**STATUTORY NOTICE**

**REFERRAL TO ARBITRATION OF A DISAGREEMENT ABOUT THE AMOUNT OF COMPENSATION PAYABLE UNDER THE ELECTRONIC COMMUNICATIONS CODE**

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

1. This is a statutory notice pursuant to paragraph 51(7) of the electronic communications code, set out in Schedule 3A to the Communications Act 2003 (the “**Code**”).[[1]](#footnote-1) **[see note (a)]**
2. We, [*Insert name of Code operator*], recently gave you, [*Insert name of Transport Undertaker*] notice that we had started exercising a transport land right under the Code in order to carry out emergency works within the meaning set out in paragraph 51(9) of the Code at [*Insert address / description of land, etc.*] (the “**Emergency Works**”). You subsequently gave us a notice requiring the payment of compensation for loss or damage sustained by you in consequence of the carrying out of the Emergency Works, under paragraph 51(4) of the Code.

*[OR - delete appropriate version of paragraph 2]*

2. You, [*Insert name of Code operator*], recently gave us, [*Insert name of Transport Undertaker*] notice that you had started exercising a transport land right under the Code in order to carry out emergency works at [*Insert address / description of land, etc.*] (the “**Emergency Works**”). We subsequently gave you a notice requiring the payment of compensation for loss or damage sustained by us in consequence of the carrying out of the Emergency Works, under paragraph 51(4) of the Code.

1. We have not agreed, within the period of 28 days beginning with the day on which that compensation notice was given, the amount of compensation payable.
2. The purpose of this notice is to inform you that our disagreement about the amount of compensation payable is to be referred to arbitration under paragraph 52 of the Code.
3. This means that it will be referred to the arbitration of a single arbitrator[[2]](#footnote-2) appointed **either**:
   1. by agreement between both of us; **or**
   2. in the absence of such agreement, by the President of the Institution of Civil Engineers.
4. [We propose that [*Insert name*] be appointed as arbitrator in respect of this matter. A copy of this individual’s relevant qualifications is provided at Annex 1 of this notice. If you do not agree with this individual’s appointment as arbitrator, please provide the name of one or more individuals that you consider would be suitable for this role and provide details of their relevant qualifications]. **[see note (b)]**

[*Insert date of Notice*]

[ANNEX 1

QUALIFICATIONS OF PROPOSED ARBITRATOR]

*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 Code operator/transport undertaker (as applicable) at:*

* *the address for service that the operator/undertaker 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. *You are not required to put forward the name of an individual that you think would be suitable to act as the arbitrator. However, the parties should seek to reach agreement on this, where possible.*

*To facilitate this, it may be advisable for more than one individual’s name to be put forward as the potential arbitrator.*

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. Paragraph 52(4) of the Code sets out in detail the powers of the arbitrator in relation to this dispute. Paragraph 52(6) of the Code also explains that, in determining what award to make, the matters to which the arbitrator must have regard include the public interest in there being access to a choice of high quality electronic communications services. [↑](#footnote-ref-2)