
Report Stage: Thursday 19 May 2022

Product Security and Telecommunications Infrastructure Bill

(Amendment Paper)

This document lists all amendments tabled to the Product Security and Telecommunications Infrastructure Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New Amendments: 1 to 13 and NC1 and NC2

Secretary Nadine Dorries

NC1

★ To move the following Clause—

“Persons able to confer code rights on operators in exclusive occupation

- (1) The electronic communications code is amended as follows.
- (2) In paragraph 9 (persons who may confer code rights)—
 - (a) the existing wording becomes sub-paragraph (1);
 - (b) after that sub-paragraph insert—

“(2) But where land is occupied exclusively by an operator, a code right in respect of the land may be conferred on the operator by an agreement between the operator and—

 - (a) any person other than the operator who for the time being exercises powers of management or control over the land, or
 - (b) if there is no person within paragraph (a), any person other than the operator whose interest in the land would be prejudicially affected by the exercise of the code right.”
- (3) In paragraph 10 (persons bound by code rights), in sub-paragraph (1), omit the words from “who” to the end.”

Member’s explanatory statement

This new clause ensures that an operator in exclusive occupation of land may apply to a person mentioned in new paragraph 9(2)(a) or (b) of the electronic communications code for code rights in respect of the land.

Secretary Nadine Dorries

NC2

★ To move the following Clause—

“Jurisdiction of First-tier Tribunal in relation to code proceedings in Wales

In paragraph 95(1) of the electronic communications code (power to confer jurisdiction on other tribunals)—

- (a) in paragraph (a), at the end insert “or the Upper Tribunal”;
- (b) in paragraph (aa), for the words from “, but only” to the end substitute “or the Upper Tribunal”;
- (c) omit paragraph (b).”

Member’s explanatory statement

This new clause gives the Secretary of State power to make regulations providing for a function conferred by the code on the court to be exercisable in relation to Wales by the First-tier Tribunal.

Secretary Nadine Dorries

1

★ Page 40, line 11, leave out Clause 57

Member’s explanatory statement

This amendment is consequential on NC1.

Secretary Nadine Dorries

2

★ Clause 58, page 41, leave out lines 23 to 25 and insert—

- “(4) In paragraph 9 (conferral of code rights), after sub-paragraph (2) (as inserted by section (*Persons able to confer code rights on operators in exclusive occupation*)) insert—”

Member’s explanatory statement

This amendment is consequential on NC1.

Secretary Nadine Dorries

3

- ★ Clause 58, page 41, line 26, leave out “But”

Member’s explanatory statement

This amendment is consequential on NC1.

Sir Desmond Swayne

12

- ★ Page 45, line 18, leave out Clause 61

Member’s explanatory statement

This amendment removes clause 61 of the Bill, which gives operators the ability to calculate rent based on ‘land value’ rather than ‘market value’ when renewing tenancies to host digital infrastructure on private land.

Sir Desmond Swayne

13

- ★ Page 46, line 42, leave out Clause 62

Member’s explanatory statement

This amendment removes clause 62 of the Bill, which gives operators the ability to calculate rent based on ‘land value’ rather than ‘market value’ when renewing tenancies to host digital infrastructure on private land in Northern Ireland.

Sir Desmond Swayne

9

- ★ Clause 68, page 58, line 38, leave out from “must” to “one” in line 39 and insert “use”

Member’s explanatory statement

This amendment, along with Amendments 10 and 11, seeks to ensure that operators engage in the alternative dispute resolution process by making it mandatory.

Secretary Nadine Dorries

4

- ★ Clause 68, page 58, line 41, after “operator” insert “or the relevant person”

Member’s explanatory statement

This amendment and Amendments 5, 6 and 7 ensure that a person from whom an operator is seeking a code agreement may, at any time, give the operator a notice stating that the person wishes to engage in alternative dispute resolution in relation to the prospective agreement.

Secretary Nadine Dorries

5

- ★ Clause 68, page 58, line 41, leave out “relevant person” and insert “other”

Member’s explanatory statement

See the explanatory statement for Amendment 4.

Secretary Nadine Dorries

6

- ★ Clause 68, page 58, line 42, after “operator” insert “or the relevant person (as the case may be)”

Member’s explanatory statement

See the explanatory statement for Amendment 4.

Secretary Nadine Dorries

7

- ★ Clause 68, page 58, line 43, leave out “relevant person” and insert “other”

Member’s explanatory statement

See the explanatory statement for Amendment 4.

Sir Desmond Swayne

10

- ★ Clause 68, page 59, line 12, leave out from “must” to “one” in line 13 and insert “use”

Member’s explanatory statement

This amendment, along with Amendments 9 and 11, seeks to ensure that operators engage in the alternative dispute resolution process by making it mandatory.

Sir Desmond Swayne

11

- ★ Clause 68, page 59, line 34, leave out from “must” to “one” in line 35 and insert “use”

Member’s explanatory statement

This amendment, along with Amendments 9 and 10, seeks to ensure that operators engage in the alternative dispute resolution process by making it mandatory.

Secretary Nadine Dorries

8

- ★ Schedule, page 67, line 29, leave out sub-paragraph (11)

Member’s explanatory statement

This amendment is consequential on NC2.

Order of the House

[26 January 2022]

That the following provisions shall apply to the Product Security and Telecommunications Infrastructure 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 Tuesday 29 March 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings 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 Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.