**STATUTORY NOTICE**

**REQUIRING THE RESTORATION OF LAND TO ITS CONDITION BEFORE THE EXERCISE OF RIGHTS UNDER THE ELECTRONIC COMMUNICATIONS CODE**

**Paragraph 43(5) of Part 6 of Schedule 3A of the Communications Act 2003**

1. This is a statutory notice pursuant to paragraph 43(5) 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 restore land in which [*I / we*], [*Insert name of relevant person*], have an interest, to its condition before the exercise of a Code right by you.
3. The land to which this notice relates is at [*Insert address and any other relevant details*] (the “**Land**”). [*I am / We are*] the [*occupier of / owner of the freehold estate in[[2]](#footnote-2) / lessee of*] the Land and have a right, under paragraph 43(2) of the Code to require you to restore the Land to its condition before the exercise of a Code right by you. **[see note (b)]**
4. In order to restore the Land to its previous condition, [*I / we*] ask that you complete the works on or before [*Insert date*].**see note (c)]**
5. Please confirm, within the period of 28 days beginning with the day on which this notice is given, if you agree to complete these works by the date specified in paragraph 4 above.
6. Alternatively, if you consider that the date specified by [*me/us*] at paragraph 4 above is not reasonable, please indicate as soon as possible (and at least within the period of 28 days beginning with the day on which this notice is given) what date you consider to be reasonable for completion of the works.
7. If we do not reach agreement on any of the above matters within 28 days beginning with the day on which this notice is given, [*I/we*] will be entitled to make an application to the court for:
	1. an order under paragraph 44(2) of the Code requiring you to restore the Land; or
	2. an order under paragraph 44(4) of the Code enabling [*me/us*] to recover the cost of restoring the Land.

[*Insert date of Notice*]

*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 only have a right to require the restoration of the Land if a number of conditions are satisfied. These are as follows:*
	1. *The condition of the Land has been affected by the exercise of a Code right and restoration of the Land to its condition before the Code right was exercised does not involve the removal of electronic communications apparatus from any land;*
	2. *You are the occupier of the Land, the owner of the freehold estate in the Land (or, in Scotland, the owner of the Land) or the lessee of the Land;*
	3. *You are not for the time being bound by the Code right (i.e. you have not entered into an agreement with the Code operator regarding the conferral of the Code right, or had such an agreement imposed on you by the courts).*

*Further, even if you satisfy the conditions set out above, you will not have a right to require the restoration of the Land if:*

1. *it is occupied by a person who either:*
	1. *conferred a Code right (which is in force) entitling the Code operator to affect the condition of the Land in the same way as the Code right mentioned at paragraph (b) i. above; or*
	2. *is otherwise bound by such a right; and*
2. *that Code right was not conferred in breach of a covenant enforceable by you (or, in Scotland, in breach of a contractual term enforceable by you).*
3. *The date specified by you as the deadline for completion of the works must be a reasonable one. What is reasonable will depend on the individual circumstances of your case, including the complexity of the works to be undertaken.*
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. When applied in Scotland, this should be read as a reference to the owner of the Land. [↑](#footnote-ref-2)