**STATUTORY NOTICE**

**REGARDING THE CARRYING OUT OF EMERGENCY UNDERTAKER’S WORKS UNDER THE ELECTRONIC COMMUNICATIONS CODE**

**Paragraph 71(2) of Part 10 of Schedule 3A of the Communications Act 2003**

1. This is a statutory notice pursuant to paragraph 71(2) of the electronic communications code, set out in Schedule 3A to the Communications Act 2003 (the “**Code**”). **[see note (a)]**
2. We, [*Insert name of undertaker*], are writing to you in your capacity as a Code operator and, in particular, in respect of electronic communications apparatus kept by you [*on / under / over*] land at [*Insert address / description of land, etc.*] (the “**Apparatus**”).
3. The purpose of this notice is to inform you that we have begun carrying out emergency undertaker’s works (as defined in paragraph 71 of the Code) and, in carrying out those works, [*have made / have commenced making / will make*] an alteration to the Apparatus in accordance with paragraph 71(1) of the Code.
4. Further details on the alteration that we [*have made / have commenced making / will make*] are set out in the Annex to this notice.

YOUR RIGHTS

1. We are required by paragraph 71(4) of the Code to make the alteration to your satisfaction. [*If you are not satisfied with the alterations made to the Apparatus / If you would like to supervise us in making these Alterations[[1]](#footnote-1)*] **[see note (b)]**, please let us know by contacting:

[*Insert contact details*].

1. We are also required by paragraph 71(5)(b) to pay you the amount of any loss or damage sustained by you in consequence of the alteration being made. If you sustain any loss or damage in consequence of the alteration being made, please provide details to the contact referred to in the paragraph above.

[*Insert date of Notice*]

ANNEX

THE ALTERATIONS

[*Insert details of the relevant alterations. These can be provided by descriptive text and/or diagrams*].

*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)*).*

*This notice is only suitable for emergency undertaker’s works and must be given to the relevant Code operator* ***as soon as practicable*** *after those works are started. Emergency undertaker’s works are defined in paragraph 71 of the Code as follows:*

“*undertaker’s works carried out in order to stop anything already occurring, or to prevent anything imminent from occurring, which is likely to cause:*

*(a) danger to persons or property;*

*(b) interference with the exercise of any functions conferred or imposed on the undertaker by or under any enactment; or*

*(c) substantial loss to the undertaker,*

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

*Please note that an undertaker, or an agent of an undertaker, is guilty of an offence if that person makes an alteration of electronic communications apparatus in carrying out emergency undertaker’s works and does so without notice of those works having been given in accordance with paragraph 71 of the Code.*

1. *Please choose appropriate text depending on whether or not the alterations have already been completed. If they have not been completed, you should provide the operator with the opportunity to supervise them being made.*
2. *Paragraph 108(2) of the Code defines “alteration” to include the moving, removal or replacement of apparatus.*

1. If you would like to supervise us in making these alterations, we are required by paragraph 71(5)(a) of the Code to pay you any expenses incurred in, or in connection with, that supervision. [↑](#footnote-ref-1)