

Access to Telecommunications Networks Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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Require providers of electronic communications networks to grant other such providers access to their apparatus where that is necessary to ensure consistent network coverage; to prevent those providers from charging more than the standard market rate for such access; to require the regulator to impose penalties on providers who unreasonably fail to grant such access; to make provision for the purpose of incentivising providers to allow customers of other providers to use their networks where access cannot be granted to their apparatus; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Requirement to share apparatus

(1) The electronic communications code set out in Schedule 3A to the Communications Act 2003 is amended as follows.

(2) After paragraph 3, insert—

“Mandatory sharing of apparatus

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3A (1) An operator of electronic communications apparatus must share with another operator the use of that apparatus where such sharing is necessary for the provision of consistent network coverage.

(2) Where electronic apparatus is shared as required by sub-paragraph (1), any charge made for use of the apparatus may not exceed the standard market rate.

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(3) OFCOM must publish annual guidance about the standard market rate for the purposes of sub-paragraph (2).”

2 Penalties for failure to comply with requirement to share apparatus

(1) The Secretary of State must by regulations require OFCOM to impose penalties on providers who unreasonably fail to share their apparatus in accordance with paragraph 3A of the electronic communications code set out in Schedule 3A to the Communications Act 2003.

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- (2) Regulations under this section must—
 - (a) make provision about the penalties which may be imposed by OFCOM,
 - (b) make provision about the circumstances in which a refusal to share apparatus may be considered to be unreasonable.

- (3) Regulations under this section may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament. 5

3 Proposals for incentivising use of other operators' networks

- (1) Within six months of the passing of this Act, the Secretary of State must lay before Parliament proposals for incentivising providers of mobile telephone services to allow customers of other such providers to use their networks in circumstances where access cannot be granted to their apparatus. 10

- (2) Proposals under subsection (1) must include measures intended to improve access to mobile telephone services for customers in rural areas.

4 Consequential provision 15

- (1) The Secretary of State may by regulations made by statutory instrument make further provision consequential on the provisions of this Act.

- (2) The power to make regulations under subsection (1) may (among other things) be exercised by modifying any provision made by or under an enactment.

- (3) Regulations under this section may make transitional and saving provision. 20

5 Extent, commencement and citation

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.

- (2) This Act comes into force on the day on which it is passed.

- (3) This Act may be cited as the Access to Telecommunications Networks Act 2024. 25

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Presented by Helen Morgan

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