**STATUTORY NOTICE**

**REQUIRING [*A TREE TO BE LOPPED / VEGETATION TO BE CUT BACK*] PURSUANT TO THE ELECTRONIC COMMUNICATIONS CODE**

**Paragraph 82(3) of Part 13 of Schedule 3A of the Communications Act 2003**

**IMPORTANT NOTICE**

**If you object to the works proposed in this notice, you should send a counter notice within 28 days**

1. This is a statutory notice pursuant to paragraph 82(3) of the electronic communications code, set out in Schedule 3A to the Communications Act 2003 (the “**Code**”).[[1]](#footnote-1)
2. We [*Insert name of Code operator*]are giving you, [*Insert name*], this notice because we understand that you are the occupier of land at [*Insert address and any other relevant details*] (the “**Land**”).
3. We are concerned that [*a tree / vegetation*] growing on the Land is overhanging a [*street / road*] and [*obstructing / will or may obstruct / interferes with / will or may interfere with*] electronic communications apparatus [*installed / about to be installed*] by us and which is [*used / to be used*] for the purposes of our network. Further details on the [*tree / vegetation*] to which this notice relates are set out in the Annex to this notice.
4. The purpose of this notice is to require you to [*lop the tree / cut back the vegetation*] to prevent the [*obstruction / interference*] referred to above. We ask that you do this on or before [*Insert date*].

YOUR OPTIONS

1. In response to this notice, you may:
   1. comply with this notice and therefore [*lop the tree / cut back the vegetation*] by the deadline specified above;[[2]](#footnote-2)
   2. within the period of 28 days beginning with the day on which this notice is given, give us a counter-notice under paragraph 82(4) of the Code objecting to the [*lopping of the tree / cutting back of the vegetation*]. If you do submit such a notice, we will only be entitled to [*lop the tree / cut back the vegetation*] in pursuance of an order of the court; or **[see note (a)]**
   3. do nothing. If you do nothing, we will be entitled to cause the [*tree to be lopped / vegetation to be cut back*] after the expiry of the 28-day period referred to above (i.e. without an order of the court).[[3]](#footnote-3)
2. Please submit any counter-notice pursuant to paragraph 5b. above to us in writing as soon as possible and, in any event, before the end of 28 days beginning with the day on which this notice is given.
3. To be effective, such notification must be **delivered by hand** or sent by **registered post** or **recorded delivery** to the following address:

[*Insert address details*]

1. If you have any questions about this notice, please do not hesitate to contact us via telephone (*Insert number*) or e-mail (*insert email address*).

[*INSERT DATE OF NOTICE*]

ANNEX

THE [*TREE / VEGETATION*] TO WHICH THIS NOTICE RELATES

[*Insert further details, such as a map showing the precise location of the tree/vegetation and the precise works which you consider need to be carried out in order to prevent the obstruction or interference with your 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. If you do so and sustain any loss or damage or incur any expenses as a result, you will be entitled under paragraph 82(9) of the Code to apply to the court for an order requiring us to pay such compensation as the court thinks fit. [↑](#footnote-ref-2)
3. Paragraph 82(7) of the Code requires us to carry out any such works in a husband-like manner and in such a way as to cause the minimum damage to the tree or vegetation. This is also the case if we obtain an order of the court entitling us to carry out the works ourselves. Where we cause the tree to be lopped or vegetation to be cut back and you sustain any loss or damage as a result, you will be entitled under paragraph 82(9) of the Code to apply to the court for an order requiring us to pay such compensation as the court thinks fit. [↑](#footnote-ref-3)