

STATUTORY NOTICE

REGARDING THE UPGRADING OR SHARING OF ELECTRONIC COMMUNICATIONS APPARATUS INSTALLED BEFORE 29 DECEMBER 2003 UNDER THE ELECTRONIC COMMUNICATIONS CODE

Paragraph 17A of Part 3 of Schedule 3A of the Communications Act 2003

1. This is a statutory notice pursuant to paragraph 17A(6) of the electronic communications code, set out in Schedule 3A to the Communications Act 2003 (the “**Code**”) in relation to apparatus installed before 29 December 2003.¹
2. We, KCOM Group Limited (“**KCOM**”), keep [*insert brief description of the electronic communications apparatus*] (the “**Apparatus**”) installed under the land at [*insert address of the land where the Apparatus is installed*] (the “**Land**”), which Apparatus was installed before 29 December 2003.
3. We are required to provide this notice because we intend to share the use of the Apparatus that is installed under the Land with [*insert name of relevant operator*] (“**the Sharing Operator**”).
3. We intend to begin sharing the Apparatus on [*insert date*].

ADDRESS FOR CORRESPONDENCE ABOUT THIS NOTICE

4. We can be contacted about the sharing of the Apparatus in writing to:

KCOM Group Limited
Wayleaves Team (Legal)
37 Carr Lane
Hull
HU1 3RE

wayleaves@kcom.com

Whilst this notice is served by KCOM Group Limited it relates to the sharing of KCOM’s infrastructure by the Sharing Operator. The Sharing Operator is not working or acting on behalf of KCOM or acting as KCOM’s agent or partner. The Sharing Operator is building their own network, using KCOM’s physical infrastructure, e.g. ducts, to offer their own services. KCOM is not responsible for any acts or omissions of the Sharing Operator nor for any services the Sharing Operator may offer to their customers.

If you have any queries about the sharing of the infrastructure by the Sharing Operator please contact [*CP to insert contact details*].

¹ Paragraph 17A of the Code allows operators who have apparatus installed before 29 December 2003 and who are not party to any Code agreement to have a right to upgrade and share that apparatus under limited circumstances. A copy of the Communications Act 2003 is available online at www.legislation.gov.uk.

This notice does not entitle the Sharing Operator to enter the land to survey, install and/or maintain their apparatus without the prior consent of the occupier.

[*Insert date of Notice*]

NOTES FOR COMPLETING THIS NOTICE

Paragraph 17A of the Code allows operators who have apparatus installed under land before 29 December 2003 and are not party to any Code agreement to upgrade and share apparatus under limited circumstances.

In order to have the power to upgrade or share apparatus, paragraph 17A of the Code requires you to give notice before you begin to upgrade the electronic communications apparatus or (as the case may be) share its use. This notice must be given before the beginning of the period of 21 days ending with the day on which you begin to upgrade the apparatus or to share its use.

The notice must be attached, in a secure and durable manner, to a conspicuous object on the relevant land, ensuring it is in a position where it is reasonably legible. For these purposes, 'relevant land' means:

- (a) in a case where you have a right to enter the land under which the electronic communications apparatus is installed, that land;*
- (b) in any other case, the land on which works will be carried out to enable the upgrading or sharing to take place or, where there is more than one set of works, the land on which each set of works will be carried out.*

Paragraph 17A of the Code requires that the following conditions are also met:

- the upgrading and sharing of the apparatus must have no adverse impact on the land; and*
- it must not impose any burden on any person with an interest in the land (which includes anything that has an adverse effect on the enjoyment of the land or causes loss, damage or expense to the person).*

ADDITIONAL NOTES

Paragraph 17A of the Code does not confer any right to enter land for the purpose of upgrading or sharing the use of electronic communications apparatus.