**STATUTORY NOTICE**

**REGARDING THE EXERCISE OF A TRANSPORT LAND RIGHT UNDER THE ELECTRONIC COMMUNICATIONS CODE TO CARRY OUT EMERGENCY WORKS**

**Paragraph 51(2) of Part 7 of Schedule 3A of the Communications Ac**

**IMPORTANT NOTICE**

**If you consider you are entitled to compensation as a result of these emergency works, you should give us notice within 28 days**

1. This is a statutory notice pursuant to paragraph 51(2) of the electronic communications code, set out in Schedule 3A to the Communications Act 2003 (the “**Code**”).[[1]](#footnote-1)
2. We, [*Insert name of Code operator*], are writing to you in your capacity as a transport undertaker (as defined in paragraph 46 of the Code) and, in particular, in respect of land at [*Insert address / description of land, etc.*] (the “**Transport Land**”).
3. The purpose of this notice is to inform you that we have started exercising a transport land right (as defined at paragraph 48(1) of the Code) in order to carry out emergency works relating to electronic communications apparatus installed [*on / under / over*] the Transport Land.

BACKGROUND

1. We provide an [*electronic communications network and/or infrastructure system*] in the United Kingdom. For this purpose, the Office of Communications (OFCOM) has given a direction applying the Code to us.
2. The Code regulates the relationships between us and occupiers of land, thereby facilitating the deployment of electronic communications apparatus. Amongst other things, the Code entitles us to exercise transport land rights subject to the provisions of paragraphs 48 to 55 of the Code.
3. Paragraph 51(1) of the Code provides that we may exercise a transport land right in order to carry out emergency works. However, as soon as reasonably practicable after starting those works, we are required by paragraph 51(2) of the Code to give the transport undertaker an emergency works notice (as defined in paragraph 51(3) of the Code). This is an emergency works notice under paragraph 51 of the Code.

THE WORKS

1. The emergency works that we have started at the Transport Land are [*Insert details of emergency works*]. A detailed plan and section of the works is set out in the Annex to this notice*.* **[see note (a)]**

*[OR - delete appropriate version of paragraph 7]*

7. We provided you with details of the works that we have started at the Transport Land in a notice of proposed works, under paragraph 49(1) of the Code, dated [*Insert date of notice of proposed works and, where possible, append a copy of that notice of proposed works to this notice*].

1. We have already started these works because we consider them to be emergency works. They are emergency works because [*Insert a clear statement explaining why the works are emergency works*]. **[see note (b)]**
2. We commenced the emergency works on [*Insert date*] [*and expect that they will be completed by [Insert date]*].

YOUR OPTIONS

1. You are entitled, within the period of 28 days beginning with the day on which this notice is given (the “**compensation notice period**”), to give us notice under paragraph 51(4) of the Code which requires us to pay compensation for loss or damage sustained in consequence of the carrying out of the emergency works referred to at paragraph 7 above (a “**compensation notice**”).
2. Following receipt of a compensation notice, we will seek to agree with you the amount of compensation payable by us to you.
3. However, if we are unable to reach agreement on the amount of compensation payable within the period of 28 days beginning with the day on which you give a compensation notice to us, either of us may give the other notice that the disagreement is to be referred to arbitration under paragraph 52 of the Code.

[*Insert date of Notice*]

*NOTES FOR COMPLETING THIS NOTICE*

1. If the transport undertaker agrees, this notice may instead contain a description of the proposed works (whether or not in the form of a diagram) rather than a plan and section of the works.
2. Emergency works are defined in paragraph 51(9) of the Code as works carried out in order to stop anything already occurring, or to prevent anything imminent from occurring, which is likely to cause:
* danger to persons or property;
* the interruption of any service provided by the operator’s network; or
* substantial loss to the operator,

and any other works which it is reasonable (in all the circumstances) to carry out with those works.

Emergency works may include works which have been included in a notice of proposed works (under paragraph 49(1) of the Code) but become emergency works before you are authorised by paragraph 50 or 51 of the Code to carry them out.

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