

Shulmans Telecommunications
Services for
Property Owners



Driven by results

The value of property assets could be affected by the Electronic Communications Code

Helping you protect your property assets

Electronic communications apparatus is found everywhere. As the world becomes more digitally connected and demand for data services increases, the need for communications infrastructure also increases. That means there is a greater proliferation of communications hardware, much of which will be situated on, under and adjacent to land and buildings.

For many property owners allowing the installation of electronic communications apparatus on their property in the past has provided a useful source of additional income.

There are numerous legal implications which should be considered carefully by property owners with regard to communications apparatus. Whether it is fibre lines being run through or under their property, or mobile phone masts on the roof, property owners need to give careful consideration to the legal basis upon which such apparatus may come to be installed on their property.

The relationship between the site provider and the network operator will be governed by the terms of the agreement entered into for the installation of the equipment on the site provider's property. The implementation of the Digital Economy Act 2017 however means it is more important than ever for site providers to have comprehensive, specialist advice before entering into, or renewing agreements for telecommunications equipment, such as mobile phone mast sites.

The Digital Economy Act 2017

This is a comprehensive piece of legislation but property owners should be aware of the specific implications of the new Electronic Communications Code introduced by the Act. This law grants telecommunications network operators the right, in some circumstances, to place their communications apparatus on property against the wishes of the owners. Network operators can put property owners before the courts if they refuse to permit the installation of the apparatus.

The Code also introduces provisions that regulate the circumstances in which property owners can seek the removal of apparatus from their property.

The Code is a technical piece of legislation that property owners should consider in any dealings with electronic communications network operators if they are to preserve the integrity and value of their property assets.

Anyone who has any involvement with property and telecommunications apparatus must be properly advised in relation to the possible effects of this legislation. For example, anyone purchasing property as a potential development site should ensure that proper due diligence is undertaken. They should ensure that whoever undertakes acquisition surveys for them is instructed to report on the presence of any electronic communications equipment. The ability to remove equipment and the time that it will take to do so may be determinative factors in formulating any redevelopment appraisal.

Further details in relation to this legislation along with answers to commonly asked questions, can be found on the Shulmans website.

Surveyors and other property advisers should identify and report on the presence of telecoms apparatus

Our capability

The Shulmans team has experience and depth of knowledge in what is a very specialist and technical area of law.

Any threat to seek rights to install apparatus against the wishes of the property owner should be taken very seriously and proper specialist advice obtained before engaging in any communication with the network operators or their agents.

Specialist advice should be taken before allowing network operators access to survey property.

Site providers who choose to enter into agreements for new mast sites, or to retain present ones, should be careful to ensure they obtain expert advice as to the terms of agreements and the sums that ought to be paid for the use of their property assets.

In looking to obtain advice relating to telecommunications apparatus key questions any site provider should ask of their potential advisers should be;

- How many professionals do you have who are active specialists in this sector?
- How long have they specialised in this work?
- Have they had any experience working for network operators?
- How many sites are they advising on?
- What is the nature of those sites?
- What are the issues they are advising on?

Shulmans has a team of solicitors who are specialists in this field of work and who are very active in this market.

We have extensive experience of advising site providers in relation to masts and other communications infrastructure throughout the country ranging from sites in the most rural parts of England and Wales through to high value City of London redevelopment projects. We are involved in the drafting of agreements to facilitate the installation of equipment on many varied types of property. We undertake complex litigation seeking the removal of equipment from properties or where telecommunications network operators have sought to carry out activities on telecommunications sites which were beyond the scope of their specific agreements.

Our experience

The team at Shulmans regularly works for site providers protecting them and their property assets by ensuring they are properly advised in relation to the terms of the agreements they enter into for electronic communications apparatus and by also making sure they are advised on areas of risk, for example in relation to the actions necessary to remove electronic communications equipment from sites ripe for redevelopment.

The team of specialist advisers at Shulmans:

- only act for site providers including major property companies, local authorities, government departments and private property owners,
- advise throughout the whole of the country,
- work closely with specialist telecommunications surveyors who also act only for site providers,
- are members of the RICS Telecommunications Forum,
- regularly present professional development training to RICS members.

We have also been actively involved in the process of law reform. When the Law Commission consulted on proposed reform of the telecommunications legislation we were quoted in their final report. Prior to the passing of the Digital Economy Act 2017 we were engaged with the Department for Culture Media and Sport in discussion about the proposed reforms. We have also provided advice to the Cabinet Office.

Our work includes:

- drafting bespoke agreements for the installation or retention of electronic communications apparatus upon client's premises,
- advising as to risks associated with permitting electronic communications apparatus to be installed upon property,
- advising on and implementing strategies for the removal of electronic communications apparatus from development sites,
- defending clients facing court action by electronic communications network operators.

For advice on telecoms law, make the right call.

To discuss anything included in the
above, or for advice from our team of
specialist solicitors please contact:



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