
Committee Stage: Tuesday 22 March 2022

Product Security and Telecommunications Infrastructure Bill

(Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage. A glossary with key terms can be found at the end of this document.

First to Fifth Sitings

FIRST AND SECOND SITTINGS

Julia Lopez

Agreed to

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 15 March) meet—
 - (a) at 2.00 pm on Tuesday 15 March;
 - (b) at 11.30 am and 2.00 pm on Thursday 17 March;
 - (c) at 9.25 am and 2.00 pm on Tuesday 22 March;
 - (d) at 11.30 am and 2.00 pm on Thursday 24 March;
 - (e) at 9.25 am and 2.00 pm on Tuesday 29 March;
2. the Committee shall hear oral evidence in accordance with the following Table;

Date	Time	Witness
Tuesday 15 March	Until no later than 10.25 am	Protect & Connect; The Country, Land and Business Association; The National Farmers' Union
Tuesday 15 March	Until no later than 11.25 am	The IoT Security Foundation; The Internet of Secure Things Alliance; techUK
Tuesday 15 March	Until no later than 2.40 pm	Professor Madeline Carr, University College London; Copper Horse Limited
Tuesday 15 March	Until no later than 3.40 pm	Openreach; CityFibre; Speed Up Britain
Tuesday 15 March	Until no later than 4.20 pm	BUUK Infrastructure; The Internet Service Providers' Association

Date	Time	Witness
Tuesday 15 March	Until no later than 5.00 pm	Which?; Refuge

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 66, the Schedule, Clauses 67 to 78, new Clauses, new Schedules, remaining proceedings on the Bill;
4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 29 March.

Julia Lopez

Agreed to

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Julia Lopez

Not moved

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

The following Witnesses gave oral evidence:

Anna Turley, Chair, Protect and Connect (appearing in person), Dr Charles Trotman, Chief Economist, Country Land and Business Association, and Eleanor Griggs, NFU Land Management Adviser, NFU (via Zoom)

John Moor, Managing Director, IoT Security Foundation, Dave Kleidermacher, VP for Engineering, Android Security and Privacy at Google; Director at the Internet of Secure Things Alliance, and Dan Patefield, Head of Programme, Cyber and National Security, techUK

Professor Madeline Carr, Professor of Global Politics and Cybersecurity, UCL, and David Rogers MBE, CEO of Copper Horse & IoT Security Foundation Executive Steering Board member, Copper Horse & IoT Security Foundation

Catherine Colloms, MD for Corporate Affairs, Openreach, Simon Holden, Group Chief Operating Officer, CityFibre, Representing Speed Up Britain, Mark Bartlett, Director of Operations, Cellnex UK, and Juliette Wallace, Business Planning and Property Director at Mobile Broadband Network

Till Sommer, Head of Policy, ISPA

Rocio Concha, Director of Policy & Advocacy, Which?, and Jessica Eagelton, Senior Policy and Public Affairs Officer, Refuge.

THIRD AND FOURTH SITTINGS

Chris Elmore	Withdrawn after debate	6
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Clause 1, page 1, line 17, at end insert—

“(2A) The Secretary of State must exercise the power in subsection (1) so as to specify security requirements which make mandatory each of the first three guidelines in the Code of Practice for consumer IoT security published by the Department for Digital, Culture, Media and Sport on 14 October 2018 (“no default passwords”, “implement a vulnerability disclosure policy” and “keep software updated”).”

Clause agreed to.

Clauses 2 to 6 agreed to.

Chris Elmore	Negated on division	7
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Clause 7, page 5, line 24, at end insert—

“(5A) A person who provides an online facility through which a distributor makes a product available in the United Kingdom is also a distributor.”

Clause agreed to.

Clauses 8 to 57 agreed to.

Julia Lopez

Agreed to 1

Clause 58, page 41, line 25, at end insert—

“(4A) In paragraph 13 (access to land)—

- (a) in sub-paragraph (1)(a), for “paragraph 3” substitute “paragraph 3(1)”;
 - (b) in sub-paragraph (2), for “paragraph 3” substitute “paragraph 3(1)”.

(4B) In paragraph 38 (right of landowner or occupier of neighbouring land to require removal of electronic communications apparatus), in sub-paragraph (3), for “paragraph 3(h)” substitute “paragraph 3(1)(h)”.

Clause, as amended, agreed to.

Chris Elmore

Negated on division 9

Clause 59, page 41, line 42, after “agreement” insert “other than with a private landlord”

Chris Elmore

Negated on division 10

Clause 59, page 43, line 26, at end insert—

“5B Paragraph 17 of the new code (power for operator to upgrade or share apparatus) applies in relation to an operator who is a party to a subsisting agreement with a private landlord, but as if for sub-paragraphs (1) to (6) there were substituted—

“(1) This paragraph applies where—

- (a) an operator (“the main operator”) keeps electronic communications apparatus installed on, under or over land, and
- (b) the main operator is a party to a subsisting agreement in relation to the electronic communications apparatus.

- (2) If the conditions in sub-paragraphs (3), (4) and (6) are met, the main operator may—
 - (a) upgrade the electronic communications apparatus, or
 - (b) share the use of the electronic communications apparatus with another operator.
- (3) The first condition is that any changes as a result of the upgrading or sharing to the electronic communications apparatus to which the agreement relates have no adverse impact, or no more than a minimal adverse impact, on its appearance.
- (4) The second condition is that the upgrading or sharing imposes no additional burden on the other party to the agreement.
- (5) For the purposes of sub-paragraph (4) a burden includes anything that—
 - (a) has an adverse effect on the person's enjoyment of the land, or
 - (b) causes loss, damage or expense to the person.
- (6) The third condition is that, before the beginning of the period of 21 days ending with the day on which the main operator begins to upgrade the electronic communications apparatus or (as the case may be) share its use, the main operator attaches a notice, in a secure and durable manner, to a conspicuous object on the relevant land.
- (7) A notice attached for the purposes of sub-paragraph (6) must—be attached in a position where it is reasonably legible,
 - (a) be attached in a position where it is reasonably legible,
 - (b) state that the main operator intends to upgrade the electronic communications apparatus or (as the case may be) share its use with another operator,
 - (c) state the date on which the main operator intends to begin to upgrade the electronic communications apparatus or (as the case may be) share its use with another operator,
 - (d) state, in a case where the main operator intends to share the use of the electronic communications apparatus with another operator, the name of the other operator, and
 - (e) give the name of the main operator and an address in the United Kingdom at which the main operator may be contacted about the upgrading or sharing.
- (8) Any person giving a notice at that address in respect of that electronic communications apparatus is to be treated as having been given that address for the purposes of paragraph 91(2).
- (9) Any agreement under Part 2 of this code is void to the extent that—
 - (a) it prevents or limits the upgrading or sharing, in a case where the conditions mentioned in sub-paragraphs (3), (4) and (6) are met, of any electronic communications apparatus to which the agreement relates that is installed on, over or under land, or
 - (b) it makes upgrading or sharing of such electronic communications apparatus subject to conditions to be met by the operator (including a condition requiring the payment of money).
- (10) Nothing in this paragraph is to be read as conferring a right on the main operator to enter the land which the main operator would not otherwise

have, when upgrading or sharing the use of the electronic communications apparatus.

(11) References in this paragraph to sharing electronic communications apparatus include carrying out works to the electronic communications apparatus to enable such sharing to take place.

(12) In this paragraph—

“the relevant land” means—

- (a) in a case where the main operator has a right to enter the land, that land;
- (b) in any other case, the land on which works will be carried out to enable the upgrading or sharing to take place or, where there is more than one set of works, the land on which each set of works will be carried out;

“subsisting agreement” has the meaning given by paragraph 1(4) of Schedule 2 to the Digital Economy Act 2017.””

Clause agreed to.

Chris Elmore **Negatived on division** **11**
 Clause 60, page 43, line 38, after “land” insert “not owned by a private landlord”

Chris Elmore **Negatived on division** **12**

Clause 60, page 44, line 47, at end insert—

“17B(1) This paragraph applies where—

- (a) an operator (“the main operator”) keeps electronic communications apparatus installed on, under or over land owned by a private landlord,
 - (b) the main operator is not a party to an agreement under Part 2 of this code in relation to the electronic communications apparatus, and
 - (c) the electronic communications apparatus was installed before 29 December 2003.
- (2) If the conditions in sub-paragraphs (3), (4) and (6) are met, the main operator may—
- (a) upgrade the electronic communications apparatus, or
 - (b) share the use of the electronic communications apparatus with another operator.
- (3) The first condition is that any changes as a result of the upgrading or sharing to the electronic communications apparatus to which any existing agreement between the operator and the landlord relates have no adverse impact, or no more than a minimal adverse impact, on its appearance.

- (4) The second condition is that the upgrading or sharing imposes no additional burden on the landlord.
- (5) For the purposes of sub-paragraph (4) a burden includes anything that—
 - (a) has an adverse effect on the person's enjoyment of the land, or
 - (b) causes loss, damage or expense to the person.
- (6) The third condition is that, before the beginning of the period of 21 days ending with the day on which the main operator begins to upgrade the electronic communications apparatus or (as the case may be) share its use, the main operator attaches a notice, in a secure and durable manner, to a conspicuous object on the relevant land.
- (7) A notice attached for the purposes of sub-paragraph (6) must—
 - (a) be attached in a position where it is reasonably legible,
 - (b) state that the main operator intends to upgrade the electronic communications apparatus or (as the case may be) share its use with another operator,
 - (c) state the date on which the main operator intends to begin to upgrade the electronic communications apparatus or (as the case may be) share its use with another operator,
 - (d) state, in a case where the main operator intends to share the use of the electronic communications apparatus with another operator, the name of the other operator, and
 - (e) give the name of the main operator and an address in the United Kingdom at which the main operator may be contacted about the upgrading or sharing.
- (8) Any person giving a notice at that address in respect of that electronic communications apparatus is to be treated as having been given that address for the purposes of paragraph 91(2).
- (9) Nothing in this paragraph is to be read as conferring a right on the main operator to enter the land which the main operator would not otherwise have, when upgrading or sharing the use of the electronic communications apparatus.
- (10) References in this paragraph to sharing electronic communications apparatus include carrying out works to the electronic communications apparatus to enable such sharing to take place.
- (11) In this paragraph "the relevant land" means—
 - (a) in a case where the main operator has a right to enter the land, that land;
 - (b) in any other case, the land on which works will be carried out to enable the upgrading or sharing to take place or, where there is more than one set of works, the land on which each set of works will be carried out."

Clause agreed to.

Chris Elmore **Negated on division** 8

Clause 61, page 45, line 37, at end insert—

“(4A) Where the assumptions in subsection (4) cause the market value of a landlord’s agreement to decline, the rent payable under a new tenancy granted by order of the court under this Part of this Act shall not decline by more than 40%.”

Clause agreed to.

Clauses 62 to 66 agreed to.

Julia Lopez **Agreed to** 2

Schedule, page 66, line 17, at end insert—

“(c) in sub-paragraph (8), after “placed on” insert “, under or over”.”

Julia Lopez **Agreed to** 3

Schedule, page 66, line 18, after “sub-paragraph (4)” insert “—

(a) after “placed on” insert “, under or over”;

(b) “

Julia Lopez **Agreed to** 4

Schedule, page 66, line 20, leave out sub-paragraph (9)

Schedule, as amended, agreed to.

Clauses 67 to 69 agreed to.

Julia Lopez **Agreed to** 5

Clause 70, page 60, line 15, at end insert— “, and

(b) amend or repeal any of the following provisions (which provide signposts to those regulations)—

(i) paragraph 2A of Schedule 3 to the New Roads and Street Works Act 1991;

(ii) section 107(1A) of this Act;

(iii) paragraph 97 of Schedule 3A to this Act;

- (iv) section 69(5A) of the Marine and Coastal Access Act 2009;
- (v) section 27(6A) of the Marine (Scotland) Act 2010."

Clause, as amended, agreed to.

Clauses 71 to 78 agreed to.

FIFTH SITTING

Chris Elmore

Withdrawn after debate NC1

To move the following Clause—

"Power for operator to upgrade or share apparatus

- (1) The electronic communications code is amended as follows.
- (2) In paragraph 17, in sub-paragraph (1), for the words "sub-paragraphs (2) and (3)" substitute "sub-paragraphs (2), (3) and (4A)".
- (3) After sub-paragraph (4) insert—
 - "(4A) The third condition is that, where a site is provided by an emergency service, before the beginning of the period of 21 days, ending with the day on which the main operator begins to upgrade the electronic communications apparatus or (as the case may be) share its use, the main operator provides written notice to the site provider.""

Chris Elmore

Negated on division NC2

To move the following Clause—

"Review of the changes to the Electronic Communications code

- (1) The Secretary of State must conduct a full economic review of the effect of Schedule 1 of the Digital Economy Act 2017 (The Electronic Communications Code).
- (2) The Secretary of State must prepare and publish a report on this review within two months of the passage of this Act and must lay a copy of the report before Parliament."

Chris Elmore

Not called NC3

To move the following Clause—

"Report on security risks to UK consumer connectable products

- (1) The Secretary of State must prepare a report on the security risks to UK consumer connectable products—

- (a) within the period 3 months beginning with the day on which this Act receives Royal Assent, and
 - (b) every 12 months thereafter.
- (2) Any report prepared under subsection (1) must be laid before Parliament.”

Chris Elmore

Negatived on division NC4

To move the following Clause—

“Requirement to consult on imposition of minimum periods of time for which products would need to receive security updates

- (1) Within three months of the date on which this Act receives Royal Assent, the Secretary of State must publish the text of draft regulations exercising the power in subsection (1) of section 1 (Power to specify security requirements) so as to provide for minimum periods of time for which relevant connectable products would need to receive security updates.
- (2) The Secretary of State must consult—
 - (a) representatives of all relevant persons (as defined in section 7 (Relevant persons)), and
 - (b) any other person the Secretary of State thinks appropriate on the draft regulations.
- (3) Within three months of the final date for receipt of responses to the consultation, the Secretary of State must lay before Parliament a report on the responses.”

Bill, as amended, to be reported.

Glossary

Added: New Clause agreed without a vote and added to the Bill.

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negatived: rejected without a vote.

Negatived on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.
