



# Senior President of Tribunals

## **PRACTICE DIRECTION FOR APPLICATIONS UNDER PART 4A, PARAGRAPH 27D OF THE ELECTRONIC COMMUNICATIONS CODE**

1. This Practice Direction relates to applications under paragraph 27D, Part 4A, of the Electronic Communications Code where the Applicant is seeking an order from the First-tier Tribunal (Property Chamber) imposing an agreement on an unresponsive owner of leasehold land.

### *The Application*

2. Form ECC1 is prescribed for the purposes of making an application under paragraph 27D of Part 4A. A form materially to the same effect and containing the same information may be accepted at the discretion of the Tribunal. Form ECC1 must be completed in full and clear copies of the documents specified in section 15 of the Form must be provided at the same time as the application is made.
3. The Form must be accompanied by a witness statement which is certified with a statement of truth and which provides information confirming the following matters:
  - (a) that the target premises are occupied under a lease;
  - (b) that the premises form part of a multi-dwelling building;
  - (c) that the connected land is in common ownership with the target premises;
  - (d) that the lessee in occupation has requested an operator to provide an electronic communications service;
  - (e) that the operator has required the required grantor to agree to confer a code right or otherwise to be bound by such a code right;
  - (f) that the operator has given the grantor the notices specified in sections 8, 9, 10 and 11 of Form ECC1;
  - (g) that that before the final notice was given, an inspection had been made of the register of title;
  - (h) that before the final notice was given, a request was made of the lessee for the name and address of the required grantor and that new

information was either not given or the warning notices were given using the new information;

- (i) that the required grantor has not responded to the operator in writing at any time before the Application was made;
- (j) that the Applicant will notify the Tribunal of any change in any aspect of the application, or if it receives any communication from the required grantor which occurs or is received at any time before the Tribunal makes its determination.

#### *Evidence of Service*

- 4. The following forms of evidence of service of the required notices are acceptable to prove they have been given:
  - (a) a certificate of service in form analogous to N215<sup>1</sup> signed by the person who took the step identified in the certificate;
  - (b) proof of delivery from the Royal Mail or other postal service; or
  - (c) evidence, in the statement in accordance with paragraph 3 above, setting out the internal processes for sending of notices and the signatory's knowledge or belief that those processes were followed.

#### *The Tribunal's Determination*

- 5. The Tribunal will make its determination on the Application without a hearing in accordance with rule 31 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ("the 2013 Rules") unless within 14 days of notice of the first available date for the determination, a party or parties requests an oral hearing.

**6. If the Applicant fails to comply with this Practice Direction the Tribunal may strike out all or part of their case pursuant to rule 8(2)(c) and 9(3)(a) of the 2013 Rules.**

Sir Keith Lindblom  
Senior President of Tribunals  
9 May 2023

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<sup>1</sup> Form N215 – Civil Procedure Rule 6.17