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COULD CHANGES IN TELECOMS LAW REDUCE THE VALUE OF YOUR PROPERTIES?

If you own or invest in property you need to know whether the Digital Economy Act 2017 and the new Electronic Communications Code could impact on the value of your assets.

The presence of telecommunications equipment, mobile phone masts, fibre optic cables, etc. may affect future plans for your property.

This new legislation gives telecommunications operators the potential to impose apparatus on property owners, backed by the threat of putting them before the courts if they refuse.

Security of Tenure

The new Code introduces a regime of security of tenure similar to that under the Landlord and Tenant Act 1954.

Removal of Apparatus

A minimum of 18 months' notice will have to be given and two separate court actions, one after another, may be required to remove the equipment. The time and cost associated with this process could cause serious delay and expense, so should be factored in to any development appraisal.

Surveys and Valuation

Code rights are not registerable and therefore the presence of equipment will not be revealed by searches.

Some of the equipment can be very small or may even be hidden. It is important that surveyors are able to recognise and report on the presence of electronic communications apparatus.

Any property owner instructing a surveyor should consider including a requirement to report on the presence of such equipment and the impact it may have on value.

Specialist Advice

There are many factors to be considered in relation to telecommunications sites, for example planning law and in particular the specific permitted development rights for the installation, alteration and replacement of telecommunications apparatus.

Anyone receiving a formal notice under the Electronic Communications Code from a telecommunications operator should seek specialist advice before even acknowledging the notice.

This article was written by telecoms law specialist, Michael Watson.

For more information please visit www.shulmans.co.uk or call 0113 297 1850.

