



# House of Commons

Tuesday 26 January 2021

## PUBLIC BILL COMMITTEE

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*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*

### TELECOMMUNICATIONS (SECURITY) BILL

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#### NOTE

**This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.**

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Chi Onwurah  
Christian Matheson  
Catherine West  
Mr Kevan Jones  
Feryal Clark

14

Clause 11, page 18, line 26, at end insert—

“(aa) an assessment of the impact on security of changes to the diversity of the supply chain for network equipment;”

***Member’s explanatory statement***

*This amendment requires that network supply chain diversification is included in Ofcom reports on security.*

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Chi Onwurah  
Christian Matheson  
Catherine West  
Mr Kevan Jones  
Feryal Clark

15

Clause 14, page 21, line 28, leave out from beginning to end of line 30 and insert—

“(3) The reports must be published not more than 12 months apart for the first 5 years, then not more than 5 years apart.

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**Telecommunications (Security) Bill, continued**

- (4) The first report must be published within the period of 12 months beginning with the day on which this Act is passed.”

**Member’s explanatory statement**

*This amendment requires the Secretary of State to report on the impact and effectiveness of clauses 1 to 13 every year for the first five years after the Act is passed, and then every five years following.*

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Chi Onwurah  
 Christian Matheson  
 Catherine West  
 Mr Kevan Jones  
 Feryal Clark

16

Clause 15, page 22, line 12, at end insert—

- “(2A) When considering whether a designated vendor direction is necessary in the interests of national security, the Secretary of State must take account of the advice provided by the intelligence services.”

**Member’s explanatory statement**

*This amendment would require the Secretary of State to give due priority to advice provided by the Intelligence Services (including the National Cyber Security Centre as part of GCHQ) when considering when to issue a designated vendor direction.*

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Chi Onwurah  
 Christian Matheson  
 Catherine West  
 Mr Kevan Jones  
 Feryal Clark

17

Clause 16, page 27, line 8, at end insert—

- “(3A) When considering whether a designation notice is necessary in the interests of national security, the Secretary of State must take account of the advice provided by the intelligence services.”

**Member’s explanatory statement**

*This amendment would require the Secretary of State to give due priority to advice provided by the Intelligence Services (including the National Cyber Security Centre as part of GCHQ) when considering whether to issue a designation notice.*

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Telecommunications (Security) Bill, *continued*

Chi Onwurah  
Christian Matheson  
Catherine West  
Mr Kevan Jones  
Feryal Clark

18

Clause 16, page 28, line 3, at end insert—

“(m) the person’s control of data flows.”

***Member’s explanatory statement***

*This amendment requires the Secretary of State to consider a person’s potential control of data flows when issuing a designation notice.*

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Chi Onwurah  
Christian Matheson  
Catherine West  
Mr Kevan Jones  
Feryal Clark

19

Clause 17, page 29, line 19, at end insert “, together with an assessment of the impact the designation notice will have on supply chain diversity;”

***Member’s explanatory statement***

*This amendment requires the Secretary of State to lay before Parliament a report on the impact a designation notice will have on telecoms market supply chain diversity, enabling parliamentary scrutiny.*

Chi Onwurah  
Christian Matheson  
Catherine West  
Mr Kevan Jones  
Feryal Clark

20

Clause 17, page 29, line 31, at end insert—

“(4) Where the Secretary of State considers that laying a copy of the direction or notice (as the case may be) before Parliament would, under subsection (2), be contrary to the interests of national security, a copy of the direction or notice must be provided to the Intelligence and Security Committee of Parliament as soon as reasonably practicable.

(5) Any information excluded from what is laid before Parliament under the provision in subsection (3)(b) must be provided to the Intelligence and Security Committee of Parliament as soon as reasonably practicable.”

***Member’s explanatory statement***

*This amendment would ensure that the Intelligence and Security Committee of Parliament is provided with any information relating to a designated vendor direction or designation notice which on grounds of national security is not laid before Parliament, thereby enabling Parliamentary oversight of all directions and notices.*

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**Telecommunications (Security) Bill, continued**

Chi Onwurah  
Christian Matheson  
Catherine West  
Mr Kevan Jones  
Feryal Clark

22

Clause 20, page 35, line 30, at end insert—

“(9) The Secretary of State must provide the Intelligence and Security Committee of Parliament with a copy of any notification under this section relating to a designated vendor direction, designation notice, a notice of a variation or revocation of a designated vendor direction or a notice of a variation or revocation of a designation notice to which subsection (2) or (3)(b) of section 105Z11 applies.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to provide the Intelligence and Security Committee of Parliament with a copy of any notification under this section which relates to a direction or notice that has not been laid before Parliament on grounds of national security.*

Chi Onwurah  
Christian Matheson  
Catherine West  
Mr Kevan Jones  
Feryal Clark

23

Clause 20, page 37, line 41, at end insert—

“(10) The Secretary of State must provide the Intelligence and Security Committee of Parliament with a copy of any confirmation decision relating to a designated vendor direction, designation notice, a notice of a variation or revocation of a designated vendor direction or a notice of a variation or revocation of a designation notice to which subsection (2) or (3)(b) of section 105Z11 applies.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to provide the Intelligence and Security Committee of Parliament with a copy of any confirmation decision which relates to a direction or notice that has not been laid before Parliament on grounds of national security.*

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Chi Onwurah  
Christian Matheson  
Catherine West  
Mr Kevan Jones  
Feryal Clark

24

Clause 21, page 39, line 9, at end insert—

“(6) The Secretary of State must provide the Intelligence and Security Committee of Parliament with a copy of any urgent enforcement direction relating to a designated vendor direction to which subsection (2) or (3)(b) of section 105Z11 applies.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to provide the Intelligence and Security Committee of Parliament with a copy of any urgent enforcement direction which relates to a direction that has not been laid before Parliament on grounds of national security.*

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 Telecommunications (Security) Bill, *continued*

Chi Onwurah  
 Christian Matheson  
 Catherine West  
 Mr Kevan Jones  
 Feryal Clark

25

Clause 21, page 40, line 6, at end insert—

“(8) The Secretary of State must provide the Intelligence and Security Committee of Parliament with a copy of any confirmation of an urgent enforcement notification relating to a designated vendor direction to which subsection (2) or (3)(b) of section 105Z11 applies.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to provide the Intelligence and Security Committee of Parliament with a copy of any confirmation of an urgent enforcement notification which relates to a direction that has not been laid before Parliament on grounds of national security.*

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Matt Warman

1

Clause 28, page 46, line 19, leave out “section 14” and insert “sections 14 to 23”

***Member’s explanatory statement***

*This amendment would cause clauses 15 to 23 to come into force on Royal Assent.*

Matt Warman

2

Clause 28, page 46, line 19, at end insert—

“(ca) section 24, so far as it relates to section 18;”

***Member’s explanatory statement***

*This amendment is consequential upon Amendment 1. Clause 24 provides for higher penalties to be available for certain contraventions of information requirements, including contraventions associated with section 105Z12 of the Communications Act 2003, which is inserted by clause 18.*

Matt Warman

3

Clause 28, page 46, line 25, leave out subsection (2).

***Member’s explanatory statement***

*This amendment is consequential upon Amendments 1 and 2.*

Matt Warman

4

Clause 28, page 46, line 30, at end insert—

“(ba) section 24 (so far as not already in force by virtue of subsection (1));”

***Member’s explanatory statement***

*This amendment is consequential upon Amendments 1 and 2.*

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**Telecommunications (Security) Bill, *continued***

Chi Onwurah  
 Christian Matheson  
 Catherine West  
 Mr Kevan Jones  
 Feryal Clark

NC3

To move the following Clause—

**“Duty of Ofcom to report on its resources**

- (1) Ofcom must publish an annual report on the effect on its resources of fulfilling its duties under this Act.
- (2) The report required by subsection (1) must include an assessment of—
  - (a) the adequacy of Ofcom’s budget and funding;
  - (b) the adequacy of staffing levels in Ofcom; and
  - (c) any skills shortages faced by Ofcom.”

***Member’s explanatory statement***

*This new clause introduces an obligation on Ofcom to report on the adequacy of their existing budget following the implementation of new responsibilities.*

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Chi Onwurah  
 Christian Matheson  
 Catherine West  
 Mr Kevan Jones  
 Feryal Clark

NC5

To move the following Clause—

**“Reporting to Parliament (No.2)**

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 105Z29 insert—

**“105Z30 Reporting to Parliament**

- (1) The Secretary of State must produce an annual report for the Intelligence and Security Committee of Parliament concerning—
  - (a) designated vendor directions made under section 105Z1; and
  - (b) designation notices issued under section 105Z8.
- (2) The report must contain an assessment of the national security risks underpinning the directions and notices made under those sections.
- (3) Ofcom must produce an annual report for the Intelligence and Security Committee of Parliament—
  - (a) assessing the adequacy of existing security measures within UK public electronic communication networks and services; and

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**Telecommunications (Security) Bill, continued**

- (b) assessing future threats to the security of those networks and services.””

**Member’s explanatory statement**

*This new clause introduces a requirement for the Secretary of State to report to Parliament on the impact of vendor designation on national security risks. It also requires Ofcom to produce a forward looking report on future threats to network security and undertake an assessment of the adequacy of existing measures*

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Chi Onwurah  
Christian Matheson  
Catherine West  
Mr Kevan Jones  
Feryal Clark

NC6

To move the following Clause—

**“Network diversification (No.2)**

- (1) The Communications Act 2003 is amended as follows.  
(2) After section 105Z29 insert—

**“105Z30 Network diversification**

- (1) The Secretary of State must lay before Parliament an annual report on the impact of progress of the diversification of the telecommunications supply chain on the security of public electronic communications networks and services.
- (2) The report required by subsection (1) must include an assessment of the effect on the security of those networks and services of—
- (a) progress in network diversification set against the most recent telecommunications diversification strategy presented to Parliament by the Secretary of State;
  - (b) likely changes in ownership or trading position of existing market players;
  - (c) new areas of market consolidation and diversification risk including the cloud computing sector;
  - (d) measures taken to implement the most recent telecommunications diversification strategy presented to Parliament by the Secretary of State;
  - (e) the public funding which is available for telecommunications diversification.
- (3) A Minister of the Crown must, not later than two months after a report has been laid before Parliament under this section, make a motion in the House of Commons in relation to the report.””

**Member’s explanatory statement**

*This new clause requires the Secretary of State to report on the impact of the Government’s diversification strategy as it relates to the security of telecommunications networks and services, and to allow for a debate in the House of Commons on the report.*

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**Telecommunications (Security) Bill, *continued***

Mr Kevan Jones

NC7

To move the following Clause—

**“Review of Ofcom’s capacity and capability to undertake duties (No.2)**

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 105Z29 insert—

**“105Z30 Review of Ofcom’s capacity and capability to undertake duties**

The Secretary of State must, not later than 12 months after the day on which the Telecommunications (Security) Act 2021 is passed, lay before Parliament a report on Ofcom’s capacity and capability to undertake its duties under this Act in relation to the security of public electronic communications networks and services.”

***Member’s explanatory statement***

*This new clause would require the Secretary of State to report on Ofcom’s capacity and capability to undertake the duties provided for in the Telecommunications (Security) Bill which would be inserted into the Communications Act 2003 under the cross-heading “Security of public electronic communications networks and services” (which would encompass all the clause numbers which start with 105).*

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**ORDER OF THE HOUSE [30 NOVEMBER 2020, AS AMENDED  
17 DECEMBER 2020]**

That the following provisions shall apply to the Telecommunications (Security) Bill:

*Committal*

1. The Bill shall be committed to a Public Bill Committee.

*Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 28 January 2021.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Proceedings on Consideration and up to and including Third Reading*

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

*Other proceedings*

7. Any other proceedings on the Bill may be programmed.
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**Telecommunications (Security) Bill**, *continued*

## ORDER OF THE COMMITTEE [14 JANUARY 2021]

That—

- (1) the Committee shall (in addition to its first meeting at 11.30am on Thursday 14 January) meet—
- (a) at 2.00 pm on Thursday 14 January;
  - (b) at 9.25 am and 2.00 pm on Tuesday 19 January;
  - (c) at 11.30 am and 2.00 pm on Thursday 21 January;
  - (d) at 9.25 am and 2.00 pm on Tuesday 26 January;
  - (e) at 11.30 am and 2.00 pm on Thursday 28 January;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

**TABLE**

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Thursday 14 January	Until no later than 12.30 pm	Three; O2; Vodafone
Thursday 14 January	Until no later than 1.00 pm	British Telecommunications
Thursday 14 January	Until no later than 2.45 pm	Mobile UK; TechUK
Thursday 14 January	Until no later than 3.30 pm	Mavenir; NEC Europe Ltd
Thursday 14 January	Until no later than 4.15 pm	Small Cell Forum; Digital Policy Alliance
Thursday 14 January	Until no later than 4.45 pm	British Standards Institution; Royal United Services Institute
Tuesday 19 January	Until no later than 10.10 am	Webb Search; Oxford Information Labs
Tuesday 19 January	Until no later than 10.45 am	Dr Alexi Drew, the Centre for Science and Security Studies, King's College London
Tuesday 19 January	Until no later than 11.25 am	The Office of Communications
Tuesday 19 January	Until no later than 2.45 pm	Catapult Compound Semiconductor Applications; Dr Nick Johnson; UtterBerry
Tuesday 19 January	Until no later than 3.30 pm	MWE Media Ltd; Lumenisity; Dr David Cleevely CBE
Tuesday 19 January	Until no later than 4.00 pm	Information Technology and Innovation Foundation

**Telecommunications (Security) Bill, *continued***

- (3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 28 January.
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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 22 January 2021:*

NC1, NC2 and NC4

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