



RPEC3

Electronic Communications Code: Notice of reference

This application form is for use by electronic communications network providers and providers of systems of infrastructure seeking rights to install and maintain apparatus on land in England and Wales.

This form can also be used by a site owner seeking to make an application under the Electronic Communications Code.

Our case officers are available to discuss your case with you and will be able to help you with the tribunal process. However, we cannot give you legal advice.

Phone: **0121 600 7888**

Proceedings under the Electronic Communications Code are complex. If you have not already done so you are advised to take specialist independent advice.

Before you apply

You will need the following documents:

- Statement of case by claimant
- Copies of all notices and counter notices

No fee is payable for this application.

Section 1 – Type of application

1.1

Paragraph 20 (operator on site)

Paragraph 20 (new site)

Paragraph 26 (MSV)

Paragraph 26 (interim rights – other)

Paragraph 27 (temporary rights)

Paragraph 34 (renewal)

Paragraph 34 (redevelopment – counter notice)

Reference where the First-tier Tribunal has jurisdiction under Part 2 of Landlord and Tenant Act 1954

Joint application for Consent Order disposing of proceedings (please attach draft Order signed by or on behalf of all parties)

Other – (please specify)

Section 2 – Person making the reference

2.1 Details of claimant

First name

Last name

Company name

2.2 Capacity of person making reference

Land owner or occupier

Electronic Communications Code Operator

Other (please specify)

2.3 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

| | | | | |

2.4 Reference number for correspondence

2.5 Contact details

Phone number

Mobile number

Email address

2.6 Details of claimant's representative

First name

Last name

Company name

2.7 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

| | | | | |

2.8 DX number for correspondence

2.9 Reference number for correspondence

2.10 Contact Details

Phone number

Mobile number

Email address

Section 3 – Details of respondent

3.1 Details of respondent

First name

Last name

Company name

3.2 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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3.3 DX number for correspondence

3.4 Reference number for correspondence

3.5 Contact Details

Phone number

Mobile number

Email address

3.6 Details of respondent's representative

First name

Last name

Company name

3.7 Address

First line of address

Second line of address

Town or city

County (optional)

Postcode

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3.8 DX number for correspondence

3.9 Reference number for correspondence

3.10 Contact details

Phone number

Mobile number

Email address

Section 4 – Property to which the reference relates

4.1 Site description

4.2 Postal address or location

Section 5 – Details of your application

5.1 Statutory provision or agreement.

The section and statute giving right to refer the matter to the tribunal or, for references by consent, the agreement under which the reference is made:

5.2 Nature of land owner or occupier's interest in the land, such as freehold, leasehold, business tenancy.

5.3 Details of every other person with an interest in the land, if known
(attach list if necessary)

First line of address

Second line of address

Town or city

County (optional)

Postcode

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5.4 Nature of the other persons interest in the land.

5.5 Does the reference include an application for interim arrangements?

Yes. **Please give details in the box below.**

No

5.6 Does the use of alternative dispute resolution apply?
(Paragraphs 20(5), 32(6) and 33(6))

Yes. **Please give details below.**

No

Not applicable

Brief details of compliance

5.7 Do time limits on the determination of code proceedings apply to this reference?

Yes

No

5.8 Does the reference include more than one site?

Yes. **Give reasons why below.**

No

I have not issued a separate reference for each site because:

5.9 Do you intend to call an expert witness?

Yes

No

Unsure

5.10 Do you wish to call more than one expert?

Yes

No

Unsure

Section 6 – Other applications

6.1 Do you know of any other cases involving related or similar issues that can be consolidated or heard together with this application?

Yes. **Give details of these cases in the box below.**

No

Section 7 – Hearing

7.1 Does the claimant seek a stay to allow parties further time to negotiate?

Yes. **Give further details in the box below.**

No

7.2 Does the claimant seek transfer to the Upper Tribunal?

Yes. **Give further details in the box below.**

No

7.3 Should this reference be listed for determination of a Preliminary Issue?

Yes. **Give further details in the box below.**

No

7.4 Do you think a paper determination is right for your case?

Yes. **Give further details in the box below.**

No

Note 7.4: It is possible for your application to be dealt with only on written representations and documents without anyone needing to attend in person. This is called a 'paper determination'.

7.5 Is your case urgent?

Yes. My case is urgent because:

No

7.6 Do you, or anyone attending with you, need any adjustments during your hearing?

Statement of truth

I believe that the facts stated in this form and any continuation pages are true.

Signature

Date

Day

Month

Year

| | | | | | |

Full name

Name of firm or company

If signing on behalf of firm or company give position or office held

Checklist

Documents that need to be included with the application.

Attach each enclosure as a separate document when emailing the application;

Statement of case by claimant

Copies of all notices and counter notices

Please tick to confirm that you have;

served a copy of this notice of reference, statement of case and code notices upon the respondent(s).

Date service made

Day	Month	Year

Address where service made

No fee is payable for this application.

After you have completed this form

If the party has appointed a professional representative all forms and documents must be submitted by email to:

TelecommsFTT@justice.gov.uk

If you do not have a professional representative you can post your forms and documents to:

HM Courts and Tribunals Service
First-tier Tribunal (Property Chamber) Residential Property
Centre City Tower
5-7 Hill Street
Birmingham
B5 4UU

Phone: 0121 600 7888

Guidance on digital statements and bundles

The tribunal will only consider submissions and evidence served in accordance with directions. The tribunal will not accept multiple emails. You must comply with directions by sending a single email with submissions and evidence as a single attachment. Evidence and submissions sent piecemeal or in separate emails will not be considered by the tribunal.

All emails, applications and documents sent to the tribunal must also be sent at the same time to the other parties(s)

Order 1 – Application and request for case management or other interim order.

If you wish to make a case management application (e.g. extension of time, postponement of hearing, joining a party, strike out, barring or further directions) you must complete Order 1 – Application and Request for Case Management or Other Interim Order. Order 1 must be completed and signed. In addition, the party making the application must confirm that a copy has been sent to the opposing party. Email requests for case management orders will not be considered by the Tribunal unless accompanied by Order 1.

Failure to comply with directions.

If the claimant fails to comply with directions the tribunal may strike out all or part of their case pursuant to Rule 9 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

If the respondent fails to comply with directions the tribunal may bar the respondent from taking any further part in all or part of these proceedings and may determine all issues against the respondent pursuant to Rules 9(7) and (8).