STATUTORY INSTRUMENTS

1977 No. 1596

LOCAL GOVERNMENT, ENGLAND AND WALES

The Telegraph Works Order 1977

Made - - - -	*29th September* 1977
Laid before Parliament	*6th October* 1977
Coming into Operation	*1st November* 1977

The Secretary of State for the Environment, in relation to England, and the Secretary of State for Wales, in relation to Wales, in exercise of the powers conferred upon them by sections 254(1)(*a*) and (2)(*c*) and 266(2) of the Local Government Act 1972(**a**) and sections 84(1)(*a*) and (2)(*c*) and 90 of the London Government Act 1963(**b**), hereby make the following order:—

1. This order may be cited as the Telegraph Works Order 1977 and shall come into operation on 1st November 1977.

2.—(1) The Interpretation Act 1889(**c**) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.

3.—(1) In the local government areas named in the Schedule to this order—

(*a*) in the application of section 21 of the Telegraph Act 1863(**d**) (which makes provision as to works interfering with access to land, etc.)—

(i) the words "to sections 23 to 29 of this Act and" shall not have effect; and

(ii) after "the following provisions" there shall be deemed to be inserted—

"(1) Twenty-one days at least before the company proceeds to place a telegraph by virtue of the authority so conferred, they shall publish a notice stating that they have obtained the consent of such body as aforesaid, and describing the intended course of such telegraph;"; and

(*b*) section 23 of the said Act (which makes provision for notices that the consent of the body having the control of a street or public road has been obtained) and sections 24 to 29 of the said Act (which make provision for objections by owners, lessees or occupiers of land or buildings adjoining such street or public road) shall not have effect.

(**a**) 1972 c. 70.
(**b**) 1963 c. 33.
(**c**) 1889 c. 63.
(**d**) 1863 c. 112.

(2) In paragraph (1)—

(*a*) the reference to section 21 of the Telegraph Act 1863 is a reference to that section as having effect by virtue of section 2 of the Telegraph (Construction) Act 1908(**a**) as set out in article 3(4) of the Local Authorities etc. (Miscellaneous Provision) (No. 2) Order 1974(**b**) and as amended by article 3(1)(*b*) of the said order; and

(*b*) the reference to section 23 of the said Act of 1863 is a reference to that section as amended by article 3(1)(*c*) of the said order of 1974.

This paragraph is without prejudice to article 2(2) of this order.

SCHEDULE

England

Greater London.

The counties of Cleveland, Greater Manchester, Merseyside, South Yorkshire, Tyne and Wear, West Midlands and West Yorkshire.

The districts of Ashfield, Barrow-in-Furness, Basildon, Bath, Blackburn, Blackpool, Blyth Valley, Bournemouth, Brighton, Bristol, Broxbourne, Burnley, Cambridge, Cannock Chase, Castle Point, Cheltenham, Chesterfield, Christchurch, Corby, Darlington, Derby, Derwentside, Eastbourne, Ellesmere Port and Neston, Elmbridge, Epsom and Ewell, Exeter, Fareham, Gillingham, Gloucester, Gosport, Grimsby, Halton, Harlow, Hastings, Havant, Hereford, Hove, Hyndburn, Ipswich, Kettering, Kingston upon Hull, Leicester, Lincoln, Luton, Mansfield, Medina, Northampton, Norwich, Nottingham, Nuneaton, Oadby and Wigston, Oxford, Pendle, Plymouth, Poole, Portsmouth, Preston, Reading, Redditch, Reigate and Banstead, Rossendale, Runnymede, Rushmoor, Scunthorpe, Slough, Southampton, Southend-on-Sea, Spelthorne, Stevenage, Stoke-on-Trent, Tamworth, Thanet, Thurrock, Torbay, Wansbeck, Watford, Wear Valley, Weymouth and Portland, Woking, Worcester, Worthing, Wyre Forest and York.

Wales

The districts of Afan, Blaenau Gwent, Cardiff, Cynon Valley, Islwyn, Merthyr Tydfil, Newport, Rhondda, Rhymney Valley, Swansea and Torfaen.

Peter Shore,
Secretary of State for the Environment.

26th September 1977.

John Morris,
Secretary of State for Wales.

29th September 1977.

(**a**) 1908 c. 33.

(**b**) S.I. 1974/595 (1974 I, p. 2359).

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Telegraph Act 1863 as amended by various Acts contained requirements as to consultation before the placing of telegraph works which varied as between certain areas (of an urban character) and other areas. In view of the replacement of the former areas outside Greater London by new districts, in 1974, the relevant provisions were amended by the Local Authorities etc. (Miscellaneous Provision) (No. 2) Order 1974, leaving a uniform position over the whole country, including Greater London. This Order substantially restores the former urban position in the areas named in the Schedule.

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