

SCHEDULES

SCHEDULE 2

THE TELECOMMUNICATIONS CODE

Notices and applications by potential subscribers

- 8 (1) Where—
- (a) it is reasonably necessary for the agreement of any person to the conferring of any right, or to any right's binding any person or any interest in land, to be obtained by the operator before another person (" the potential subscriber ") may be afforded access to the operator's system, and
 - (b) the operator has not given a notice or (if he has given a notice) has not made an application in respect of that right under paragraph 5 above,
- the potential subscriber may at any time give a notice to the operator requiring him to give a notice or make an application under paragraph 5 above in respect of that right.
- (2) At any time after notice has been given to the operator under sub-paragraph (1) above, the operator may apply to the court to have the notice set aside on the ground that the conditions mentioned in that sub-paragraph are not satisfied or on the ground that, even if the agreement were obtained, the operator would not afford the potential subscriber access to the operator's system and could not be required to afford him access to that system.
- (3) Subject to any order of the court made in or pending any proceedings under sub-paragraph (2) above, if at any time after the expiration of the period of 28 days beginning with the giving to the operator of a notice under sub-paragraph (1) above the operator has not complied with the notice, the potential subscriber may himself, on the operator's behalf, give the required notice and (if necessary) make an application under paragraph 5 above or, as the case may be, make the required application.
- (4) The court may, on an application made by virtue of sub-paragraph (3) above, give such directions as it thinks fit—
- (a) with respect to the separate participation of the operator in the proceedings to which the application gives rise, and
 - (b) requiring the operator to provide information to the court.
- (5) A covenant, condition or agreement which would have the effect of preventing or restricting the taking by any person as a potential subscriber of any step under this paragraph shall be void to the extent that it would have that effect.
- (6) Nothing in this paragraph shall be construed as requiring the operator to reimburse the potential subscriber for any costs incurred by the potential subscriber in or in connection with the taking of any step under this paragraph on the operator's behalf.