**STATUTORY NOTICE**

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

**COMMUNICATIONS CODE**

**Paragraph 41(2) of Part 6 of Schedule 3A of the Communications Act 2003**

1. This is a statutory notice pursuant to paragraph 41(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**”). Under [*Insert details of enactment or other document under which you have a right to require the removal of the apparatus*], [*I/we*], [*Insert name*], have the right to require the removal of that apparatus. **[see note (b)]**
3. The purpose of this notice is to inform you that [*I/we*] would like you to remove that apparatus and restore the Land to its condition before the apparatus was placed [*on / under / over*] it.
4. [*I/We*] would like you to complete these works on or before [*Insert Date*]. **[see note (c)]**
5. If, within the period of 28 days beginning with the day on which this notice is given, you do not give [*me/us*] a counter-notice under paragraph 41(5) of the Code, [*I/we*] will be entitled to enforce the removal of the apparatus. **[see note (d)]**
6. Please give any such counter-notice to [*me/us*] at the following address:

[*insert address*]

[*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 a pre-existing right, under an enactment other than the Code (i.e. legislation or other statutory instrument), or otherwise than under an enactment, to require the removal of the relevant apparatus. If you do have such a pre-existing right, that right is exercisable only in accordance with paragraph 41 of the Code and you are therefore required to send this notice before taking any action to enforce the removal of the apparatus.*
2. *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.*

*(d) If the Code operator does give you a counter-notice within the period of 28 days beginning with the day on which this notice is given, you will only be entitled to enforce the removal of the apparatus if you obtain an order of the court to this effect.*

*Where you are entitled to enforce the removal of the apparatus because:*

* *the Code operator has failed to give you a counter-notice within the specified period, or*
* *the Code operator has given you a counter-notice but you have been granted a court order to enforce the removal of the apparatus,*

*you may make an application to the court for:*

* *an order under paragraph 44(1) of the Code requiring the Code operator to remove the apparatus; or*
* *an order under paragraph 44(3) of the Code enabling you to sell the apparatus.*

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