

Your response

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Question 1: Do you have any comments on the drafting of the two new template notices as set out in Annex 1?	Confidential? – N The new template notices make no provision for the name or address of the recipient to be included. This means that they will require a covering letter which is unhelpful as one may become detached from the other or the notice

	<p>may be omitted but the letter sent or vice versa. If the notice is sent to an address which is the registered office of a number of companies (which is not unusual) the recipient may not receive it.</p> <p>The absence of any provision for how the notices must be served on the landowner (despite the fact that this is of paramount importance given the rights of the operator if no response to the notice is received) is unsatisfactory.</p> <p>If a tenant in a MDU has requested an electronic communication service and the landlord has failed to respond, this could be because the operator has failed to ensure that the landowner has received its communications. It is common for MDUs to have an intermediate lease granted by the freeholder to a management company to run the MDU. The tenant is unlikely to have much contact with the landowner, if any.</p> <p>If, for example, the operator has sought to communicate by leaving a letter at the building it is unlikely to reach the landowner. The operator must be required to ensure that steps are taken to send the notice to the correct address for the landowner. In view of the outcome of the failure to reply, the operator should be required to follow the same rules for service of the notice as if it were serving proceedings. It is the case that the operator can apply to court if a response is not received to the notice so it is not onerous to expect the operator to have secured proper delivery of the notice as it would when making application to the court.</p>
<p>Question 2: Do you have any comments on the proposed changes to the request notice as set out in Annex 2?</p>	<p>The definition of 'Land' should require more precision as to the placing of the apparatus rather than simply an address. It should identify what part of the land is required by the operator when there is no existing apparatus. A landowner might say 'no' as a result of this lack of precision. Whilst rights may be required over the land more generally for access, for example, a notice which fails to identify where it is intended to place the apparatus is not</p>

helpful to the landowner to determine whether or not to agree.