**STATUTORY NOTICE**

**REQUIRING THE ALTERATION OF ELECTRONIC COMMUNICATIONS APPARATUS UNDER THE ELECTRONIC COMMUNICATIONS CODE**

**Paragraph 53(1) of Part 7 of Schedule 3A of the Communications Act 2003**

1. This is a statutory notice pursuant to paragraph 53(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 require you, [*Insert name of Code operator*], to alter the electronic communications apparatus described in Annex 1 of this Notice in the manner specified in that Annex. That apparatus is installed at [*Insert address*] (the “**Transport Land**”).
3. We, [*Insert name of transport undertaker*], require this alteration on the ground that keeping the apparatus [*on / under / over*] the Transport Land [*interferes with / is likely to interfere with*]: **[see note (b)]**
   1. [*the carrying on of our [railway / canal / tramway] undertaking*]; or
   2. [*anything [done / to be done] for the purposes of our [railway / canal / tramway] undertaking*]

CONSEQUENCES OF THIS NOTICE

1. You may, within the period of 28 days beginning with the day on which this notice is given to you (the “**notice period**”), give us a notice specifying the respects in which you are not prepared to comply with this notice (a “**counter-notice**”).

1. If the notice period has ended and you have not given any counter-notice, you must comply with this notice within a reasonable time and to our reasonable satisfaction.
2. If you decide to give a counter-notice (within the notice period), we may apply to the court for an order requiring you to alter any of the apparatus specified in Annex 1. The court must not make an order unless it is satisfied that it is necessary on one of the grounds mentioned in paragraph 53(1) of the Code.[[2]](#footnote-2)

[*Insert date of Notice*]

ANNEX 1

DETAILS OF ELECTRONIC COMMUNICATIONS APPARATUS AND ALTERATION REQUIRED

The electronic communications apparatus to which this notice relates

[*Insert details of the line or other electronic communications apparatus to which this notice relates*]

The alterations required to that apparatus

[*Insert details of the alterations that you require*]

*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. *You are only entitled to require the alteration of electronic communications apparatus under paragraph 53(1) of the Code on one or both of the grounds set out above. Please delete as appropriate.*
2. *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)
2. See paragraphs 53(6) to 53(8) for further details on the matters to which the court must have regard when deciding whether or not to make such an order, as well as the court’s powers in making an order. [↑](#footnote-ref-2)