

*Status: Point in time view as at 31/07/2017.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Communications Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 3A

#### THE ELECTRONIC COMMUNICATIONS CODE

##### Textual Amendments

- F1** Sch. 3A inserted (31.7.2017 for the purpose of making regulations under Sch. 3A para. 95, 22.11.2017 but only in relation to Sch. 3A para. 106, 28.12.2017 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 1](#) (with [Sch. 2](#)); [S.I. 2017/765](#), reg. 2(ii)(jj); [S.I. 2017/1136](#), reg. 2; [S.I. 2017/1286](#), reg. 2(b)

### PART 13

#### RIGHTS TO LOP TREES

##### *Rights to lop trees*

- 82 (1) This paragraph applies where—
- (a) a tree or other vegetation overhangs a street in England and Wales or Northern Ireland or a road in Scotland, and
  - (b) the tree or vegetation—
    - (i) obstructs, or will or may obstruct, relevant electronic communications apparatus, or
    - (ii) interferes with, or will or may interfere with, such apparatus.
- (2) In sub-paragraph (1) “relevant electronic communications apparatus” means electronic communications apparatus which—
- (a) is installed, or about to be installed, on land, and
  - (b) is used, or to be used, for the purposes of an operator's network.
- (3) The operator may, by notice to the occupier of the land on which the tree or vegetation is growing, require the tree to be lopped or the vegetation to be cut back to prevent the obstruction or interference.
- (4) If, within the period of 28 days beginning with the day on which the notice is given, the occupier gives the operator a counter-notice objecting to the lopping of the tree or cutting back of the vegetation, the notice has effect only if confirmed by an order of the court.
- (5) Sub-paragraph (6) applies if at any time a notice under sub-paragraph (3) has not been complied with and—
- (a) the period of 28 days beginning with the day on which the notice was given has expired without a counter-notice having been given, or
  - (b) an order of the court confirming the notice has come into force.

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- (6) The operator may cause the tree to be lopped or the vegetation to be cut back.
- (7) Where the operator lops a tree or cuts back vegetation in exercise of the power in sub-paragraph (6) the operator must do so in a husband-like manner and in such a way as to cause the minimum damage to the tree or vegetation.
- (8) Sub-paragraph (9) applies where—
  - (a) a notice under sub-paragraph (3) is complied with (either without a counter-notice having been given or after the notice has been confirmed), or
  - (b) the operator exercises the power in sub-paragraph (6).
- (9) The court must, on an application made by a person who has sustained loss or damage in consequence of the lopping of the tree or cutting back of the vegetation or who has incurred expenses in complying with the notice, order the operator to pay that person such compensation in respect of the loss or damage as it thinks fit.]

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