

TELECOMMUNICATIONS INFRASTRUCTURE (LEASEHOLD PROPERTY) BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

What these notes do

1. These Explanatory Notes relate to the Lords Amendments to the Telecommunications Infrastructure (Leasehold Property) Bill as brought from the House of Lords on 28 January 2021 (Bill 248).
2. These Explanatory Notes have been prepared by the Department for Digital, Culture, Media and Sport in order to assist the reader of the Bill and the Lords Amendments. They do not form part of the Bill and have not been endorsed by Parliament.
3. These Explanatory Notes, like the Lords Amendments themselves, refer to HL Bill 107, the Bill as first introduced in the Lords.
4. These Explanatory Notes need to be read in conjunction with the Lords Amendments and the text of the Bill. They are not, and are not intended to be, a comprehensive description of the Lords Amendments.
5. Lords Amendment [1] was tabled by Lord Clement-Jones and was opposed by the Government.
6. Lords Amendment [2] was tabled in the name of the Minister.
7. Lords Amendment [3] was tabled by Lord Stevenson of Balmacara and was opposed by the Government.
8. In the following Commentary, an asterisk(*) appears in the heading of any paragraph that deals with a non-Government amendment.

Commentary on Lords Amendments

Lords Amendments to clause 1: Code rights in respect of land connected to leased premises

Lords Amendment [1*]

- 1 Lords Amendment 1 would amend clause 1 to clarify that the expression “leased premises”, in paragraph 27A of the Electronic Communications Code (‘the Code’, contained in Schedule 3A to the Communications Act 2003) as proposed to be inserted by the Bill, includes any premises where a tenant is in exclusive possession. Paragraph 27A summarises Part 4A of the Code as applying in relation to “leased premises”.

Lords Amendment [2]

- 2 Lords Amendment 2 would amend clause 1 to provide that the terms of an agreement imposed by a Part 4A order must include terms aimed at ensuring that nothing done by the operator unnecessarily prevents or inhibits the provision of an electronic communications service by any other operator. The terms will be specified in regulations made by the Secretary of State under sub-paragraph (4) of paragraph 27E of the Code, as inserted into the Code by clause 1 of this Bill.

Lords Amendments after clause 2

Lords Amendment [3*]

- 3 Lords Amendment 3 would insert a new clause into the Bill after clause 2, which would oblige the Secretary of State to commission a review of the impact of the Bill on the Code. The review must be commissioned within six months of Royal Assent and published within 12 months of the day on which it was commissioned.
- 4 That review must include assessments of whether the Code is sufficient to support access to 1 gigabit per second broadband in every premises in the United Kingdom by 2025. It must also include assessments of whether the Code should be amended to (i) introduce rights of access for operators akin to those available to suppliers of electricity, gas and water, (ii) provide additional development rights to support the provision of telecoms infrastructure and (iii) encourage operators to undertake infrastructure works alongside other works being carried out in a locality, where practicable.

Financial Effects of Lords Amendments

- 1 The Department does not consider that any of the Lords Amendments give rise to any significant expenditure.

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