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**Changes to legislation:** Housing Act 1988, Paragraph 11 is up to date with all changes known to be in force on or before 19 January 2024. 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

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## SCHEDULES

### SCHEDULE 10

#### HOUSING ACTION TRUSTS: LAND

##### PART II

##### LAND: SUPPLEMENTARY

##### *Telegraphic lines*

- 11 (1) Where an order under paragraph 9 above extinguishing a public right of way is made on the application of a housing action trust and at the time of the publication of the notice required by sub-paragraph (2) of that paragraph any [<sup>F1</sup>electronic communications apparatus] was kept installed for the purposes of [<sup>F2</sup>an electronic communications code network ] under, in, on, over, along or across the land over which the right of way subsisted—
- (a) the power of the operator of [<sup>F3</sup>the network] 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 [<sup>F3</sup>the network] has given notice to the trust of his intention to remove the apparatus or that part of it, as the case may be;
  - (b) the operator of [<sup>F3</sup>the network] may by notice given in that behalf to the trust not later than the end of the said period of three months abandon the [<sup>F4</sup>electronic communications apparatus] or any part of it;
  - (c) subject to paragraph (b) above, the operator of [<sup>F4</sup>the network] 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 [<sup>F5</sup>the network] shall be entitled to recover from the trust the expense of providing, in substitution for the apparatus and any other [<sup>F5</sup>electronic communications 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; and
  - (e) where under the preceding provisions of this sub-paragraph the operator of [<sup>F5</sup>the network] has abandoned the whole or any part of any [<sup>F5</sup>electronic communications apparatus] , that apparatus or that part of it shall vest in the trust and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of [<sup>F6</sup>an electronic communications code network]

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- (2) As soon as practicable after the making of an order under paragraph 9 above extinguishing a public right of way in circumstances in which sub-paragraph (1) above applies in relation to the operator of [<sup>F6</sup>an electronic communications code network] , the Secretary of State shall give notice to the operator of the making of the order.

#### Textual Amendments

- F1** Words in Sch. 10 Pt. 2 para. 11 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, **Sch. 17 para. 94(2)** (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, art. 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(2)** (with art. 11)
- F2** Words in Sch. 10 Pt. 2 para. 11 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, **Sch. 17 para. 94(2)** (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, art. 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(2)** (with art. 11)
- F3** Words in Sch. 10 Pt. 2 para. 11 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, **Sch. 17 para. 94(2)** (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, art. 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(2)** (with art. 11)
- F4** Words in Sch. 10 Pt. 2 para. 11 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, **Sch. 17 para. 94(2)** (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, art. 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(2)** (with art. 11)
- F5** Words in Sch. 10 Pt. 2 para. 11 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, **Sch. 17 para. 94(2)** (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, art. 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(2)** (with art. 11)
- F6** Words in Sch. 10 Pt. 2 para. 11 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, **Sch. 17 para. 94(2)** (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, art. 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(2)** (with art. 11)

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)