**STATUTORY NOTICE**

**COUNTER-NOTICE REGARDING THE REMOVAL OF APPARATUS INSTALLED UNDER THE ELECTRONIC COMMUNICATIONS CODE**

**Paragraph 41(5) of Part 6 of Schedule 3A of the Communications Act 2003**

1. This is a statutory notice pursuant to paragraph 41(5) of the electronic communications code, set out in Schedule 3A to the Communications Act 2003 (the “**Code**”).[[1]](#footnote-1)
2. On [*Insert date*], we [*Insert name of Code operator*], were given a notice by you, [*Insert name of third party*], under paragraph 41(2) of the Code. In that notice, you required us to remove electronic communications apparatus installed [*on / under / over*] land at [*Insert address*] (the “**Apparatus**”), and to restore that land to its previous condition.
3. The purpose of this counter-notice is to inform you that you are not entitled to require the removal of the Apparatus. This is because [*Insert details*].

[*OR - delete appropriate version of paragraph 3*]

1. The purpose of this counter-notice is to inform you of the steps which we propose to take for the purpose of securing a right as against you to keep the Apparatus on the land. In particular, we propose to [*Insert details of proposed steps*].[[2]](#footnote-2)
2. As a result of this notice, you may only enforce the removal of the Apparatus in pursuance of an order of the court under paragraph 41(7) of the Code.

[*Insert date of Notice*]

1. A copy of the Communications Act 2003 is available online at [www.legislation.gov.uk](http://www.legislation.gov.uk). [↑](#footnote-ref-1)
2. Paragraph 41(8) of the Code provides that the court may only make an order under paragraph 41(7) if it is satisfied that either: (a) we are not intending to take those steps or are being unreasonably dilatory in taking them; or (b) taking those steps has not secured, or will not secure, for us as against you any right to keep the Apparatus installed on, under or over the land or to reinstall it if it is removed. [↑](#footnote-ref-2)