

Cornerstone Telecommunications Infrastructure Ltd (Appellant) v Compton Beauchamp Estates Ltd (Respondent)

Case ID: 2019/0225

Case summary

Issue

Does the Upper Tribunal have jurisdiction to confer rights, under the Electronic Communications Code ("the Code"), in relation to a particular site, on the Claimant in circumstances where a third party, namely Vodafone, is currently in occupation of the site?

Facts

The Respondent owns a field. The Appellant is a joint venture formed by Vodafone Ltd and Telefonica UK Ltd to own and manage a combined portfolio of such sites. Vodafone Ltd own a telecommunications mast on the edge of a field. Vodafone Ltd had a ten year lease to that site, running from 2014. This lease granted Vodafone Ltd the right to install and use the mast. Telefonica UK Ltd also use the mast. Vodafone Ltd's lease expired in 2014, and it was served with a notice to quit in 2017. The Code says that an operator of telecommunications equipment may acquire certain rights under the Code by agreement or by order of the Upper Tribunal. The Appellant sought those code rights from the Respondent. The Upper Tribunal said that, because the Respondent was not in occupation of the land (Vodafone Ltd was), the Upper Tribunal had no jurisdiction to make an order. The Court of Appeal refused the Appellant's appeal.

Judgment appealed

[2019 EWCA Civ 1755](#)

Parties

Appellant(s)

Cornerstone Telecommunications Infrastructure Ltd

Respondent(s)

Compton Beauchamp Estates Ltd

Intervener

AP Wireless II (UK) Ltd

Appeal

Justices

Lord Hodge, Lord Sales, Lord Leggatt, Lord Burrows, Lady Rose

Hearing start date

1 February 2022

Hearing finish date

3 February 2022

Watch hearing

1 Feb 2022 [Morning session](#) [Afternoon session](#)

2 Feb 2022 [Morning session](#) [Afternoon session](#)

3 Feb 2022 [Morning session](#) [Afternoon session](#)