**STATUTORY NOTICE**

**NOTICE OF OBJECTION TO THE ALTERATION OF ELECTRONIC COMMUNICATIONS APPARATUS UNDER THE ELECTRONIC COMMUNICATIONS CODE**

**Paragraph 53(2) of Part 7 of Schedule 3A of the Communications Act 2003**

1. This is a statutory notice pursuant to paragraph 53(2) of the electronic communications code, set out in Schedule 3A to the Communications Act 2003 (the “**Code**”).[[1]](#footnote-1) [[2]](#footnote-2)
2. We, [*Insert name of Code operator*], have received a notice from you, [*Insert name of Transport Undertaker*], pursuant to paragraph 53(1) of the Code (the “**Notice requiring Alterations**”). In that notice, dated [*Insert date*], you required us to alter the electronic communications apparatus described in Annex 1 of that Notice in the manner specified in that Annex. That apparatus is installed at [*Insert address*].
3. The purpose of this notice is to inform you that we are not prepared to comply with the Notice requiring Alterations in the following respects:

[*Insert details of the respects in which you are not prepared to comply with the Notice requiring Alterations*].

CONSEQUENCES OF THIS NOTICE

1. As a result of this notice, you may apply to the court for an order requiring us to alter any of the specified apparatus under paragraph 53(4) of the Code.
2. The court must not make such an order unless it is satisfied that the order is necessary on the ground that keeping the apparatus on, under or over transport land interferes with, or is likely to interfere with, EITHER:
   1. the carrying on of your railway, canal or tramway undertaking; OR
   2. anything done or to be done for the purposes of your railway, canal or tramway undertaking.[[3]](#footnote-3)

[*Insert date of Notice*]

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 notice must be given to the relevant Transport Undertaker within the period of 28 days beginning with the day on which the Notice requiring Alterations was given. If you do not give this notice before the expiry of that time period, then you are required by paragraph 53(3) of the Code to comply with the Notice requiring Alterations within a reasonable time and to the reasonable satisfaction of the Transport Undertaker. [↑](#footnote-ref-2)
3. Paragraphs 53(6) to 53(8) of the Code provide further details on the court’s powers to impose such an order, and on the matters to which it must have regard. [↑](#footnote-ref-3)