued under section 16(2) of the 1981 Act by the Secretary of State, by a person or body appointed by him for the purpose or by British Telecommunications which is effective on the appointed day shall have effect as if given by the Secretary of State under section 22(1) of this Act; and the provisions of this Act shall apply accordingly.
- (2) A standard approved under section 16(1) of the 1981 Act by the Secretary of State or by a person or body appointed by him for the purpose which is effective on the appointed day shall have effect as if designated by the Secretary of State under section 22(6) of this Act; and the provisions of this Act shall apply accordingly.
- (3) Any fee charged in respect of an approval which, by virtue of sub-paragraph (1) or (2) above, is to have effect as if issued under section 22(1) or (6) of this Act shall be deemed to have been validly charged.
- (4) Where immediately before the appointed day British Telecommunications has in its possession particulars of approvals issued by it under section 16(2) of the 1981 Act, British Telecommunications shall, as soon as practicable after that day, send those particulars to the Secretary of State.
- (5) Neither section 22(11) nor section 23(2) of this Act shall apply in relation to an approval issued by British Telecommunications under section 16(2) of the 1981 Act unless particulars of that approval are sent to the Secretary of State under sub-paragraph (4) above and, in its application in relation to such an approval, the reference in section 22(11)(a) to a copy of the approval shall have effect as a reference to a copy of the particulars so sent to the Secretary of State.
- (6) An acknowledgement by the Secretary of State or a person appointed for the purposes of subsection (2) of section 16 of the 1981 Act that any apparatus conforms to

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a standard approved under subsection (1) of that section shall be treated for the purposes of this paragraph as an approval issued under the said subsection (2).]

Textual Amendments

F81 Sch. 5 paras. 1-7 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](#))

3

[^{F82}(1) An order made under section 17 of the 1981 Act which is in force on the appointed day shall have effect as if made under section 28 of this Act; and the provisions of this Act shall apply accordingly.]

(2) An order made under section 18 of the 1981 Act which is in force on the appointed day shall have effect as if made under section 29 of this Act; and the provisions of this Act shall apply accordingly.]

Textual Amendments

F82 Sch. 5 paras. 1-7 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](#))

4

[^{F83}An order made, or having effect as if made, by the Secretary of State under section 37 of the 1981 Act which is effective on the appointed day shall have effect as if made by the Department of Finance and Personnel for Northern Ireland under section 33 of this Act.]

Textual Amendments

F83 Sch. 5 paras. 1-7 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](#))

5

[^{F84}A compulsory purchase order made under section 38 or 39 of the 1981 Act which is effective on the appointed day shall have effect as if made with the consent of the Director under section 34 or 35 of this Act; and the provisions of the said section 34 or 35 shall apply accordingly.]

Textual Amendments

F84 Sch. 5 paras. 1-7 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](#))

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- 6 [F85 An application for a vesting order made under section 40 of the 1981 Act which is effective on the appointed day shall have effect, as from that day, as if made with the consent of the Director under section 36 of this Act; and the provisions of the said section 36 shall apply accordingly.]

Textual Amendments

F85 Sch. 5 paras. 1-7 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)

- 7 [F86 An authorisation given by British Telecommunications under section 41, 42 or 43 of the 1981 Act which is effective on the appointed day shall have effect as if given by the Secretary of State under section 37, 38 or 39 of this Act on the nomination of British Telecommunications; and the provisions of the said section 37, 38 or 39 shall apply accordingly.]

Textual Amendments

F86 Sch. 5 paras. 1-7 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)

- 8 [F87(1) An order made under section 89 of the ^{M129}Post Office Act 1969 which relates to the running of a telecommunication system for the purposes of a cable programme service and is effective on the appointed day shall have effect as if made under section 57 of this Act in relation to the provision of that service; and the provisions of the said section 57 shall apply accordingly.]
- (2) [F88 A licence granted under section 89 of the Post Office Act 1969 which relates to the running of a telecommunication system for the purposes of a cable programme service provided by any person and is effective on the appointed day shall have effect as if granted under section 58 of this Act to that person in relation to the provision of that service; and the provisions of Part IV of this Act shall apply accordingly.]
- [F87(3) Regulations made under section 90 of the Post Office Act 1969 which relate to the grant of licences under section 89 of that Act and are effective on the appointed day shall have effect as if made under section 58 of this Act in relation to the grant of licences under that section; and the provisions of the said section 58 shall apply accordingly.]
- (4) [F88 In this paragraph “cable programme service” has the same meaning as in Part IV of this Act.]

Textual Amendments

F87 Sch. 5 para. 8(1)(3) repealed (1.1.1991) by Broadcasting Act 1990 (c.42, SIF 96), ss. 4(6), 87(6), 134, 203(3), 204(2), Sch. 12 Pt. II para. 1, **Sch. 21**; S.I. 1990/2347, art. 3(1), **Sch. 2** (subject to art. 3(2)(3))

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F88 Sch. 5 para. 8(2)(4) repealed (25.7.2003 for specified purposes, 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 406, 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

M129 1969 c. 48.

9

[^{F89}An undertaking given, or having effect as if given, under section 55 of the 1981 Act which is effective on the appointed day shall have effect as if given to British Telecommunications under section 97 of this Act.]

Textual Amendments

F89 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)

10

[^{F90}A direction given, or having effect as if given, under section 6(2) or (4) of the 1981 Act which is effective on the appointed day shall have effect as if given to British Telecommunications under section 94(1) or (2) of this Act.]

Textual Amendments

F90 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)

11

[^{F91}Nothing done, on or after the appointed day, under, and in accordance with the terms of, the licence dated 1st March 1966 whereto the parties are Her Majesty, the Crown Estate Commissioners, the Postmaster General and Det Store Nordiske Telegraf-Selskab Aktieselskab (a company incorporated under the law of the Kingdom of Denmark and commonly known in the United Kingdom, and in that licence referred to, as the Great Northern Telegraph Company Limited) shall constitute a contravention of section 5(1) of this Act.]

Textual Amendments

F91 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)

12

[^{F92}(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

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- (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.
- (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 ^{M130}Unfair Contract Terms Act 1977, as authorised by necessary implication of this paragraph.]

Textual Amendments

F92 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

M130 1977 c. 50.

[^{F93}Nothing in this Act shall affect the operation of section 22 of the 1981 Act in relation to any contract deemed to have been made before the appointed day.]

Changes to legislation: Telecommunications Act 1984 is up to date with all changes known to be in force on or before 14 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F93 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)

14

[^{F94}Nothing in this Act shall affect the operation of section 23 of the 1981 Act in relation to any loss or damage suffered by reason of an act or omission taking place before the appointed day.]

Textual Amendments

F94 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)

[^{F95}15

Nothing in this Act shall affect the operation of section 35(2) of the 1981 Act in relation to any order under section 19 of the ^{M131}Local Government Act 1974 which applies in relation to hereditaments occupied by British Telecommunications and is effective on the appointed day.]

Textual Amendments

F95 Sch. 5 para. 15 repealed (E.W.) by S.I. 1990/776, art. 3(1)(2), **Sch. 1**

Marginal Citations

M131 1974 c. 7.

16

[^{F96}Subject to paragraph 4 above and paragraph 26 below, nothing in this Act shall affect the operation of any order made, or having effect as if made, under section 37 of the 1981 Act which is effective on the appointed day.]

Textual Amendments

F96 Sch. 5 paras. 16-29 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)

17

[^{F97}Nothing in this Act shall affect the operation of section 53 of the 1981 Act in relation to any sum which became due, or any charge which was levied, before the appointed day.]

Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 14 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F97 Sch. 5 paras. 16-29 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)

18

[^{F98}Subject to paragraph 49 below, nothing in this Act shall affect the operation of any order under section 19 of the ^{M132}Local Government Act 1974 (rating of certain public utilities and other bodies) which applies in relation to hereditaments occupied by British Telecommunications and is effective on the appointed day.]

Textual Amendments

F98 Sch. 5 paras. 16-29 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

M132 1974 c. 7.

19

[^{F99}Subject to paragraph 50 below, nothing in this Act shall affect the operation of any order under section 6 of the ^{M133}Local Government (Scotland) Act 1975 (valuation by formula of certain lands and heritages) which applies in relation to lands and heritages occupied by British Telecommunications and is effective on the appointed day.]

Textual Amendments

F99 Sch. 5 paras. 16-29 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

M133 1975 c. 30.

PART II **U.K.**

PROVISIONS AND SAVINGS COMING INTO FORCE ON TRANSFER DATE

20

[^{F100}A licence granted under section 7 of this Act to British Telecommunications which is effective on the transfer date shall have effect as if granted to the successor company.]

Changes to legislation: Telecommunications Act 1984 is up to date with all changes known to be in force on or before 14 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F100 Sch. 5 paras. 16-29 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) Notes 1, 4); 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)

21

[^{F101}An order made under section 9(1) of this Act which designates any telecommunication system or systems run by British Telecommunications and is effective on the transfer date shall have effect as if it designated the corresponding telecommunication system or systems run by the successor company.]

Textual Amendments

F101 Sch. 5 paras. 16-29 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)

22

[^{F102}An approval given under section 20(1) of this Act which applies for the purposes of a telecommunication system or systems run by British Telecommunications and is effective on the transfer date shall have effect as if it applied for the purposes of the corresponding telecommunication system or systems run by the successor company.]

Textual Amendments

F102 Sch. 5 paras. 16-29 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)

23

[^{F103}An approval given, or having effect as if given, under section 22(1) of this Act, or a standard designated, or having effect as if designated, under section 22(6) of this Act, which (in either case) applies for the purposes of any telecommunication system or systems run by British Telecommunications and is effective on the transfer date shall have effect as if it applied for the purposes of the corresponding telecommunication system or systems run by the successor company.]

Textual Amendments

F103 Sch. 5 paras. 16-29 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)

24

[^{F104}An approval given under section 24(1) of this Act which applies for the purposes of any telecommunication system or systems run by British

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Telecommunications and is effective on the transfer date shall have effect as if it applied for the purposes of the corresponding telecommunication system or systems run by the successor company.]

Textual Amendments

F104 Sch. 5 paras. 16-29 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)

25

[^{F105}A recognition given under section 27(1) of this Act which applies for the purposes of any telecommunication system or systems run by British Telecommunications and is effective on the transfer date shall have effect as if it applied for the purposes of the corresponding telecommunication system or systems run by the successor company.]

Textual Amendments

F105 Sch. 5 paras. 16-29 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)

26

[^{F106}An order made, or having effect as if made, under section 33 of this Act which applies in relation to hereditaments occupied by British Telecommunications and is effective on the transfer date shall have effect as if it applied to the corresponding hereditaments occupied by the successor company.]

Textual Amendments

F106 Sch. 5 paras. 16-29 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)

27

[^{F107}A compulsory purchase order made, or having effect as if made, under section 34 or 35 of this Act which is effective on the transfer date shall have effect as if made by the successor company.]

Textual Amendments

F107 Sch. 5 paras. 16-29 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)

28

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[^{F108}An application for a vesting order made, or having effect as if made, by British Telecommunications under section 36 of this Act which is effective on the transfer date shall have effect as if made by the successor company.]

Textual Amendments

F108 Sch. 5 paras. 16-29 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)

29

[^{F109}An authorisation given, or having effect as if given, by the Secretary of State under section 37, 38 or 39 of this Act on the nomination of British Telecommunications which is effective on the transfer date shall have effect as if given on the nomination of the successor company.]

Textual Amendments

F109 Sch. 5 paras. 16-29 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)

[^{F110}30 An order made under section 57 of this Act which relates to a cable programme service provided by British Telecommunications and is effective on the transfer date shall have effect as if it related to the corresponding cable programme service provided by the successor company.]

Textual Amendments

F110 Sch. 5 para. 30 repealed (1.1.1991) by Broadcasting Act 1990 (c. 42, SIF 96), ss. 4(6), 87(6), 134, 203(3), 204(2), Sch. 12 Pt. II para. 1, **Sch. 21**; S.I. 1990/2347, **art. 3(1)** (subject to art. 3(2)(3))

31

[^{F111}A licence granted under section 58 of this Act to British Telecommunications which is effective on the transfer date shall have effect as if granted to the successor company.]

Textual Amendments

F111 Sch. 5 paras. 31-33 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)

32

[^{F112}An undertaking given, or having effect as if given, to British Telecommunications under section 97 of this Act which is effective on the transfer date shall have effect as if given to the successor company.]

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Textual Amendments

F112 Sch. 5 paras. 31-33 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)

33

[^{F113}A direction given, or having effect as if given, to British Telecommunications under section 94(1) or (2) of this Act which is effective on the transfer date shall have effect as if given to the successor company.]

.....

Textual Amendments

F113 Sch. 5 paras. 31-33 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)

34

- (1) For the purposes of authorising the making, in relation to employees of the successor company or any of its subsidiaries, of provision corresponding to that authorised to be made, in relation to employees of British Telecommunications or any of its subsidiaries, by section 84 of the 1981 Act, that section shall have effect as if—
- (a) any reference to the Post Office or to employees of, persons employed by or employment by the Post Office were a reference to British Telecommunications or to employees of, persons employed by or employment by British Telecommunications; and
 - (b) any reference to a relevant body or to employees of, persons employed by or employment by a relevant body were a reference to the successor company or any subsidiary of the successor company or to employees of, persons employed by or employment by the successor company or any such subsidiary.
- (2) Nothing in sub-paragraph (1) above shall be taken as prejudicing the operation of section 84 of the 1981 Act as originally enacted.

35

[^{F114}Where immediately before the transfer date there is in force an agreement which—

- (a) confers or imposes on British Telecommunications any rights or liabilities which vest in the successor company by virtue of section 60 of this Act; and
- (b) refers (in whatever terms and whether expressly or by implication) to a member or officer of British Telecommunications,

the agreement shall have effect, in relation to anything falling to be done on or after that date, as if for that reference there were substituted a reference to such person as that company may appoint or, in default of appointment, to the officer of that company who corresponds as nearly as may be to the member or officer of British Telecommunications in question.]

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Textual Amendments

F114 Sch. 5 para. 35 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](#))

- 36 (1) Except as otherwise provided by the foregoing provisions of this Part of this Schedule (whether expressly or by necessary implication), any agreement made, transaction effected or other thing done by, to or in relation to British Telecommunications which is in force or effective immediately before the transfer date shall have effect as from that date as if made, effected or done by, to or in relation to the successor company, in all respects as if the successor company were the same person, in law, as British Telecommunications, and accordingly references to British Telecommunications—
- (a) in any agreement (whether or not in writing) and in any deed, bond or instrument;
 - (b) in any process or other document issued, prepared or employed for the purpose of any proceeding before any court or other tribunal or authority; and
 - (c) in any other document whatsoever (other than an enactment) relating to or affecting any property, right or liability of British Telecommunications which vests by virtue of section 60 of this Act in the successor company,
- shall be taken as from the transfer date as referring to the successor company.
- (2) Nothing in sub-paragraph (1) above shall be taken as applying in relation to the deed of covenant by virtue of which the excepted liabilities subsist.
- 37 (1) It is hereby declared for the avoidance of doubt that—
- (a) the effect of section 60 of this Act in relation to any contract of employment with British Telecommunications in force immediately before the transfer date is merely to modify the contract (as from that date) by substituting the successor company as the employer (and not to terminate the contract or vary it in any other way); and
 - (b) that section is effective to vest the rights and liabilities of British Telecommunications under any agreement or arrangement for the payment of pensions, allowances or gratuities in the successor company along with all other rights and liabilities of British Telecommunications;
- and accordingly for the purposes of any such agreement or arrangement (as it has effect by virtue of paragraph 36 above in relation to employment with the successor company or with a wholly owned subsidiary of that company) any period of employment with British Telecommunications shall count as employment with the successor company or (as the case may be) with a wholly owned subsidiary of that company.
- (2) Nothing in sub-paragraph (1) above shall be taken as applying in relation to the excepted liabilities or to the deed of covenant by virtue of which those liabilities subsist.
- 38 ^{F115}(1) It shall be the duty of British Telecommunications and of the successor company to take, as and when during the transitional period the successor company considers appropriate, all such steps as may be requisite to secure that the vesting in the

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- successor company by virtue of section 60 of this Act or this paragraph of any foreign property, right or liability is effective under the relevant foreign law.
- (2) During the transitional period, until the vesting in the successor company by virtue of section 60 of this Act or this paragraph of any foreign property, right or liability is effective under the relevant foreign law, it shall be the duty of British Telecommunications to hold that property or right for the benefit of, or to discharge that liability on behalf of, the successor company.
 - (3) Nothing in sub-paragraphs (1) and (2) above shall be taken as prejudicing the effect under the law of the United Kingdom or of any part of the United Kingdom of the vesting in the successor company by virtue of section 60 of this Act or this paragraph of any foreign property, right or liability.
 - (4) British Telecommunications shall have all such powers as may be requisite for the performance of its duty under this paragraph, but—
 - (a) it shall be the duty of the successor company during the transitional period to act on behalf of British Telecommunications (so far as possible) in performing the duty imposed on British Telecommunications by this paragraph; and
 - (b) any foreign property, rights and liabilities acquired or incurred by British Telecommunications during that period shall immediately become property, rights and liabilities of the successor company.
 - (5) References in this paragraph to any foreign property, right or liability are references, respectively, to any property, right or liability as respects which any issue arising in any proceedings would have been determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.
 - (6) Any expenses incurred by British Telecommunications under this paragraph shall be met by the successor company.]

Textual Amendments

F115 Sch. 5 paras. 38-42 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)

- 39
- ^{F116}(1) During the transitional period it shall be the duty of British Telecommunications to discharge the excepted liabilities as they fall to be discharged.
 - (2) Subject to sub-paragraph (3) below, the excepted liabilities shall be discharged, and any expenses incurred by British Telecommunications under this paragraph shall be met, out of sums received by British Telecommunications in right of or on the disposal of such debentures of the successor company as the Secretary of State, with the approval of the Treasury, may transfer to British Telecommunications (in this paragraph referred to as “the transferred debentures”).
 - (3) British Telecommunications may not dispose of any of the transferred debentures without the consent of the Secretary of State given with the approval of the Treasury.

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- (4) Where so much of any sums so received as is held by British Telecommunications on any day exceeds the aggregate for that day of—
- (a) any excepted liability falling to be discharged; and
 - (b) any expenses falling to be met under this paragraph,
- the excess shall be applied by British Telecommunications in such manner as the Secretary of State, with the approval of the Treasury, may direct; and a direction under this sub-paragraph may require the whole or any part of the excess to be paid into the Consolidated Fund.
- (5) Where so much of any sums so received as is held by British Telecommunications on any day falls short of the aggregate for that day of—
- (a) any excepted liability falling to be discharged; and
 - (b) any expenses falling to be met under this paragraph,
- the deficiency shall be made good by the Secretary of State out of money provided by Parliament.
- (6) During the transitional period British Telecommunications shall, as respects its duties under this paragraph, keep proper accounts and proper records in relation thereto and shall, as soon as may be after the end of each financial year—
- (a) prepare a report on the performance by it during that year of those duties; and
 - (b) transmit the report to the Secretary of State who shall consider it and lay copies of it before each House of Parliament.
- (7) British Telecommunications shall be exempt from income tax and corporation tax in respect of—
- (a) income accruing to it in right of the transferred debentures; and
 - (b) chargeable gains accruing to it on the disposal of those debentures;
- and in so far as the exemption conferred by this sub-paragraph calls for repayment of tax, effect shall be given thereto by means of a claim.
- (8) Nothing in section 72(1) of this Act shall be taken—
- (a) as requiring any payments made or expenses incurred by British Telecommunications under this paragraph to be regarded for corporation tax purposes as made or incurred by the successor company; or
 - (b) as requiring any payments made by the successor company to British Telecommunications in pursuance of the transferred debentures to be disregarded for those purposes.
- (9) Section 82(4) of the 1981 Act (tax provisions) shall have effect during the transitional period as if any reference to persons who are employees of the Post Office included a reference to persons who are employees of the successor company.
- (10) In this paragraph—
- “debenture” includes debenture stock;
- “financial year” means the period beginning on the transfer date and ending with the next following 31st March or each subsequent period of twelve months ending with 31st March.]

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Textual Amendments

F116 Sch. 5 paras. 38-42 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)

- 40 [F117(1) Notwithstanding the repeal of subsection (12) of section 6 of the 1981 Act, it shall be the duty of British Telecommunications to make a report to the Secretary of State in accordance with that subsection in respect of the last accounting year of British Telecommunications ending before the transfer date.
- (2) Notwithstanding the repeal of section 31 of the 1981 Act, it shall be the duty of British Telecommunications to prepare statements of accounts in accordance with subsections (1)(b) and (c) of that section in respect of the last accounting year of British Telecommunications ending before the transfer date, and that section shall continue to apply during the transitional period in relation to those statements and in relation also to the auditing of accounts kept in accordance with subsection (1)(a) of that section in respect of that accounting year.
- (3) Any expenses incurred by British Telecommunications under this paragraph shall be met by the successor company.]

Textual Amendments

F117 Sch. 5 paras. 38-42 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)

- 41 [F118 For the purpose of enabling anything which, on the transfer date, remains to be done under the provisions of sections 10 and 81(1) of and Schedule 2 to the 1981 Act to be done after that date, those provisions shall have effect as if the successor company were the same person, in law, as British Telecommunications.]

Textual Amendments

F118 Sch. 5 paras. 38-42 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)

- 42 [F119(1) Subject to sub-paragraph (2) below, nothing in this Act shall affect the operation of subsections (2) to (4) of section 28 of the 1981 Act in relation to any loan made to British Telecommunications under that section in respect of which any outstanding liability of British Telecommunications becomes a liability of the successor company on the transfer date.
- (2) No further directions may be given by the Secretary of State under subsection (2) of that section on or after the transfer date, but those applying to any such loan

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immediately before that date shall apply in relation to payments by the successor company in respect of that loan.]

Textual Amendments

F119 Sch. 5 paras. 38-42 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)

- 43 Nothing in this Act shall affect the operation of any order made under section 33 of the 1981 Act before the transfer date or any duty imposed by subsection (3) of that section to amend any order so made.
- 44 Nothing in this Act shall affect the operation of section 56 of the 1981 Act in relation to any records of British Telecommunications which become records of the successor company on the transfer date or any records kept by British Telecommunications for the purposes of paragraph 39 above.
- 45 Where by virtue of anything done before the transfer date, any enactment amended by Schedule 4 to this Act has effect (whether or not as so amended) in relation to British Telecommunications, then, on and after that date, that enactment shall have effect in relation to the successor company as if that company were the same person, in law, as British Telecommunications.
- 46 (1) Section 6(2) of the ^{M134}Commonwealth Telegraph Act 1949 shall continue to have effect with the modifications made by section 34(1) of the 1981 Act and, subject to that, shall have effect as if references which include references to British Telecommunications, in paragraph (c) and sub-paragraphs (iv), (v) and (vi) of paragraph (d), included references to the successor company.
- (2) The power to make regulations conferred on the Secretary of State by section 49 of the ^{M135}Post Office Act 1969 shall include power to make such regulations as appear to him to be requisite for securing that persons to whom that section applies, and persons claiming in right of them, are not adversely affected in the matter of pension rights by reason only that—
- (a) in consequence of the 1981 Act, they ceased to be employed by the Post Office; or
 - (b) in consequence of section 60 of this Act, they cease to be employed by British Telecommunications.

Marginal Citations

M134 1949 c. 39.
M135 1969 c. 48.

- 47 ^{F120}(1) Nothing in this Act shall affect the validity of anything done by, or in relation to, British Telecommunications before the transfer date under or by virtue of the ^{M136}Public Utilities Street Works Act 1950; and anything which, immediately before that date, is in process of being done under, or by virtue of, that Act by or in relation to it (including, in particular, any legal proceedings to which it is a party) may be continued by, or in relation to, the successor company.

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- (2) Any notice or direction given or other thing whatsoever done under the said Act of 1950 by British Telecommunications shall, if effective at the transfer date, continue in force and have effect as if similarly given or done by the successor company.]

Textual Amendments

F120 Sch. 5 para. 47 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

M136 1950 c. 39.

- 48 (1) Where an asset, or the right to receive an asset, vests in the successor company by virtue of section 60 of this Act, then for the purposes of [^{F121}Part I of the ^{M137}Industry Act 1972 and] Part II of the ^{M138}Industrial Development Act 1982—
- (a) so much of any expenditure incurred by British Telecommunications in providing that asset as is approved capital expenditure (of any description relevant for the purposes of regional development grant) in respect of which no payment of regional development grant has been made to British Telecommunications shall be treated as having been incurred by the successor company and not by British Telecommunications; and
- (b) where the asset itself vests in the successor company by virtue of section 60 of this Act, it shall be treated as a new asset if it would have fallen to be so treated if it had remained vested in British Telecommunications.
- (2) In this paragraph “regional development grant” means a grant under [^{F121}Part I of the Industry Act 1972 or] Part II of the Industrial Development Act 1982 and “approved capital expenditure” has the same meaning as it has for the purposes of the provisions relating to regional development grant.

Textual Amendments

F121 Words in [Sch. 5 para. 48\(1\)\(2\)](#) 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

M137 1972 c. 63.

M138 1982 c. 52.

- 49 [^{F122}An order under section 19 of the ^{M139}Local Government Act 1974 (rating of certain public utilities and other bodies) which applies in relation to hereditaments occupied by British Telecommunications and is effective on the transfer date shall have effect as if it applied to the corresponding hereditaments occupied by the successor company.]

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Textual Amendments

F122 Sch. 5 paras. 49-51 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

M139 1974 c. 7.

50

[^{F123}An order under section 6 of the ^{M140}Local Government (Scotland) Act 1975 (valuation by formula of certain lands and heritages) which applies in relation to lands and heritages occupied by British Telecommunications and is effective on the transfer date shall have effect as if it applied in relation to the corresponding lands and heritages occupied by the successor company.]

Textual Amendments

F123 Sch. 5 paras. 49-51 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

M140 1975 c. 30.

[^{F124}⁵¹[^{F125}(1) Where a distribution is proposed to be declared during the accounting reference period of the successor company which includes the transfer date or before any accounts are laid or filed in respect of that period, sections 270 to 274 and 275(7) of the Companies Act 1985 (accounts relevant for determining whether a distribution may be made by a company without contravening Part VIII of that Act) shall have effect as if—

- (a) the reference in section 270(2) to the company's accounts, and
- (b) references in section 273 to initial accounts,

included references to such accounts as, on the assumptions stated in subparagraph (3) below, would have been prepared under Part VII of that Act in respect of the relevant year.]

(3) The said assumptions are—

- (a) that the relevant year had been a financial year of the successor company;
- (b) that the vesting effected by section 60 of this Act had been a vesting of all the property, rights and liabilities (other than the excepted liabilities) to which British Telecommunications was entitled or subject immediately before the beginning of the relevant year and had been effected immediately after the beginning of that year;
- (c) that the value of any asset and the amount of any liability of British Telecommunications vested in the successor company by virtue of that section had been the value or (as the case may be) the amount assigned to that asset or liability for the purposes of the statement of accounts prepared by

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- British Telecommunications in respect of the accounting year immediately preceding the relevant year;
- (d) that any securities of the successor company issued or allotted before the declaration of the distribution had been issued or allotted before the end of the relevant year; and
- (e) such other assumptions (if any) as may appear to the directors of the successor company to be necessary or expedient for the purposes of this paragraph.
- (4) For the purposes of the said accounts the amount to be included in respect of any item shall be determined as if anything done by British Telecommunications (whether by way of acquiring, revaluing or disposing of any asset or incurring, revaluing or discharging any liability, or by carrying any amount to any provision or reserve, or otherwise) had been done by the successor company.

Accordingly (but without prejudice to the generality of the preceding provision) the amount to be included in any reserves of the successor company as representing its accumulated realised profits shall be determined as if any profits realised and retained by British Telecommunications had been realised and retained by the successor company.

- (5) The said accounts shall not be regarded as statutory accounts for the purposes of section 66 of this Act.
- (6) In this paragraph—
- “complete accounting year” means an accounting year ending with 31st March;
- “the relevant year” means the last complete accounting year of British Telecommunications ending before the transfer date;
- “securities” has the same meaning as in Part V of this Act.]

Textual Amendments

F124 Sch. 5 paras. 49-51 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)

F125 Sch. 5 para. 51(1) substituted for Sch. 5 para. 51(1)(2) by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**

Textual Amendments

F126 Sch. 6 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)**,

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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)

SCHEDULE 7 **U.K.**

Section 109.

REPEALS

PART I **U.K.**

REPEALS COMING INTO FORCE ON APPOINTED DAY

Chapter or number	Short title	Extent of repeal
26 & 27 Vict. c. 112.	The Telegraph Act 1863.	The whole Act, except sections 1 and 45.
31 & 32 Vict. c. 110.	The Telegraph Act 1868.	The whole Act, except sections 1 and 20.
41 & 42 Vict. c. 76.	The Telegraph Act 1878.	The whole Act.
47 & 48 Vict. c. 76.	The Post Office (Protection) Act 1884.	The whole Act.
51 & 52 Vict. c. 12.	The Electric Lighting Act 1888.	In section 4(5), the words from “and the expression” onwards.
52 & 53 Vict. c. 34.	The Telegraph (Isle of Man) Act 1889.	The whole Act.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act 1892.	Section 132.
55 & 56 Vict. c. 59.	The Telegraph Act 1892.	The whole Act.
59 & 60 Vict. c. 48.	The Light Railways Act 1896.	Section 25.
60 & 61 Vict. c. 53.	The Congested Districts (Scotland) Act 1897.	In section 4(1)(f), the words “telegraphic extensions, or” and the word “other”.
62 & 63 Vict. c. 19.	the Electric Lighting (Clauses) Act 1899.	In section 1 of the Schedule, the words from “the expression “telegraphic”” to “manner affected”.
		In section 10(c) of the Schedule, the words from “with”, in the second place where it occurs, to (but not including) “and”.

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62 & 63 Vict. c. 38.	The Telegraph Act 1899.	In section 2(1), the words “of the Telegraph Acts 1863 to 1897, and”. In section 4, the words from “and may” onwards.
8 Edw. 7. c. 33.	The Telegraph (Construction) Act 1908.	The whole Act.
9 Edw. 7. c. 20.	The Telegraph (Arbitration) Act 1909.	The whole Act.
1 & 2 Geo. 5. c. 39.	The Telegraph (Construction) Act 1911.	The whole Act.
6 & 7 Geo. 5. c. 40.	The Telegraph (Construction) Act 1916.	The whole Act.
9 & 10 Geo. 5. c. 100.	The Electricity (Supply) Act 1919.	Section 25.
8 & 9 Geo. 6. c. 42.	The Water Act 1945.	In Schedule 3, in section 1(1), the definition of “telegraphic line” and section 5.
Chapter or number	Short title	Extent of repeal
8 & 9 Geo. 6. c. 43.	The Requisitioned Land and War Works Act 1945.	Part IV.
11 & 12 Geo. 6. c. 17.	The Requisitioned Land and War Works Act 1948.	In the Schedule, paragraph 6.
12, 13 & 14 Geo. 6. c. 11.	The Railway and Canal Commission (Abolition) Act 1949.	Section 2.
14 Geo. 6. c. 39.	The Public Utilities Street Works Act 1950.	Section 20(1) and (2). In section 39(1), the definition of “telegraphic line”. In Schedule 5, the entries relating to the Telegraph Act 1863, the Telegraph Act 1878, the Telegraph (Construction) Act 1911, the Telegraph (Construction) Act 1916, section 5 of Schedule 3 to the Water Act 1945 and the Special Roads Act 1949.
5 & 6 Eliz. 2. c. 48.	The Electricity Act 1957.	In section 28(9), the words from “and “telegraphic line” onwards.

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6 & 7 Eliz. 2. c. 30.	The Land Powers (Defence) Act 1958.	Section 20.
10 & 11 Eliz. 2. c. 30.	The Northern Ireland Act 1962.	In Schedule 2, the entries relating to the Telegraph Act 1863 and the Telegraph Act 1878.
1963 c. 33.	The London Government Act 1963.	In Schedule 17, paragraph 3.
1967 c. 76.	The Road Traffic Regulation Act 1967.	Section 28(8).
1969 c. 48.	The Post Office Act 1969.	Section 21. Section 29(1)(c). In section 77, the words “the Post Office (Protection) Act 1884”. Section 83. In section 88(4), in paragraph (a) the words from “except” to “1884” and in paragraph (b) the words “that Act and”. Part IV. In Schedule 4, paragraphs 4(c), 5 to 10, 15 to 19, 26, 28 and 29, 34, 38 to 40, 43, 45, 48, 53, 58, 61 to 64, 68, 72, 74, 83(1), (2) and (4), 85, 86, 95 to 99, 101 and 102. In paragraph 1(1) of Schedule 5, the words “or section 11 of the Post Office (Protection) Act 1884”.
Chapter or number	Short title	Extent of repeal
1970 c. 40.	The Agriculture Act 1970.	In section 92(1), paragraph (ii) of the proviso.
1973 c. 41.	The Fair Trading Act 1973.	In section 16(1), paragraph (b) and the word “or” immediately preceding it. In section 50(3)(a), the words “of Part II of Schedule 5 or”. In section 51(2), the words “or in the first column of Part II of”.

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		In Schedule 5, Part II.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In paragraph 3 of Part I of Schedule 28, the words “and 132”.
1974 c. 7.	The Local Government Act 1974.	In Schedule 3, paragraph 9.
1974 c. 45.	The Housing (Scotland) Act 1974.	In paragraph 33 of Schedule 3, sub-paragraphs (a) and (b).
1975 c. 30.	The Local Government (Scotland) Act 1975.	In Schedule 1, paragraph 9.
1976 c. 57.	The Local Government (Miscellaneous Provisions) Act 1976.	In section 44(1), the words “British Telecommunications” and the words “except in sections 1(4)(a), 3(2)(d) and 4(1) of this Act,”.
1976 c. 70.	The Land Drainage Act 1976.	In section 32(2), the words from “and nothing” onwards.
1976 c. 75.	The Development of Rural Wales Act 1976.	In Schedule 3, paragraphs 38(7) and 44(2).
1979 c. 11.	The Electricity (Scotland) Act 1979.	In section 45(1), the definition of “telegraphic line”.
1980 c. 21.	The Competition Act 1980.	In section 19(3), the word “and”.
1980 c. 45.	The Water (Scotland) Act 1980.	In section 28(1), paragraph (a). In Schedule 4, in section 1(1), the definition of “telegraphic line” and section 5.
1980 c. 66.	The Highways Act 1980.	In section 144(6), in the definition of “statutory undertakers” the word “and”, in the second place where it occurs. In section 156(10)(b), the words “telegraphic line”. In section 169(4), in the second sentence, the word “and”, in the third place where it occurs. In section 170(3), in the definition of “statutory undertakers” the word “and”,

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Chapter or number	Short title	Extent of repeal
1981 c. 38.	The British Telecommunications Act 1981.	<p>in the first place where it occurs.</p> <p>Section 3.</p> <p>In section 6, subsections (2), (4) and (5).</p> <p>Section 9.</p> <p>Sections 11 to 23.</p> <p>Sections 35 to 53.</p> <p>Section 55.</p> <p>Section 58(4).</p> <p>Section 80.</p> <p>In section 85(1), the definition of “outside persons”.</p> <p>In Schedule 3, paragraphs 1 to 8, 10(1), (3) and (5), 11 to 33, 35 to 41, 44 and 45, 47 to 50, 51(2) and (9), 52 to 55, 58 to 60, 64 to 71, 73 to 80, 82 and 83.</p> <p>In Schedule 4, paragraph 20.</p> <p>In Schedule 5, paragraph 2.</p>
1981 c. 64.	The New Towns Act 1981.	<p>Section 23(7).</p> <p>In section 78(1)(d), the words “or British Telecommunications”.</p> <p>In section 79, in subsection (1)(c), the words “or British Telecommunications” and in subsection (3), paragraph (c).</p>
1981 c. 67.	The Acquisition of Land Act 1981.	In section 8(1)(c), the words “or British Telecommunications”.
1982 c. 16.	The Civil Aviation Act 1982.	<p>In section 105(1), in the definition of “statutory undertaker” the words “British Telecommunications”.</p> <p>In Schedule 15, paragraph 17(5).</p>

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Northern Ireland legislation etc.

S.I. 1972/1072 (N.I. 9).	The Electricity Supply (Northern Ireland) Order 1971.	In Article 2(2), the words from “telegraphic” to “any manner affected”.
S.I. 1972/1634 (N.I. 17).	The Planning (Northern Ireland) Order 1972.	In Article 80(2), the words from “on” in the third place where it occurs to “and” in the third place where it occurs.
S.I. 1973/70 (N.I. 2).	The Water and Sewerage Services (Northern Ireland) Order 1973.	In Article 2(2), the definition of “telegraphic line”.
S.I. 1973/2095.	The Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973.	In Schedule 1, paragraphs 1 to 3.
S.I. 1977/596 (N.I. 7).	The Gas (Northern Ireland) Order 1977.	In Article 2(2), the definition of “telegraphic line”.
S.I. 1977/2157 (N.I. 28).	The Rates (Northern Ireland) Order 1977.	In Schedule 12, Part XII.
S.I. 1981/154 (N.I. 1).	The Road Traffic (Northern Ireland) Order 1981.	Article 106(6).
Chapter	Short title	Extent of repeal <i>Local enactments</i>
23 & 24 Geo. 5. c. xliv.	The London Overground Wires etc. Act 1933.	In section 2(1), the definition of “telegraphic line”. In section 5(3), the words from “and before” onwards.
1963 c. xvii.	The London County Council (General Powers) Act 1963.	In section 3(1), the definition of “the Act of 1878”. Section 17(4)(b). Section 21(2)(b).

PART II U.K.

REPEALS COMING INTO FORCE ON TRANSFER DATE

Chapter	Short title	Extent of repeal
62 & 63 Vict. c. 19.	The Electric Lighting (Clauses) Act 1899.	In the Schedule, section 62(1) (b).
1981 c. 38.	The British Telecommunications Act 1981.	Section 1(2).

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Section 2.

Sections 4 and 5.

In section 6, subsections (1), (3) and (6) to (13).

Sections 7 and 8.

Sections 24 to 34.

Section 54.

Sections 56 and 57.

In Schedule 1, paragraph 5.

In Schedule 3, paragraphs 9, 42, 46, 57(1), 61, 62, 72 and 81.

PART III U.K.

REPEALS COMING INTO FORCE ON DISSOLUTION OF BRITISH TELECOMMUNICATIONS

Commencement Information

- II** Sch. 7 Pt. III in force at 6.9.1994: British Telecommunications was dissolved on 6.9.1994 by [The British Telecommunications \(Dissolution\) Order 1994 \(S.I. 1994/2162\)](#), see [ss. 109\(6\), 110\(4\)](#)

Chapter	Short title	Extent of repeal
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the words, “British Telecommunications”.
1981 c. 38.	The British Telecommunications Act 1981.	In section 1, subsection (1) and subsections (3) to (6). In Schedule 1, paragraphs 1 to 4 and 6 to 16.
1983 c. 44.	The National Audit Act 1983.	In Schedule 4, the entry relating to British Telecommunications.
1984 c. 12.	The Telecommunications Act 1984.	Section 100.

Changes to legislation: *Telecommunications Act 1984 is up to date with all changes known to be in force on or before 14 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PART IV **U.K.**

WIRELESS TELEGRAPHY REPEALS

Modifications etc. (not altering text)

- C12** Pt. VI (ss. 74-92), ss. 102, 106(4)(5), 110(1), Sch. 3 and Sch. 7 Pt. IV extended (Guernsey) (with modifications) (1.6.1994) by S.I. 1994/1064, art. 3(1), **Sch. Pt. I**
- C13** Sch. 7 Pt. IV extended (Jersey) (with modifications) (29.12.2003) by [The Wireless Telegraphy \(Jersey\) Order 2003 \(S.I. 2003/3196\)](#), art. 3(1), Sch. Pt. I (as amended (27.2.2004) by [The Broadcasting and Communications \(Jersey\) Order 2004 \(S.I. 2004/308\)](#), art. 6(1), Sch. 2 Pt. 1)

Chapter	Short title	Extent of repeal
12, 13 & 14 Geo. 6. c. 54.	The Wireless Telegraphy Act 1949.	Section 9(1)(a) and (2). In section 9(7), the words “the advisory committee and” and the words from “in the case of the committee” to “the tribunal”. In section 10(1), the words from “after” to “committee”.
1967 c. 72.	The Wireless Telegraphy Act 1967.	In section 9(3), the words from “and accordingly” to the end. Section 11.
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 7C, the entry relating to the Wireless Telegraphy Act 1949.
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 6, the entry relating to the Wireless Telegraphy Act 1949.

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Changes and effects yet to be applied to :

- s. 1 repealed by [2003 c. 21 Sch. 19\(1\) Note 1](#)
- s. 55 repealed by [2003 c. 21 Sch. 19\(1\) Note 1](#)
- Sch. 1 repealed by [2003 c. 21 Sch. 19\(1\) Note 1](#)