**STATUTORY NOTICE**

**REQUIRING THE REMOVAL OF APPARATUS INSTALLED UNDER THE ELECTRONIC**

**COMMUNICATIONS CODE**

**Paragraph 40(2) of Part 6 of Schedule 3A of the Communications Act 2003**

1. This is a statutory notice pursuant to paragraph 40(2) of the electronic communications code, set out in Schedule 3A to the Communications Act 2003 (the “**Code**”).[[1]](#footnote-1) **[see note (a)]**
2. You, [*Insert name of Code operator*], have installed electronic communications apparatus [*on / under / over*] land at [*Insert address*] (the “**Land**”).
3. [*I/we*], [*Insert name*], [currently have an interest in the Land / [*am/are*] currently the owner or occupier of land that neighbours the Land]. **[see note (b)]**
4. The purpose of this notice is to inform you that [*I/we*] would like you to remove that apparatus on the basis of [state the conditions relied on under paragraph 37 or 38 of the Code] and to restore the Land to its condition before the apparatus was placed [*on / under / over*] it.
5. [*I/We*] would like you to complete these works on or before [*Insert Date*]. **[see note (c)]**
6. Please confirm, within the period of 28 days beginning with the day on which this notice is given, if you agree to complete these works by the date(s) specified in paragraph 5 above.
7. Alternatively, if you consider that the date(s) specified by [*me/us*] at paragraph 5 above is not reasonable, please indicate as soon as possible (and at least within the period of 28 days beginning with the day on which this notice is given) what date(s) you consider to be reasonable for completion of the works.
8. [*I/we*] will be entitled to make an application to the court if we do not reach agreement on any of the following matters within the period of 28 days beginning with the day on which this notice is given:
   1. that you will remove the apparatus;
   2. that you will restore the Land to its condition before the apparatus was placed on, under or over the Land;
   3. the time at which or period within which the apparatus is removed;
   4. the time at which or period within which the Land will be restored.
9. The application to the court may be for:
   1. an order under paragraph 44(1) of the Code requiring you to remove the apparatus; or
   2. an order under paragraph 44(3) of the Code enabling [*me/us*] to sell the apparatus,

[*Insert date of Notice*]

*NOTES FOR COMPLETING THIS NOTICE*

*You may wish to obtain independent legal advice before completing this notice.*

1. *This notice should be* ***delivered by hand*** *or sent by* ***registered post*** *or* ***recorded delivery*** *to the operator at:*

* *the address for service that the operator has given to you for the purposes of the Code; or*
* *if no such address has been given to you, at the address given by section 394 of the Communications Act 2003 (available online at* [*www.legislation.gov.uk*](http://www.legislation.gov.uk)*).*

1. *You are only entitled to send this notice if:*

* *you have an interest in the Land and have the right, under paragraph 37 of the Code, to require the removal of electronic communications apparatus on, under or over the Land. To have this right, one or more of the five conditions set out at paragraph 37 must be met; or*
* *you are the owner or occupier of neighbouring land and have the right, under paragraph 38 of the Code, to require the removal of electronic communications apparatus on, under or over the Land. To have this right, both of the conditions set out at paragraph 38 must be met.*

1. *The date specified by you as the deadline for completion of the works must be a reasonable one. What is reasonable will depend on the individual circumstances of your case, including the complexity of the works to be undertaken.*

*Please note that you are entitled to specify a date for removal of the apparatus which is different to the date specified by you for restoring the Land to its previous condition.*

1. A copy of the Communications Act 2003 is available online at [www.legislation.gov.uk](http://www.legislation.gov.uk). [↑](#footnote-ref-1)