

SCHEDULES

SCHEDULE 2

THE TELECOMMUNICATIONS CODE

Interpretation of code

- 1 (1) In this code, except in so far as the context otherwise requires;—
- " agriculture " and " agricultural"—
 - (a) in England and Wales, have the same meanings as in the Highways Act 1980;
 - (b) in Scotland, have the same meanings as in the Town and Country Planning (Scotland) Act 1972; and
 - (c) in Northern Ireland, have the same meanings as in the Agriculture Act (Northern Ireland) 1949 ;
 - " alter ", " alteration " and " altered " shall be construed in accordance with sub-paragraph (2) below ;
 - " bridleway " and " footpath"—
 - (a) in England and Wales, have the same meanings as in the Highways Act 1980;
 - (b) in Scotland, have the same meanings as in Part III of the Countryside (Scotland) Act 1967 ; and
 - (c) in Northern Ireland, mean a way over which the public have, by virtue of the Access to the Countryside (Northern Ireland) Order 1983, a right of way on horseback and on foot, respectively ;
 - " the court" means, without prejudice to any right of appeal conferred by virtue of paragraph 25 below or otherwise—
 - (a) in relation to England and Wales and Northern Ireland, the county court; and
 - (b) in relation to Scotland, the sheriff;
 - " emergency works ", in relation to the operator or a relevant undertaker for the purposes of paragraph 23 below, means works the execution of which at the time it is proposed to execute them is requisite in order to put an end to, or prevent, the arising of circumstances then existing or imminent which are likely to cause—
 - (a) danger to persons or property,
 - (b) the interruption of any service provided by the operator's system or, as the case may be, interference with the exercise of any functions conferred or imposed on the undertaker by or under any enactment; or
 - (c) substantial loss to the operator or, as the case may be, the undertaker, and such other works as in all the circumstances it is reasonable to execute with those works ;
 - " line " shall be construed in accordance with the definition in this paragraph of telecommunication apparatus ;

Status: This is the original version (as it was originally enacted).

" maintainable highway "—

- (a) except in Northern Ireland, means a maintainable highway within the meaning of the Public Utilities Street Works Act 1950 other than one which is a footpath or bridleway that crosses, and forms part of, any agricultural land or any land which is being brought into use for agriculture ; and
- (b) in Northern Ireland, means a highway maintainable by the Department of the Environment for Northern Ireland ;

" the operator " means—

- (a) where this code has effect by virtue of paragraph (a) of subsection (1) of section 10 of this Act, the person to whom this code is applied by the licence mentioned in that paragraph ; and
- (b) where this code has effect by virtue of paragraph (b) of that subsection, the Secretary of State or the Northern Ireland department in question;

"the operator's system" means the telecommunication system the running of which is for the time being authorised by the licence mentioned in paragraph (a) of section 10(1) of this Act or, as the case may require, the telecommunication system which the Secretary of State or the Northern Ireland department in question is running or proposing to run ;

" railway " includes a light railway ;

" the statutory purposes" means the purposes of establishing and running the operator's system ;

" street" has the meaning given by section 1(3) of the said Act of 1950;

" structure " does not include a building ;

" telecommunication apparatus" includes any apparatus falling within the definition in section 4(3) of this Act and any apparatus not so falling which is designed or adapted for use in connection with the running of a telecommunication system and, in particular—

- (a) any line, that is to say, any wire, cable, tube, pipe or other similar thing (including its casing or coating) which is so designed or adapted ; and
- (b) any structure, pole or other thing in, on, by or from which any telecommunication apparatus is or may be installed, supported, carried or suspended ;

and references to the installation of telecommunication apparatus shall be construed accordingly.

- (2) In this code, references to the alteration of any apparatus include references to the moving, removal or replacement of the apparatus.
- (3) In relation to any land which, otherwise than in connection with a street on that land, is divided horizontally into different parcels, the references in this code to a place over or under the land shall have effect in relation to each parcel as not including references to any place in a different parcel.
- (4) For the removal of doubt, it is hereby declared that for the purposes of this code a street within the meaning of the Public Utilities Street Works Act 1950 includes, where the street is a highway which passes over a bridge or through a tunnel, that bridge or tunnel.
- (5) For the purposes of the definition in this paragraph of " street" the Public Utilities Street Works Act 1950 shall be deemed to extend to Northern Ireland.