

# Product Security and Telecommunications Infrastructure Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

*The amendments have been marshalled in accordance with the Instruction of 6th June 2022, as follows –*

Clauses 1 to 66	Clauses 67 to 79
Schedule	Title.

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Before Clause 1**

LORD FOX  
LORD CLEMENT-JONES

**1** Insert the following new Clause –

**“General principles relating to product security**

- (1) The provisions in Part 1 of this Act should be read alongside the general principles relating to product security as outlined in subsection (2).
- (2) The principles are –
  - (a) in regard to the security of internet-connectable products and products capable of connecting to such products, manufacturers, importers and distributors have a duty of care towards their customers to secure their privacy and safety;
  - (b) customers are entitled to have a reasonable expectation that manufacturers, importers, and distributors make sure their consumer connectable products meet minimum cyber security requirements before they are placed on the UK market;
  - (c) manufacturers, importers, and distributors should be able to demonstrate an understanding of emerging security threats and a proactive, ongoing support programme to mitigate these risks and ensure that their products are safe by design.
- (3) In making regulations under Part 1 of this Act the Secretary of State must have regard to the principles outlined in subsection (2).”

***Member’s explanatory statement***

*This amendment would introduce a set of principles relating to product security into the bill.*

**Clause 1**

BARONESS MERRON  
LORD BASSAM OF BRIGHTON  
LORD FOX

2 Page 1, line 7, leave out “may” and insert “must”

***Member’s explanatory statement***

*This amendment strengthens the duty on the Secretary of State to publish regulations introducing security requirements.*

LORD CLEMENT-JONES  
LORD FOX

3 Page 1, line 11, at end insert –

“(c) children where they are not primary users of products but are subjects of product use.”

***Member’s explanatory statement***

*This amendment would mean the bill specifically refers to children, who might not be direct users of products but their security could be put at risk where they are subjects of other people’s use.*

BARONESS MERRON  
LORD BASSAM OF BRIGHTON

4 Page 1, line 17, at end insert –

“(2A) The security requirements under subsection (1) must, at a minimum –

- (a) prohibit the setting of universal default passwords,
- (b) restrict the ability to set weak or easily guessable passwords,
- (c) require the publication by manufacturers of reports of known security vulnerabilities, and
- (d) ensure the provision by manufacturers of pre-purchase information detailing the minimum length of time a consumer may expect to receive software or other relevant updates for a product.”

***Member’s explanatory statement***

*This amendment seeks to place certain product security minimum standards, including the prohibition of so-called ‘default’ passwords, on the face of the Bill.*

LORD FOX  
LORD CLEMENT-JONES

5 Page 1, line 17, at end insert –

“(2A) Regulations under this section must, among other things, include security requirements that –

- (a) prohibit the setting of universal default passwords and the ability to set weak or easily guessable passwords;
- (b) require the production and maintenance by manufacturers of regular publicly-available reports of security vulnerabilities;

**Clause 1 - continued**

- (c) ensure the provision of information to the consumer, before the contract for the sale or supply of a relevant connectable product is made, detailing the minimum length of time for which the consumer will receive software or other relevant updates for that product;
  - (d) introduce appropriate minimum periods for the provision of security updates and support, taking into account factors including the reasonable expectations of consumers, the type and purpose of the connectable products concerned and any other relevant considerations.
- (2B) Regulations under this section must include provision that all security requirements specified in accordance with this Act are included as essential requirements in statutory conformity assessments and marking procedures under the Radio Equipment Regulations 2017 (S.I. 2017/1206), and in any other such assessments and procedures applicable to relevant connectable products.”

***Member’s explanatory statement***

*This amendment expressly sets out on the face of the Bill security requirements, which this bill seeks to establish through future regulations, providing specific legal guidance regarding the individual security requirements and obligations on relevant parties.*

**Clause 3**

LORD FOX  
LORD CLEMENT-JONES

- 6 Page 3, line 12, leave out “negative” and insert “affirmative”

***Member’s explanatory statement***

*This amendment would mean regulations with the power to deem compliance with security requirements were subject to the affirmative resolution procedure, as recommended by the DPRRC.*

**Clause 7**

BARONESS MERRON  
LORD BASSAM OF BRIGHTON

- 7 Page 5, line 24, at end insert –
- “(5A) For the purposes of subsection (5), a person who provides an online facility through which a distributor makes a product available in the United Kingdom is also a distributor.”

***Member’s explanatory statement***

*This amendment brings online marketplaces which allow relevant products to be listed for sale within scope of the security requirements outlined in the Bill.*

LORD CLEMENT-JONES  
LORD FOX

8 Page 5, line 24, at end insert—

“(5A) Any person who is a provider of an internet service that allows or facilitates the making by consumers of distance contracts with traders or other consumers for the sale or supply of a relevant connectable product is to be regarded as a distributor for the purposes of this Act, if not a manufacturer or an importer of the product.”

***Member’s explanatory statement***

*This amendment would amend the language of what defines a ‘distributor’ in the scope of this Bill.*

**Clause 9**

LORD FOX  
LORD CLEMENT-JONES

9 Page 7, line 6, at end insert “with the exception of regulations under subsection (7) which are subject to the affirmative resolution procedure.”

***Member’s explanatory statement***

*This amendment would make regulations under section 9(7) subject to the affirmative resolution procedure, as recommended by the DPRRC.*

*The above-named Lords give notice of their intention to oppose the Question that Clause 9 stand part of the Bill.*

***Member’s explanatory statement***

*This is to probe the breadth of the delegated power in this clause, in line with concerns highlighted by the DPRRC.*

**Clause 11**

LORD FOX  
LORD CLEMENT-JONES

10 Page 7, line 43, at end insert—

“(5A) In circumstances where a failure to notify customers is liable to place them at a significant risk the Secretary of State must make regulations under subsection (5).”

***Member’s explanatory statement***

*This amendment would place a duty on the Secretary of State to make regulations about the conditions under which manufacturers must notify customers where they are placed at risk, as recommended by the DPRRC.*

*The above-named Lords give notice of their intention to oppose the Question that Clause 11 stand part of the Bill.*

**Member's explanatory statement**

*This is to probe why the clause does not place a duty on the Secretary of State to make regulations regarding the notification of customers, in line with the concerns raised by the DPRRC.*

**Clause 19**

LORD FOX

LORD CLEMENT-JONES

11 Page 12, line 16, at end insert –

“(7A) In circumstances where a failure to notify customers is liable to place them at a significant risk the Secretary of State must make regulations under subsection (7).”

**Member's explanatory statement**

*This amendment would place a duty on the Secretary of State to make regulations about the conditions under which importers must notify customers where they are placed at risk, as recommended by the DPRRC.*

**Clause 24**

LORD FOX

LORD CLEMENT-JONES

12 Page 14, line 45, at end insert –

“(5A) In circumstances where a failure to notify customers is liable to place them at a significant risk the Secretary of State must make regulations under subsection (5).”

**Member's explanatory statement**

*This amendment would place a duty on the Secretary of State to make regulations about the conditions under which distributors must notify customers where they are placed at risk, as recommended by the DPRRC.*

**Clause 25**

LORD FOX

LORD CLEMENT-JONES

13 Page 16, line 4, at end insert –

“(8A) In circumstances where a failure to notify customers is liable to place them at a significant risk the Secretary of State must make regulations under subsection (8).”

**Member's explanatory statement**

*This amendment would place a duty on the Secretary of State to make regulations about the conditions under which manufacturers must notify customers where they are placed at risk, as recommended by the DPRRC.*

**After Clause 25**

LORD CLEMENT-JONES  
LORD FOX

14 Insert the following new Clause –

**“Amendments to consumer protection legislation**

- (1) In section 9(3) of the Consumer Rights Act 2015 (goods to be of satisfactory quality), after paragraph (e) insert –  
“(f) compliance with security requirements.”
- (2) In Schedule 2 to the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (S.I. 2013/3134), after paragraph (x) insert –  
“(y) where applicable, confirmation of compliance with all security requirements as set out in regulations made under section 1 of the Product Security and Telecommunications Infrastructure Act 2022.”
- (3) In section 2(2) of the Consumer Protection Act 1987 (liability for defective products), after paragraph (c) insert –  
“(d) in relation to a relevant connectable product within the meaning of Part 1 of the Product Security and Telecommunications Infrastructure Act 2022, any person who is a distributor of the product within the meaning of that Act.””

***Member’s explanatory statement***

*This amendment would clarify the relationship between proposed provisions in this Bill and those already in law under the Consumer Rights Act 2015 and other consumer legislation. This would include defining a security issue as a fault for the purposes of consumer law and ensuring the liability for a defective connectable product is properly defined.*

**Clause 27**

LORD FOX  
LORD CLEMENT-JONES

15 Page 17, line 18, at end insert “and must be authorised by regulations subject to the affirmative resolution procedure.”

***Member’s explanatory statement***

*This amendment would require an agreement to delegate enforcement functions to be made by affirmative regulations, as recommended by the DPRRC.*

**After Clause 49**

LORD ARBUTHNOT OF EDROM  
LORD VAIZEY OF DIDCOT  
LORD CLEMENT-JONES  
LORD HOLMES OF RICHMOND

16 Insert the following new Clause—

**“Offences under the Computer Misuse Act 1990: defence**

Notwithstanding anything contained in the Computer Misuse Act 1990, it is not an offence for a person (“A”) to test the conformity of a relevant connectable product with all or any of the security requirements, without consent of the person entitled to control access to the product (“B”), where—

- (a) A reasonably believes that B would have consented to that testing if B had known about the the circumstances of it, including the reasons for performing it,
- (d) A is empowered by an enactment, a rule of law, or an order of a court or tribunal, to carry out the test, or
- (c) the test was necessary for the detection of crime.”

**After Clause 57**

LORD CLEMENT-JONES  
LORD FOX  
THE EARL OF LYTTON

17 Insert the following new Clause—

**“Rights in occupation**

- (1) The electronic communications code is amended as follows.
- (2) In paragraph 21 (test to be applied by the court), in sub-paragraph (4), at the end insert “the terms of any existing agreement, and any other method of statutory renewal available.””

***Member’s explanatory statement***

*This amendment seeks to ensure that any new agreements which are made with reference to Clause 57 of the Bill and using paragraph 20 of the Electronic Communications Code must have regard to the terms of the existing agreement to ensure continuity and fairness.*

**Clause 60**

BARONESS HARDING OF WINSCOMBE  
LORD VAIZEY OF DIDCOT  
LORD FOX  
BARONESS MERRON

18 Page 45, line 22, at end insert—

- “(5) In paragraph 74 (power to fly lines), after sub-paragraph (4) insert—
- “(5) References in this paragraph to installing lines include carrying out works to install, maintain and keep such lines and other reasonably associated apparatus.””

**After Clause 60**

BARONESS MERRON  
LORD BASSAM OF BRIGHTON  
LORD CLEMENT-JONES

19 Insert the following new Clause –

**“Requirement for operators to notify emergency service sites prior to upgrading or sharing 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.”

***Member’s explanatory statement***

*This new Clause would require operators with agreements under the code that are not subsisting agreements to provide written notice to site providers that are an emergency service in advance of apparatus being upgraded or shared. This would allow relevant emergency services to plan around service outages or other forms of disruption.*

**Clause 61**

THE EARL OF LYTTON  
LORD CLEMENT-JONES  
BARONESS MCINTOSH OF PICKERING  
LORD THURLOW

20★ Page 46, leave out lines 6 and 7 and insert –

- “(a) having regard to the terms of the agreement (other than those relating to the payment of consideration), that the holding might reasonably be expected to be let in the open market by a willing lessor,”

***Member’s explanatory statement***

*This amendment, along with the amendment to page 47, line 36 in the name of the Earl of Lytton, would ensure that the value of a consideration imposed by the court should take into account the land’s value if it were used for the provision or use of an electronic communications network (and other uses), if the consideration is governed by the Landlord and Tenant Act 1954 or the Business Tenancies (Northern Ireland) Order 1996. The disregards for assignment and sharing, brought in in 2017, would however be preserved.*



BARONESS MERRON  
LORD BASSAM OF BRIGHTON

21 Page 46, line 14, 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 may not decline by more than 40%.”

***Member’s explanatory statement***

*This amendment would guide the court on the appropriate level of rent reduction under new tenancies, to ensure consistency with the Government’s stated commitment that losses would be limited to 40%.*

BARONESS MCINTOSH OF PICKERING  
THE EARL OF DEVON

*Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 61 stand part of the Bill.*

***Member’s explanatory statement***

*This would remove Clause 61 of the Bill, giving operators the ability to calculate rent based on ‘land value’ rather than ‘market value’ when renewing tenancies to host digital infrastructure on private land.*

**Clause 62**

THE EARL OF LYTTON  
LORD CLEMENT-JONES  
BARONESS MCINTOSH OF PICKERING  
LORD THURLOW

22★ Page 47, leave out lines 36 and 37 and insert –

“(a) having regard to the terms of the agreement (other than those relating to the payment of consideration), that the holding might reasonably be expected to be let in the open market by a willing lessor,”

***Member’s explanatory statement***

*This amendment, along with the amendment to page 46, line 6 in the name of the Earl of Lytton, would ensure that the value of a consideration imposed by the court should take into account the land’s value if it were used for the provision or use of an electronic communications network (and other uses), if the consideration is governed by the Landlord and Tenant Act 1954 or the Business Tenancies (Northern Ireland) Order 1996. The disregards for assignment and sharing, brought in in 2017, would however be preserved.*

BARONESS MCINTOSH OF PICKERING  
THE EARL OF DEVON

*Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 62 stand part of the Bill.*

**Member's explanatory statement**

*This would remove Clause 62 of the Bill, giving 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.*

**After Clause 62**

THE EARL OF LYTTON  
LORD CLEMENT-JONES  
BARONESS MCINTOSH OF PICKERING  
LORD THURLOW

23★ Insert the following new Clause –

**“No scheme (no network) valuation**

In paragraph 24 of the electronic communications code (*How is consideration to be determined under paragraph 23?*), omit sub-paragraph (3)(a) and insert –

“(a) having regard to the terms of the agreement (other than those relating to the payment of consideration), that the holding might reasonably be expected to be let in the open market by a willing lessor.””

**Member's explanatory statement**

*This amendment would ensure that the value of a consideration imposed by the court should take into account the land's value if it were used for the provision or use of an electronic communications network, while still ensuring that operators receive significant rent reductions under court-imposed agreements.*

24★ Insert the following new Clause –

**“Cap for “no scheme” reductions on renewal using Part 5 of the Code**

- (1) Paragraph 34 of the electronic communications code (*What orders may a court make on an application under paragraph 32 or 33?*) is amended as follows.
- (2) Omit sub-paragraph (12) and insert –
  - “(12) In the case of an order under sub-paragraph (10), the court must have regard to the terms of the existing code agreement and the amount of consideration payable under the existing code agreement.
  - (12A) The consideration to be payable pursuant to the order under sub-paragraph (10) for the new agreement shall be the greater of the market value calculated under paragraph 24(3) or 60% of the consideration payable under the existing code agreement.””

**Member's explanatory statement**

*This amendment seeks to create fairness in the application of no scheme valuation on existing site providers, imposing a staggered impact so that an initial renewal under Part 5 of the Code cannot fall by more than 40% from the existing consideration. Successive renewals will then be done at the full “no scheme” valuation.*

25★ Insert the following new Clause –

**“Statutory guidance on valuation**

- (1) Paragraph 24 of the electronic communications code (*How is consideration to be determined under paragraph 23?*) is amended as follows.

**After Clause 62 - continued**

- (2) In sub-paragraph (3) after “assumptions” insert “and must reflect guidance under sub-paragraph (5)”.
- (3) After sub-paragraph (4) insert—
  - “(5) The Secretary of State must issue guidance, using market value (for telecommunications) as its basis, on the maximum permitted reduction in the amount of consideration payable by an operator to a relevant person under an agreement imposed by an order, including matters that should be taken into account when deciding such consideration.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to publish guidance on the level of / the factors influencing the expected value of imposed considerations; and for that guidance to influence the value of considerations imposed by the court.*

**26★** Insert the following new Clause—

**“Phase in period for “no scheme” reductions**

- (1) Paragraph 24 of the electronic communications code (*How is consideration to be determined under paragraph 23?*) is amended as follows.
- (2) After sub-paragraph (3) insert—
  - “(3A) Where a court imposes an agreement on renewal, the previous consideration will continue to be payable for 24 months until the new consideration becomes payable.”

***Member’s explanatory statement***

*This amendment would ensure that, in circumstances when a new consideration is imposed by the court, an operator will continue to pay the previous value of the consideration for 24 months.*

**27★** Insert the following new Clause—

**“Tiered phase in period for “no scheme” reductions**

- (1) Paragraph 24 of the electronic communications code (*How is consideration to be determined under paragraph 23?*) is amended as follows.
- (2) After sub-paragraph (3) insert—
  - “(3A) Where a court imposes an agreement on renewal, the consideration should be reduced in even increments over the course of three years, from the level of the previous consideration to the level of the new consideration.”

***Member’s explanatory statement***

*This amendment would ensure that, in circumstances when a new consideration is imposed by the court, the reduction in consideration would be gradually ‘phased in’ over the course of 3 years, rather than impacting the site provider immediately.*

**Clause 63**

BARONESS MCINTOSH OF PICKERING  
THE EARL OF DEVON

*Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 63 stand part of the Bill.*

**Clause 66**

BARONESS MCINTOSH OF PICKERING  
THE EARL OF DEVON

*Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 66 stand part of the Bill.*

**Clause 67**

LORD CLEMENT-JONES  
LORD FOX  
THE EARL OF LYTTON

28 Page 57, line 40, leave out subsection (3)

***Member's explanatory statement***

*This amendment would prevent the retrospective application of interim orders specifying the payment of consideration on the basis of 'no scheme' valuation requiring backdated payment.*

LORD CLEMENT-JONES  
LORD FOX

29 Page 57, line 40, leave out subsection (3) and insert –

“(3) After sub-paragraph (2) insert –

“(2A) The operator or the site provider may apply to the court for an order modifying the terms of the agreement relating to the existing code right until the application for an order under paragraph 32(1)(b) or 33(5) has been finally determined.””

***Member's explanatory statement***

*This amendment would prevent interim orders being used simply to agree a reduced rent, but would permit operators to request the modification of an agreement where the terms of the existing agreement are preventing an upgrade or modification, helping to facilitate rollout.*

LORD CLEMENT-JONES  
LORD FOX  
THE EARL OF LYTTON

30 Page 58, line 9, at end insert “or for a period of 12 months from the point at which the decision is taken, whichever is shorter.”

***Member's explanatory statement***

*This amendment would mean, in instances where interim orders specifying the payment of consideration on the basis of 'no scheme' valuation were applied retrospectively, resulting backdated payments would only be payable for a maximum period of 12 months.*

31 Page 58, line 9, at end insert –

“(2C) The cumulation of the payments specified by the order must not total more than a maximum value of £1,000.”

***Member’s explanatory statement***

*This amendment would mean, in instances where interim orders specifying the payment of consideration on the basis of ‘no scheme’ valuation were applied retrospectively, resulting backdated payments would only be payable up to a maximum of £1,000.*

LORD CLEMENT-JONES  
LORD FOX

32 Page 58, line 10, leave out subsection (4) and insert –

“(4) Omit sub-paragraph (3).”

***Member’s explanatory statement***

*This amendment is consequential on the amendment to Clause 67, page 57, line 40 in the name of Lord Clement-Jones.*

33 Page 58, line 14, leave out “(2A)(b)” and insert “(2A)”

***Member’s explanatory statement***

*This amendment is consequential on the amendment to Clause 67, page 57, line 40 in the name of Lord Clement-Jones.*

**After Clause 67**

LORD CLEMENT-JONES  
LORD FOX  
THE EARL OF LYTTON  
BARONESS MERRON

34 Insert the following new Clause –

**“Interim rents in relation to tenancies in England and Wales**

(1) The Landlord and Tenant Act 1954 is amended as follows.

(2) After section 24B (date from which interim rent is payable) insert –

**“24BA Date from which interim rent is payable under Electronic Communications Code agreements**

Where –

- (a) the current tenancy is a subsisting agreement within the meaning of Schedule 2 to the Digital Economy Act 2017, and
- (b) the primary purpose of the current tenancy is to confer code rights,

the following interim rent arrangements will apply –

- (c) the interim rent determined on an application under section 24A(1) shall be payable from the appropriate date;
- (d) if an application under section 24A(1) is made in a case where the landlord has given a notice under section 25, the appropriate date is the date at which a notice has been served and a court order obtained;

**After Clause 67 - continued**

- (e) if an application under section 24A(1) is made in a case where the tenant has made a request for a new tenancy under section 26, the appropriate date is the earliest date that could have been specified in the tenant's request as the date from which the new tenancy is to begin.””

**Member's explanatory statement**

*This amendment would ensure that interim rent payment could not be backdated prior to a court order being obtained for agreements made under the Electronic Communications Code.*

**Clause 68**

LORD CLEMENT-JONES  
LORD FOX  
THE EARL OF LYTTON

- 35 Page 58, line 38, leave out from “must” to “use” in line 39 and insert “attempt to make”

**Member's explanatory statement**

*This amendment would mandate the use of Alternative Dispute Resolution schemes to resolve disagreements before either party could ask for a consideration to be imposed by the court.*

BARONESS MCINTOSH OF PICKERING  
THE EARL OF DEVON

- 36 Page 58, line 38, leave out from “must” to “one” in line 39 and insert “use”

**Member's explanatory statement**

*This amendment is to ensure that operators engage in the alternative dispute resolution process by making it mandatory.*

- 37 Page 59, line 14, leave out from “must” to “one” in line 15 and insert “use”

**Member's explanatory statement**

*This amendment is to ensure that operators engage in the alternative dispute resolution process by making it mandatory.*

- 38 Page 59, line 36, leave out from “must” to “one” in line 37 and insert “use”

**Member's explanatory statement**

*This amendment is to ensure that operators engage in the alternative dispute resolution process by making it mandatory.*

LORD CLEMENT-JONES  
LORD FOX  
THE EARL OF LYTTON

- 39 Page 60, line 3, at end insert –  
“(c) any evidence that OFCOM's code of practice has been breached”

**Member's explanatory statement**

*This amendment would ensure that any breach of OFCOM's code of practice is taken into account in Alternative Dispute Resolution judgements between operators and landlords.*

BARONESS MCINTOSH OF PICKERING  
THE EARL OF DEVON

*Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 68 stand part of the Bill.*

**After Clause 68**

LORD CLEMENT-JONES  
LORD FOX  
THE EARL OF LYTTON

40 Insert the following new Clause—

**“Obligation for operators and occupiers to adhere to OFCOM code of practice**

- (1) The electronic communications code is amended as follows.
  - (2) After paragraph 103 (duty for OFCOM to prepare code of practice) insert—  
*“Obligation for operators and persons who occupy or have an interest in land to adhere to OFCOM code of practice*
- 103A (1) Operators and persons who occupy or have an interest in land are obliged to adhere to the OFCOM code of practice.
- (2) The penalty for non-compliance with obligations is to a maximum value of £1,000,000.
  - (3) OFCOM must have regard to prior non-compliance when assessing the scale of any penalty imposed.””

**Member's explanatory statement**

*This amendment would increase the penalty payable for breaches of OFCOM's code of practice.*

**Clause 69**

LORD CLEMENT-JONES  
LORD FOX  
THE EARL OF LYTTON

41 Page 60, line 8, at end insert—

- “(cb) the time limit for responding to complaints, which should be set at 14 days;  
(cc) the transparent publication of complaints;”

**Member's explanatory statement**

*This amendment would strengthen the complaints handling processes operators are expected to meet under OFCOM's code of practice.*

LORD CLEMENT-JONES  
LORD FOX

42 Page 60, line 8, at end insert—

“(cb) the compensation payable by operators to such persons, up to a value of 100% of the value of the contract;”

*Member’s explanatory statement*

*This amendment would increase the compensation payable for complaints that are upheld for failure to meet OFCOM’s code of practice.*

BARONESS MCINTOSH OF PICKERING  
THE EARL OF DEVON

*Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 69 stand part of the Bill.*

**Clause 72**

BARONESS MCINTOSH OF PICKERING  
THE EARL OF DEVON

*Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 72 stand part of the Bill.*

**After Clause 72**

BARONESS MERRON  
LORD BASSAM OF BRIGHTON

43 Insert the following new Clause—

**“Local authority nominated persons**

Within three months beginning with the day on which this Act is passed, the Secretary of State must lay before Parliament a statement outlining the steps Her Majesty’s Government intends to take to ensure local authorities—

- (a) publish the contact details of an officer designated with responsibility for matters pertaining to the exercising of code rights, and
- (b) publish relevant updates to the information provided under paragraph (a) in a timely manner.”

*Member’s explanatory statement*

*This amendment is to probe whether the Government is taking any steps to ensure local authorities make the contact details of relevant officers publicly available, in order to assist telecommunications operators and other interested parties.*

LORD FOX  
LORD CLEMENT-JONES

44 Insert the following new Clause—

**“Duty of network providers in relation to communications infrastructure**

- (1) When carrying out relevant work network providers must take all reasonable steps to ensure the work carried out by them (and by any workers under their control) is in compliance with all building safety requirements.



**After Clause 72 - continued**

- (2) Network providers must record any relevant work and report it to the building's accountable person as defined by the Building Safety Act 2022.
- (3) In this section "relevant work" means work in relation to the installation, maintenance or removal of infrastructure that is used for the purpose of providing an electronic communications network."

**Member's explanatory statement**

*This amendment would place a duty on network providers to ensure any work done in relation to communications infrastructure does not compromise building safety.*

**After Clause 74**

BARONESS MERRON  
LORD BASSAM OF BRIGHTON

45 Insert the following new Clause—

**“Review of 2017 revisions to the electronic communications code**

- (1) Within the period of three months beginning with the day on which this Act is passed, the Secretary of State must undertake a review of the effect of Schedule 1 to the Digital Economy Act 2017 (the electronic communications code).
- (2) The review under subsection (1) must, in addition to any other matters the Secretary of State deems appropriate, include consideration of—
  - (a) the extent to which the 2017 revisions have secured progress towards Her Majesty's Government's targets relating to telecommunications infrastructure,
  - (b) the impact of the 2017 revisions on rents under tenancies conferring code rights, and
  - (c) the case for re-evaluating the value of rents under tenancies conferring code rights.
- (3) Upon completion of the review under subsection (1), the Secretary of State must lay a copy of the findings before Parliament.”

**Member's explanatory statement**

*This amendment would require the Secretary of State to undertake a review of the 2017 revisions to the electronic communications code, with a particular emphasis on the effect(s) of the substantially lower rents paid by operators to landowners hosting telecommunications infrastructure.*

46 Insert the following new Clause—

**“Application of the Subsidy Control Act 2022 in respect of telecommunications infrastructure**

Within three months beginning with the day on which this Act is passed, the Secretary of State must lay before Parliament a statement outlining whether Her Majesty's Government intends to establish a streamlined subsidy scheme under the Subsidy Control Act 2022 in order to facilitate the installation of telecommunications infrastructure.”

**Member's explanatory statement**

*This amendment is to probe whether the Government intends to establish a streamlined subsidy scheme for telecommunications infrastructure, in order to lower the administrative burden for public authorities wishing to subsidise the roll-out of telecommunications infrastructure in their area(s).*

LORD FOX  
LORD CLEMENT-JONES

47 Insert the following new Clause—

**“Review of the impact of Part 2 on 1 gigabit broadband accessibility**

- (1) Within six months of the passing of this Act, the Secretary of State must lay before Parliament a review of the impact of this Part on the Government's progress towards achieving access to 1 gigabit per second broadband in every premises in the United Kingdom by 2025.
- (2) The review must make a recommendation as to whether the Government should bring forward further legislation to achieve access to 1 gigabit per second broadband in every premises in the United Kingdom by 2025 in light of the findings of the review.
- (3) The review must in particular look at the impact of this Part on broadband in rural areas.
- (4) The Secretary of State must lay before Parliament a further review in the same terms as subsection (1) every 12 months after the initial review has been laid.”

**Member's explanatory statement**

*This amendment would require the Government to review the impact of this Bill in achieving access to 1 gigabit per second broadband in every premises in the UK by 2025.*

BARONESS MERRON  
LORD BASSAM OF BRIGHTON

48 Insert the following new Clause—

**“Infrastructure rollout strategy**

- (1) Within 12 months beginning with the day on which this Act is passed, the Secretary of State must lay before Parliament a strategy for—
  - (a) accelerating the rollout of telecommunications infrastructure, and
  - (b) ensuring the highest possible number of properties are able to receive a gigabit-capable connection.
- (2) The strategy under subsection (1) must include proposals for—
  - (a) improving the balance of rights and responsibilities of landowners and operators, and
  - (b) improving building access rights for operators, while preserving competition within the sector.
- (3) The strategy under subsection (1) must also consider the case for reforming or extending provisions under the Telecommunications Infrastructure (Leasehold Property) Act 2021, in order to make them more effective.
- (4) In preparing the strategy under subsection (1), the Secretary of State must consult—

**After Clause 74 - continued**

- (a) landowners with an interest in the rollout of telecommunications infrastructure,
- (b) telecommunications operators,
- (c) contractors with a record of installing telecommunications infrastructure, and
- (d) any other persons the Secretary of State deems appropriate.”

***Member’s explanatory statement***

*This amendment would require the Government to bring forward a strategy for dealing with a variety of known issues around the rollout of telecommunications infrastructure, including the imbalance of rights between landowners and operators, and the difficulties faced by operators when attempting to access certain types of buildings (e.g. multiple dwelling units). In preparing the strategy, the Secretary of State would have to consult interested parties.*

LORD CLEMENT-JONES

LORD FOX

THE EARL OF LYTTON

**49** Insert the following new Clause—

**“Review: impact of the Act**

- (1) Within 18 months of the day on which this Act is passed the Government must commission an independent review of this Part which must take into account—
  - (a) the impact of the legislation on additional investment into mobile networks and the pace of infrastructure deployment, including the number of new sites created;
  - (b) costs borne by property owners under the legislation, including an assessment of the change in consideration levels, and their distribution between groups (including small businesses, community bodies and public property owners such as hospitals and local authorities);
  - (c) any wider costs and benefits of the legislation, for example resulting from burdens to the judiciary as a result of litigation.
- (2) The review must take into account the impact of the parts of the Digital Economy Act 2017 pertaining to the electronic communications code when making the assessment of the impact of this Act.
- (3) Within 12 weeks of the publication of the independent review, the Government must publish a response to the review’s findings and lay both the review and the response before Parliament.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to publish a full, independent report of the impact of this legislation, and related legislation in the Digital Economy Act 2017, on the market for, and delivery of, telecoms infrastructure.*

LORD CLEMENT-JONES  
LORD FOX  
THE EARL OF LYTTON  
BARONESS MERRON

50 Insert the following new Clause—

**“Reporting requirements**

- (1) The electronic communications code is amended as follows.
- (2) After paragraph 103, insert the following new paragraph—

*“Reporting requirements*

103A On an annual basis, operators are required to report transparently to OFCOM on—

- (a) overall investment into mobile networks;
- (b) the rent paid to site providers on all agreements as against the previous year;
- (c) the total consideration paid to site providers on all agreements as against the previous year;
- (d) the number of new mobile sites built within the United Kingdom;
- (e) the number of sites upgraded to facilitate 5G coverage;
- (f) the number of renewals agreed on mobile sites;
- (g) the average rent paid per mobile site.”

***Member’s explanatory statement***

*This amendment would require operators to report transparently on their investment in mobile networks, on the number of new sites built, on the number of renewals agreed, and on the average rent paid per site.*

# Product Security and Telecommunications Infrastructure Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*17 June 2022*

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