**STATUTORY NOTICE**

**NOTICE OF OBJECTION TO ELECTRONIC COMMUNICATIONS APPARATUS KEPT ON, UNDER OR OVER TIDAL WATER OR LAND UNDER THE ELECTRONIC COMMUNICATIONS CODE**

**Paragraph 78(1) of Part 12 of Schedule 3A of the Communications Act 2003**

1. This is a statutory notice pursuant to paragraph 78(1) of the electronic communications code, set out in Schedule 3A to the Communications Act 2003 (the “**Code**”).[[1]](#footnote-1) **[see note (a)]**
2. The purpose of this notice is to inform you, [*Insert name of Code operator*], that [*I/we*], [*Insert name of objector(s)*], object to electronic communications apparatus installed by you on, under or over [*tidal water / tidal lands*]. **[see note (b)]**

THE APPARATUS

1. The apparatus to which this notice relates is kept [*on / under / over*] [*tidal water / tidal lands*] at [*Insert address / description of location of tidal water or lands*] (the “**Apparatus**”).

1. [A map which identifies the approximate location of the Apparatus and the [*tidal water / tidal lands*] [*on / under / over*] which the Apparatus is kept is provided in the Annex to this notice.] **[see note (c)]**
2. [*I/We*] *[[am/are] an occupier of / have an interest in]* that tidal water or lands.

MY OBJECTION

1. [I/We] object to the Apparatus on the ground that it materially prejudices [*my/our*] enjoyment of, or interest in, the tidal water or lands. In particular, [*explain why the Apparatus materially prejudices your enjoyment of, or interest in, the tidal water or* *lands and in what way the Apparatus should be altered*].

*[OR - delete appropriate version of paragraph 6]* **[see note (d)]**

6. [*I/We*] object to the Apparatus on the ground that it is necessary to alter the Apparatus to enable [*me/us*] to carry out a proposed improvement of the tidal water or lands. In particular, [*explain what proposed improvements you would like to make, why these are necessary and in what way the Apparatus should be altered*].

1. For all future correspondence on this matter, please contact me:

[*Insert relevant contact details (post, phone, email)*].

[*Insert date of Notice*]

[ANNEX

APPROXIMATE LOCATION OF THE APPARATUS

[*Insert map and mark, as closely as possible, where the Apparatus is located*].]

*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 (if any) 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)*).*

*Please note that you will also need to make a separate application to the court (in addition to giving this notice) if you want to have your objection upheld. You can apply to the court to have your objection upheld after the end of the period of two months beginning with the date on which this notice is given, but before the end of the period of four months beginning with that date.*

*For example, if you give your notice of objection to the Code operator on 1 November 2017, you will only be entitled to apply to the court to have your objection upheld between 2 January 2017 and 1 March 2018.*

1. *You will only have a right to object to the Apparatus, under paragraph 77(1) of the Code, if:* 
   1. *you are an occupier, or have an interest in, the tidal water or lands;*
   2. *you are not bound by a Code right enabling the Code operator to keep the Apparatus installed on, under or over the tidal water or lands; and*
   3. *you are not a person with the benefit of a Crown interest in the tidal water or lands.*

You **will not** however have a right to object, even if the above criteria are satisfied, if the Apparatus:

1. replaces any electronic communications apparatus which is not substantially different from the Apparatus; and
2. is not in a significantly different position.
3. *You are not required to provide a map showing the approximate location. However, you may find this helpful, particularly if you think that the Code operator may find it difficult to identify the relevant apparatus from the address / description given in paragraph 3 above.*
4. *If your objection is made* ***within 12 months*** *of the Apparatus being installed, you should choose the first version of paragraph 6. This is because the court must be satisfied, amongst other things, that the Apparatus appears materially to prejudice your enjoyment of, or interest in, the tidal water or lands before it can uphold your objection. See paragraphs 79(4) and (5) for the conditions which must be met before the court will uphold your objection.*

*However, if your objection is made* ***later than 12 months*** *after the Apparatus was installed, you should choose the second version of paragraph 6. This is because the court must be satisfied, amongst other things, that the Apparatus needs to be altered to enable you to carry out a proposed improvement of the tidal water or lands before it can uphold your objection. See paragraph 80(3) for the conditions which must be met before the court may uphold your objection.*

1. *Paragraph 108(2) of the Code defines “alteration” to include the moving, removal or replacement of apparatus.*

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