

**Thursfields**  
Solicitors

---

---

---

---

---

---

---

---

**Thursfields**  
Solicitors

"The Electronic Communications Code – A New Era"

By

"John McLean"

---

---

---

---

---

---

---

---

**Thursfields**  
Solicitors

Introduction to Today's  
Session

---

---

---

---

---

---

---

---

About John McLean **Thursfields Solicitors**

John McLean  
Senior Associate Solicitor

Commercial Property

Tel Mobile: 07702 552 630 Birmingham: 0121 227 3360

Fax Birmingham: 0121 227 4998

Email: j.mclean@thursfields.co.uk



---

---

---

---

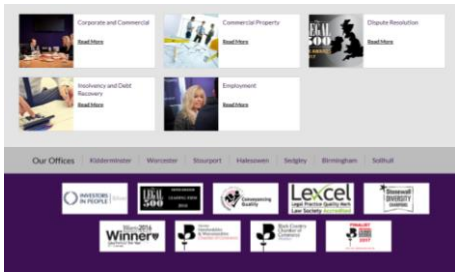
---

---

---

---

About Thursfields **Thursfields Solicitors**



---

---

---

---

---

---

---

---

About Today **Thursfields Solicitors**

- Introduction to the new Electronic Communications Code
- Key Issues
- Conclusion
- Questions

---

---

---

---

---

---

---

---

The Small Print!



- General introduction only
- Not an exhaustive guide to the topic
- Not a substitute for legal advice
- New Law!

---

---

---

---

---

---

---



# Introduction to the Electronic Communications Code

---

---

---

---

---

---

---

The Previous Code



- Telecommunications Act 1984
- Communications Act 2003
- Facilitated construction, operation and use of physical network
- Conferred security of tenure on networks and apparatus

---

---

---

---

---

---

---

Rationale for Change 

- Intention – to facilitate the roll out of electronic communications infrastructure
- Old Code impeded roll out?
- New Code easier for operators

---

---

---

---

---

---

---

---

The New Code 

- Key Concepts
- Agreements
- Rents
- Site Sharing and Transfers
- Equipment Upgrade
- Security of Tenure
- Removing apparatus
- Other provisions

---

---

---

---

---

---

---

---



Key Issues

---

---

---

---

---

---

---

---

## Concepts in the New Code

**Thursfields**  
Solicitors

- Operators
- Code Rights
- Electronic Communications Apparatus
- Land, landowner, occupier and site provider

---



---



---



---



---



---

## Code Rights by Agreement

**Thursfields**  
Solicitors

- Form of Agreement
- Standard Terms / Code of Practice
- Who can grant?
- Alternative to agreement – court imposition of terms

---



---



---



---



---



---

## Rents

**Thursfields**  
Solicitors

- Aims – utility companies
- Market valuation
- “No scheme” valuation
- Compensation for loss or damage

---



---



---



---



---



---

Assignment of Code Rights 

- Automatic free assignment
- No restrictions
- Guarantee agreement exception
- Other forms of alienation?

---

---

---

---

---

---

---

Upgrading Apparatus 

- Automatic right to upgrade
- Adverse impact?
- Additional burden?
- Definition of “upgrading”

---

---

---

---

---

---

---

Sharing Apparatus 

- Automatic right to share
- Adverse impact?
- Additional burden?
- Payaway / Site Share Fee?

---

---

---

---

---

---

---

## Security of Tenure

**Thursfields**  
Solicitors

- Interaction with LTA 1954
- Code agreements continued by statute
- Termination of Code agreements
- Consequences?

---



---



---



---



---



---



---

## Removal of Apparatus

**Thursfields**  
Solicitors

- Landowner not bound?
- Code right has come to an end?
- Business lease, not Code agreement?
- Apparatus no longer used?
- Code ceases to apply to operator?

---



---



---



---



---



---



---

## Other provisions

**Thursfields**  
Solicitors

- Lift and Shift?
- Contracting out?
- Restrictions on exercising Code Powers?
- Severability?

---



---



---



---



---



---



---

## Conclusion

---

---

---

---

---

---

---

---

### Conclusion

- All change!
- “No scheme” valuation
- Free assignment, sharing and upgrading
- Security of tenure clarified

---

---

---

---

---

---

---

---

## Any Questions?

---

---

---

---

---

---

---

---



**Thursfields**  
Solicitors

**John McLean**  
Senior Associate Solicitor

Commercial Property

Tel Mobile: 07702 152 630/Birmingham: 0121 227 3360

Fax: Birmingham: 0121 227 3369

Email: [jmccan@thursfields.co.uk](mailto:jmccan@thursfields.co.uk)



Thank you for listening

---

---

---

---

---

---

---

---

---

---