**STATUTORY NOTICE**

**REQUESTING DISCLOSURE OF WHETHER APPARATUS IS ON LAND PURSUANT TO THE ELECTRONIC COMMUNICATIONS CODE**

**Paragraph 39(2) of Part 6 of Schedule 3A of the Communications Act 2003**

1. This is a statutory notice pursuant to paragraph 39(2) of the electronic communications code, set out in Schedule 3A to the Communications Act 2003 (the “**Code**”).[[1]](#footnote-1) **[see note (a)]**
2. [*I/We*], [*Insert name of landowner or occupier*], have issued this notice to you, [*Name of Code operator*], in order to find out if you: **[see note (b)]**
	1. [own electronic communications apparatus on, under or over land that forms (or, but for the apparatus, would form) a means of access to neighbouring land in which [I/we] have an interest or use such apparatus for the purpose of your network; and/or]
	2. [have the benefit of a Code right (as defined in paragraph 3 of the Code) entitling you to keep electronic communications apparatus on, under or over land that forms (or, but for the apparatus, would form) a means of access to neighbouring land in which [I/we] have an interest].
3. The land to which this notice relates is [*Insert address / description of land, etc*] (the “**Land**”). [*I am / We are*] the [*landowner / occupier*] of neighbouring land at [*insert address / description of land, etc.*].
4. Please provide the information requested above as soon as possible and, in any event, before the end of **three months** beginning with the date on which this notice is given.
5. If you do not provide the information requested by this date[[2]](#footnote-2) and BOTH:
	1. [*I/We*] take action under paragraph 40 of the Code to enforce the removal of the apparatus at the Land; and
	2. it is subsequently established that:
		1. you own the apparatus or use it for the purposes of your network; and
		2. you have the benefit of a Code right entitling you to keep the apparatus on, under or over the Land,

you must bear the costs of any such action taken by [*me/us*] under paragraph 40 of the Code.

[*INSERT DATE OF NOTICE*]

*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)*).*
1. *In a notice under paragraph 39(2) of the Code, you can only require disclosure of the information set out at paragraphs a. and b., and you must have an interest in neighbouring land. In particular, you must be the landowner or occupier of land which is neighbouring the land to which the notice relates. Please delete a. or b. as appropriate, based on the information that you are seeking.*
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. This includes if you do not provide the information requested in a manner which complies with paragraph 88 of the Code. [↑](#footnote-ref-2)