**STATUTORY NOTICE**

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

**Paragraph 49(1) of Part 7 of Schedule 3A of the Communications Act 2003**

**IMPORTANT NOTICE**

**If you object to the works proposed in this notice, you should give a notice of objection within 28 days uested in this notice, you should respond within six months**

1. This is a statutory notice pursuant to paragraph 49(1) 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 intend to exercise a transport land right (as defined at paragraph 48(1) of the Code) in order to carry out non-emergency works (as defined in paragraph 49(5) of the Code) relating to a line crossing the Transport Land or any other 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 48(1) of the Code requires us to provide transport undertakers with a notice of proposed works before exercising a transport land right in order to carry out non-emergency works. This is a notice under paragraph 49(1) of the Code.

THE PROPOSED WORKS

1. We intend to carry out non-emergency works on the Transport Land for or in connection with the exercise of a transport land right.
2. A detailed plan and section of the works is set out in the Annex to this notice*.* **[see note (a)]**
3. We intend to commence the proposed works on [*Insert date*] [*and expect that they will be completed by [Insert date]*]. **[see note (b)]**

YOUR OPTIONS

1. If you do not object to the proposed works set out at paragraphs 7 and 8 above, you do not have to do anything in response to this notice. We will then proceed to carry out the proposed works on the date(s) specified above.
2. However, if you object to the proposed works, you are entitled to give us a notice informing us of your objection (a “**notice of objection**”) within 28 days of the day on which this notice was given to you.[[2]](#footnote-2) Please give any notice of objection to us at the following address:

[*insert address*]

1. Where a notice of objection is given, either of us may, within the period of 28 days beginning with the day on which the notice of objection is given (the “**arbitration notice period**”), give the other notice that the objection is to be referred to arbitration under paragraph 52 of the Code (an “**arbitration notice**”).
2. Where an arbitration notice has been given, works will only be permitted in accordance with an award made in the arbitration. However, if the arbitration notice period has ended and no arbitration notice has been given, we will be permitted to carry out the proposed works. This is the case notwithstanding your notice of objection.

[*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. Under paragraphs 49(3) and (5) of the Code, Code operators are not entitled to begin their proposed works until after the period of 28 days beginning with the day on which notice of proposed works is given.
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. See, in particular, paragraph 50(2) of the Code. [↑](#footnote-ref-2)