

## SCHEDULES

### SCHEDULE 32

#### PROTECTIVE PROVISIONS

#### PART 3

##### ELECTRONIC COMMUNICATIONS CODE NETWORKS

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

**C1** Sch. 32 Pt. 3: functions transferred (3.5.2023) by [The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions \(National Security and Investment Act 2021 etc\) Order 2023 \(S.I. 2023/424\)](#), arts. 1(2), **9(6)** (with art. 17)

- 39 (1) Any dispute arising between the nominated undertaker and an operator under this Part is to be determined by arbitration if—
- (a) the parties agree, or
  - (b) the dispute relates to the amount of any sum payable under this Part, but is otherwise to be determined by a person appointed by the appropriate Ministers.
- (2) Any person appointed by the appropriate Ministers under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the appropriate Ministers on making the appointment.
- (3) The costs and fees of the person determining the dispute and the costs of the parties to the dispute are to be allocated between the parties as that person may direct.

**Changes to legislation:**

There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Paragraph 39.