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**Changes to legislation:** Housing Act 1988, Paragraph 14 is up to date with all changes known to be in force on or before 22 March 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

##### *Statutory undertakers*

- 14 (1) Subject to this paragraph, where any land has been acquired by a housing action trust under section 77 of this Act and—
- (a) there is on, under or over the land apparatus vested in or belonging to statutory undertakers, and
  - (b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development,
- the undertakers may serve on the trust a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.
- (2) Where, after the land has been acquired as mentioned in sub-paragraph (1) above, development of the land is begun to be carried out, no notice under this paragraph shall be served later than 21 days after the beginning of the development.
  - (3) Where a notice is served under this paragraph the trust on which it is served may, before the end of the period of 28 days from the date of service, serve on the statutory undertakers a counter-notice stating that it objects to all or any of the provisions of the notice and specifying the grounds of its objection.
  - (4) If no counter-notice is served under sub-paragraph (3) above, the statutory undertakers shall, after the end of the said period of 28 days, have the rights claimed in their notice.
  - (5) If a counter-notice is served under sub-paragraph (3) above, the statutory undertakers who served the notice under this paragraph may either withdraw it or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it expedient to confer on them.
  - (6) Where by virtue of this paragraph or an order of Ministers made under it, statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the trust for the works to be carried out by the trust, under the superintendence of the undertakers, instead of by the undertakers themselves.

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- (7) Where works are carried out for the removal or re-siting of statutory undertakers' apparatus, being works which the undertakers have the right to carry out by virtue of this paragraph or an order of Ministers made under it, the undertakers shall be entitled to compensation from the trust.
- (8) [<sup>F1</sup>Sections 280 and 282 of the Town and Country Planning Act 1990] (measure of compensation to statutory undertakers) shall apply to compensation under sub-paragraph (7) above as they apply to compensation under [<sup>F1</sup>section 279(4)] of that Act.
- (9) In sub-paragraph (1)(a) above, the reference to apparatus vested in or belonging to statutory undertakers shall include a reference to [<sup>F2</sup>electronic communications apparatus] kept installed for the purposes of [<sup>F3</sup>an electronic communications code network] .
- (10) Where sub-paragraph (1)(a) above has effect as mentioned in sub-paragraph (9) above, in the rest of this paragraph—
- (a) any reference to statutory undertakers shall have effect as a reference to the operator of any [<sup>F4</sup>such network] as is referred to in sub-paragraph (9) above; and
  - (b) any reference to the appropriate Minister shall have effect as a reference to the Secretary of State for Trade and Industry.

#### Textual Amendments

- F1** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 4, Sch. 2 para. 79\(6\)\(b\)](#)
- F2** Words in Sch. 10 Pt. 2 para. 14 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. 14 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. 14 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\(2\) \(with art. 11\)](#)

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

- C1** Sch. 10 para. 14(10)(b): transfer of functions (13.4.2011) by [Transfer of Functions \(Media and Telecommunications etc.\) Order 2011 \(S.I. 2011/741\), arts. 1\(2\), 3, Sch. 1 \(with art. 5\)](#)

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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](#)