**STATUTORY NOTICE**

**REQUIRING THE PAYMENT OF COMPENSATION FOR LOSS OR DAMAGE SUSTAINED IN CONSEQUENCE OF THE CARRYING OUT OF EMERGENCY WORKS UNDER THE ELECTRONIC COMMUNICATIONS CODE**

**Paragraph 51(4) of Part 7 of Schedule 3A of the Communications Act 2003**

1. This is a statutory notice pursuant to paragraph 51(4) of the electronic communications code, set out in Schedule 3A to the Communications Act 2003 (the “**Code**”).[[1]](#footnote-1) **[see note (a)]**
2. On [*Insert Date*], you [*Insert Name of Code operator*], gave us [*Insert name of Transport Undertaker*], notice that you had started exercising a transport land right in order to carry out emergency works within the meaning set out in paragraph 51(9) of the Code relating to electronic communications apparatus at [*Insert address / description of land, etc.*] (the “**Emergency Works**”).
3. The purpose of this notice is to require you to pay compensation for loss or damage sustained by us in consequence of the carrying out of the Emergency Works.

DETAILS OF OUR LOSS OR DAMAGE

1. As a consequence of the Emergency Works, [*Please provide a brief summary of the loss or damage sustained by you as a result of those works*].
2. To compensate us for this loss or damage, we request a compensation payment of £[*Insert amount*]. Further details on how we have calculated the amount of this compensation are set out at Annex 1.

CONSEQUENCE OF THIS NOTICE

1. You are required, by paragraph 51(5) of the Code, to pay us any compensation which is required by this notice.
2. The amount of compensation payable under paragraph 51(5) of the Code is to be agreed between us. However, if (within the period of 28 days beginning with the day on which this notice was given) we have not agreed the amount of compensation payable, either of us may give the other notice that the disagreement is to be referred to arbitration under paragraph 52 of the Code.

YOUR OPTIONS

1. We would like to agree the amount of compensation payable by you, without recourse to arbitration. Accordingly, please respond to this notice (within 28 days from the day on which it was given to you) to confirm whether you agree to pay us the compensation referred to at paragraph 5 above. If you do not agree, please explain why and explain what compensation (if any) you think should be payable.
2. Please note that, whilst you are not required to respond to this notice, we will be entitled to refer this matter to arbitration under paragraph 52 of the Code if you fail to do so within the period specified at paragraph 7 above.

[*Insert date of Notice*]

ANNEX 1

AMOUNT OF COMPENSATION SOUGHT

[Please insert details and where relevant, any supporting materials (such as invoices)]

*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)*).*

*Also, this notice should be given within the period of 28 days beginning with the day on which the emergency works notice was given to you by the Code operator. If you give this notice to the operator after this date, it will not be required to pay you any compensation under paragraph 51(5) of the Code.*

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