

# Telecommunications Infrastructure (Leasehold Property) Bill

---

---

## COMMONS AMENDMENTS IN LIEU AND REASON

---

---

*[The page and line references are to HL Bill 107, the bill as first printed for the Lords]*

---

---

### Clause 1

#### LORDS AMENDMENT 1

- 1** Page 1, line 11, after “premises” insert “(which include premises where a tenant is in exclusive possession)”

#### COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

*The Commons disagree to Lords Amendment 1 but propose Amendments 1A and 1B as amendments in lieu –*

- 1A** Page 8, line 4, at end insert –
- “1A In section 134 (restrictions in leases and licences), in subsection (8), for the definition of “lease” substitute –
- ““lease” –
- (a) in relation to England and Wales and Northern Ireland, includes –
    - (i) any head lease, sub-lease or underlease,
    - (ii) any tenancy (including a sub-tenancy), and
    - (iii) any agreement to grant any such lease or tenancy;
  - (b) in relation to Scotland, includes any sub-lease and any agreement to grant a sub-lease, and “lessor” and “lessee” are to be construed accordingly;”.

- 1B** Page 9, line 21, leave out “, after the definition of “lease” insert –” and insert “ –
- (a) for the definition of “lease” substitute –
    - ““lease” –
    - (a) in relation to England and Wales and Northern Ireland, includes –
      - (i) any head lease, sub-lease or underlease,
      - (ii) any tenancy (including a sub-tenancy), and
      - (iii) any agreement to grant any such lease or tenancy,
 but does not include a mortgage by demise or sub-demise;
    - (b) in relation to Scotland, includes any sub-lease and any agreement to grant a sub-lease,
- and “leased premises” and “lessee” are to be read accordingly;”;
- (b) before the definition of “relevant person” insert –”

### After Clause 2

#### LORDS AMENDMENT 3

- 3** Insert the following new Clause –
- “Review of this Act’s impact on the Electronic Communications Code**
- (1) Within six months of the day on which this Act is passed, the Secretary of State must commission a review of the impact of this Act on the Electronic Communications Code (“the code”) contained in Schedule 3A to the Communications Act 2003.
  - (2) A review under subsection (1) must include assessments of whether the code –
    - (a) is sufficient to support access to 1 gigabit per second broadband in every premises in the United Kingdom by 2025, and
    - (b) should be amended to –
      - (i) introduce rights of access to telecommunications operators akin to those available to suppliers of –
        - (a) electricity,
        - (b) gas, and
        - (c) water,
      - (ii) provide additional development rights for operators to support the provision of telecommunications infrastructure,
      - (iii) encourage telecommunications operators to undertake infrastructure works alongside other works being carried out in a locality, where this is practicable.
  - (3) In undertaking the review, the Secretary of State must consult –
    - (a) telecommunications operators,
    - (b) organisations that represent tenants and telecommunications consumers,

- (c) persons appearing to the Secretary of State to represent owners of interests in land who are likely to be affected by amendments to the code, and
  - (d) any other persons the Secretary of State deems appropriate.
- (4) A review under subsection (1) must be published within 12 months of the day on which it was commissioned.
- (5) The review must make a recommendation on whether the Government should introduce legislation to amend the code in accordance with its findings under subsection (2)(b).
- (6) A Minister of the Crown must lay the review before Parliament.”

#### COMMONS REASON

*The Commons disagree to Lords Amendment 3 for the following Reason –*

- 3A** *Because the Commons do not consider it necessary for the Secretary of State to be required to carry out a review as set out in Lords Amendment No. 3.*

# Telecommunications Infrastructure (Leasehold Property) Bill

---

---

COMMONS AMENDMENTS IN LIEU AND REASON

---

*25th February 2021*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS