

Status: Point in time view as at 13/07/2011.

Changes to legislation: Communications Act 2003, Paragraph 5 is up to date with all changes known to be in force on or before 05 June 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)

SCHEDULES

SCHEDULE 4

COMPULSORY PURCHASE AND ENTRY FOR EXPLORATORY PURPOSES

Compulsory purchase of land: Northern Ireland

- 5 (1) Where a code operator proposes to acquire, otherwise than by agreement, any land in Northern Ireland required by him—
- (a) for, or in connection with, the establishment or running of the operator's network, or
 - (b) as to which it can reasonably be foreseen that it will be so required,
- he may, with OFCOM's consent, apply to the Secretary of State for an order vesting that land in him.
- (2) On such an application the Secretary of State is to have power to make such an order.
- (3) This power to acquire land compulsorily includes power to acquire an easement or other right over land by the creation of a new right.
- (4) Where a code operator has acquired land under this paragraph, he must not dispose of that land, or of any interest or right in or over it, except with OFCOM's consent.
- (5) The following provisions—
- (a) Schedule 6 to the Local Government Act (Northern Ireland) 1972 (c. 9 (N.I.)) (acquisition of land by vesting order), and
 - (b) Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)) (provisions as to inquiries),
- have effect for the purposes of the acquisition of land by means of a vesting order under this paragraph as they have effect for the purposes of that Act and that Order but subject to the modifications set out in sub-paragraph (6).
- (6) Those modifications are—
- (a) for any reference to the Department substitute a reference to the Secretary of State;
 - (b) for any reference to the Act or Order in question substitute a reference to this Act;
 - (c) for any reference in Schedule 6 to the Local Government Act (Northern Ireland) 1972 to a council substitute a reference to the code operator;
 - (d) in paragraph 6(2) of that Schedule, for the words from “the fund” onwards substitute “funds of the code operator (in this Schedule referred to as “the compensation fund”) and shall be discharged by payments made by the code operator”; and
 - (e) in paragraph 12(2) of that Schedule for “the clerk of the council” substitute “such person as may be designated for the purposes of this Schedule by the code operator”.

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- (7) The enactments for the time being in force relating to the assessment of compensation in respect of land vested in a district council by an order made under Schedule 6 to the Local Government Act (Northern Ireland) 1972 are to apply, subject to any necessary modifications, in relation to land vested in a code operator by an order made under this paragraph.
- (8) In this paragraph, “land” has the meaning assigned to it by section 45(1)(a) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).

Commencement Information

- I1** Sch. 4 para. 5 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I2** Sch. 4 para. 5 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

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