



Telecommunications Infrastructure (Leasehold Property) Bill

HL Bill 107 of 2019–21

On 22 April 2020, the House of Lords is scheduled to debate the second reading of the Telecommunications Infrastructure (Leasehold Property) Bill.

The bill aims to make it easier for telecoms network operators to access multiple dwelling buildings (such as flats) to install or upgrade broadband connections. It would introduce a new process for operators to apply to the courts for access to the property where the “lessee” occupant has requested a broadband service and the rights holder (eg the owner or landlord) has not responded to multiple requests for access.

It would do this by inserting a new part 4A into the electronic communications code. The code governs the relationship between network operators and rights holders of land. It is intended to make it easier for network operators to install and maintain telecoms apparatus on public and private land. Where agreement cannot be reached over digital infrastructure upgrades or installations, the code allows operators to apply to a court or tribunal for agreements to be imposed. However, operators have signalled that they are not keen on using the code due to time and cost implications. They have also said that requests to access multiple dwelling units have not been responded to in about 40% of cases. The Government hopes the new process will deliver a quicker and easier way of dealing with this issue.

The legislation forms part of the Government’s policy to improve the country’s digital infrastructure. It has stated its intention to accelerate the roll-out of gigabit-capable broadband and has previously referred to a 2025 target for achieving this nationally. Although welcoming the Government’s ambition, network operators have spoken about certain barriers they face undertaking this work. These include costs and getting permission to access and install on private land.

The House of Commons has already considered the bill. Although it received cross-party support, Labour described the bill as “mediocre”. Labour moved unsuccessful amendments that would have required operators who carried out work under a part 4A order to enable other operators to also easily install their equipment. Labour amendments queried whether ‘tenants’ could make requests under the legislation and also called for the Government to publish more detailed plans for its digital infrastructure roll-out. In addition, MPs voiced concerns about the involvement of “high-risk” vendors in the UK’s digital infrastructure. Conservative MPs pressed to a division an amendment that sought to prohibit the involvement of high-risk vendors after 2022. It was defeated by 306 votes to 282.

Russell Taylor | 20 March 2020

A full list of Lords Library briefings is available on the research briefings page on the internet. The Library publishes briefings for all major items of business debated in the House of Lords. The Library also publishes briefings on the House of Lords itself and other subjects that may be of interest to Members. Library briefings are compiled for the benefit of Members of the House of Lords and their personal staff, to provide impartial, authoritative, politically balanced briefing on subjects likely to be of interest to Members of the Lords. Authors are available to discuss the contents of the briefings with the Members and their staff but cannot advise members of the general public.

Any comments on Library briefings should be sent to the Head of Research Services, House of Lords Library, London SW1A 0PW or emailed to purvism@parliament.uk.

I. Purpose of the legislation

I.1 Improving UK digital infrastructure

In its manifesto, the Conservative Party set a target of delivering “full fibre and gigabit-capable” (speeds of 1,000mbps) broadband to every home and business across the UK by 2025.¹ However, the Queen’s Speech did not mention the 2025 target and the full-fibre target, with the Government instead saying it would introduce new laws to “accelerate” the delivery of gigabit-capable broadband.²

In its 2019 report, Ofcom estimated that:³

- 95% of premises had access to ‘superfast broadband’ (speeds of 30mbps and above);
- 53% had access to ‘ultrafast’ broadband (speeds over 300mbps); and
- 7% had access to full fibre broadband.

In addition, the report estimated that around 619,000 premises did not have access to a “decent” broadband connection, defined as a minimum download speed of 10mbps. However, from 20 March 2020, all premises have a legal right to request the provision of a service capable of delivering these speeds, subject to certain conditions.⁴

Extending full fibre or/and gigabit-capable broadband to the whole of the UK is a large infrastructure project. The Government intends that most of it will be led and funded by private industry, with additional funding made available by the Government to aid the connection of areas that are less commercially viable.⁵ Gigabit-capable broadband could be provided by fibre connections or by 5G mobile technology. However, both systems would require investment in infrastructure.

In the March 2020 budget, the chancellor, Rishi Sunak, announced £5bn of government funding to support the roll-out of gigabit-capable broadband in the “most difficult to reach 20% of the country”.⁶

I.2 Barriers to improving fibre infrastructure

In an open letter addressing the possible 2025 target, telecoms companies welcomed the ambition of the Government, but said that four key issues needed to be addressed to achieve full fibre broadband roll-out:

- **Fibre Tax:** Fibre cables are still taxed as if they were business buildings. Significant reform to this fibre tax would provide an immediate boost to the industry and significantly unlock more ambitious rollout plans.

¹ Conservative Party, [Conservative Party Manifesto 2019](#), November 2019, p 28.

² Prime Minister’s Office, [Queen’s Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 91.

³ Ofcom, [Connected Nations Update](#), 2 May 2019.

⁴ This is through the broadband universal service obligation, see: Ofcom, [‘Your right to request a decent broadband service: What you need to know’](#), accessed 13 March 2020.

⁵ BBC News, [‘£5bn for full fibre: do the numbers add up?’](#), 30 September 2019.

⁶ HM Treasury, [‘Budget 2020’](#), 11 March 2020.

- **Wayleaves:** Plans to allow telecommunications providers access to buildings and land to deliver broadband services where landlords are unresponsive need to be implemented as quickly as possible—too often unresponsive landlords delay rollout in urban and rural areas.
- **New builds:** Too many new build homes are still being developed without fibre connectivity as a standard and plans to mandate fibre to all new builds should be pushed forward.
- **Skills:** National fibre rollout is one of Britain’s greatest engineering challenges. Investment in digital and engineering skills needs to be prioritised and our members need to be able to compete for global talent to fill the ever-increasing skills gap.⁷

Theresa May’s Government addressed some of these barriers in its 2018 *Future Telecoms Infrastructure Review*. The review said the Government would set up a taskforce to work with industry to address these barriers. It said the Government would also introduce new legislative and non-legislative approaches for:

- **Simplifying wayleave agreements** to facilitate easier access to multi-dwelling units. Operators face particular difficulties in identifying owners of multi-dwelling buildings and business parks, meaning tenants are often left without their choice of service. Enabling easier access will mean more full fibre can be deployed, faster;
- **Reducing the costs and time caused by street works** by standardising the approach across the country. We plan to work with operators and local authorities to establish a set of common operational standards and best practice which work within the current legislative and regulatory framework. Different interpretations of street works rules by local authorities mean that operators face differing costs and procedures across the country, hampering investment and creating uncertainty; and
- **Ensuring fibre connectivity in new builds**, so residents of new homes have full fibre technology. We welcome the efforts by operators and house builders to extend full fibre but further action is required as too many homes are still being built without fibre connections.⁸

1.3 Aim of the bill

The Telecommunications Infrastructure (Leasehold Property) Bill aims to make it easier for telecoms network operators to access multiple dwelling buildings (eg flats) to install or upgrade broadband connections. It would introduce a new process for operators to apply to the courts for access to the property where the “lessee” occupant has requested a broadband service and the rights holder (eg the owner or landlord) has not responded to multiple requests for access.

This seeks to address one of the access issues flagged by operators. The Government said that it had

⁷ Internet Services Providers’ Association, ‘[100% full fibre coverage requires a 100% full commitment from Government](#)’, 2 August 2019.

⁸ Department for Digital, Culture, Media and Sport, [Future Telecoms Infrastructure Review](#), July 2018, pp 5–6.

been informed that requests for access to multiple dwelling buildings were often not responded to:

Across their initial deployment programmes for gigabit-capable broadband, requests to access multiple dwelling units have not been responded to in approximately 40% of cases. The operators have asserted that the result of this is that they have been prevented from providing services and that, as a consequence, they have removed properties from their deployment plans.⁹

The bill would amend the electronic communications code ('the code'), providing operators a faster process for dealing with a lack of response on proposed digital infrastructure work in multiple dwelling buildings.

Electronic communications code

The code governs the relationship between network operators and rights holders of land and is intended to make it easier for network operators to install and maintain telecoms apparatus on public and private land.¹⁰ It grants certain rights to specified telecoms operators, including the right to install electronic communications equipment (eg broadband). If an agreement cannot be reached with the owner or occupier of private land, the code allows an operator to apply to a court/tribunal to impose an agreement.

However, following a consultation on tenants' access to gigabit-capable broadband, the Government acknowledged that network operators were not keen on using the existing procedures set out in the code to pursue access rights.¹¹ This was due to the costs and time involved in the tribunal process.

Therefore, the Government committed to legislation to provide a "fast, cheap, light-touch application process to obtain interim rights" in circumstances where landlords did not respond to operators' requests.¹² It believed this would balance the interests of landlords, operators and tenants.

Government consultation

The initial consultation also consulted on implementing additional measures to improve network operator access. Following feedback, the Government decided not to go ahead with these. This included the possibility of placing an "obligation" on landlords to "facilitate the deployment" of digital infrastructure following a request by a tenant and upon subsequent notification by a network operator.¹³ However, the Government believed this would not deal with the underlying cause of why landlords were not responding and may place too high a burden on them. Instead, it said that the new legislation and the code rights should be used where agreements were not being obtained.

The Government also said it would continue to work with stakeholders to improve responses to

⁹ [Explanatory Notes](#), p 3.

¹⁰ Ofcom, '[Electronic Communications Code](#)', accessed 13 March 2020.

¹¹ Department for Digital, Culture, Media and Sport, '[Ensuring Tenants' Access to Gigabit-Capable Connections](#)', October 2019, p 9.

¹² *ibid*, pp 9–11.

¹³ *ibid*, pp 13–14.

access requests for digital infrastructure work:

To complement—but separate from—our proposed legislation, we will continue to work together with relevant key stakeholders such as landlords, operators, landowners and managing agents. We will aim to ensure that all stakeholders understand the importance of responding to requests and entering into negotiations to agree terms of access. We continue to believe that seeking consensual agreement is the preferred way for parties to act when deploying digital communications networks.¹⁴

1.4 Provisions in the bill

The bill consists of one substantive clause, which would add a new part 4A to the electronic communications code (as set out in schedule 3A of the Communications Act 2003).

New part 4A

New part 4A has nine paragraphs that set out the proposed new process for dealing with unresponsive landlords.

Paragraph 27A introduces part 4A, stating that its purpose is to allow courts to make an order imposing an agreement where rights of access are requested, and the rights holder does not respond to repeated notices from the network operator.

How could an order be sought?

Paragraphs 27B and 27C would define the circumstances under which an order can be sought; for example, it requires:

- that the specified premises are occupied under a lease and the lessee requests a particular electronic communications service;
- the network operator to require an agreement from a rights holder (referred to as the ‘grantor’) to access the premises (or connected land) and for that agreement to have been sought through a ‘request notice’; and
- two warning notices and a final warning notice to have been issued to the grantor, each within specified time periods (totalling around a month).

These rights would only apply to multiple dwelling buildings (eg blocks of flats), unless other types of premises are prescribed in regulations made by the secretary of state.

Once 14 days have passed from the final notice being issued, and within a timeframe specified by regulations, the operator can apply for a part 4A court order if the grantor has not responded. Details on this are set out in paragraph 27D. Responses include any written acceptance, refusal, or acknowledgement of any of the orders. The operator must give the grantor notice of the part 4A application.

¹⁴ Department for Digital, Culture, Media and Sport, [Ensuring Tenants’ Access to Gigabit-Capable Connections](#), October 2019, p 11.

When could a court make the order?

Paragraph 27E sets out when a court may make a part 4A order and details on the form and effect of the order. A court may make the order if it is content the requirements for applying for the order have been met and if the grantor has not objected to the making of the order. The order imposes an agreement between the grantor and the operator conferring relevant code rights. The form and terms of the agreement must be as specified in regulations. The regulations must provide for the terms of the agreement to cover certain matters, including:

- restricting the operator’s right to enter on the connected land to specified times except in cases of emergency;
- imposing requirements on the operator relating to insurance cover and indemnification of the required grantor; and
- relating to the maintenance or upgrading by the operator of apparatus installed on, under or over the connected land in the exercise of the Part 4A code right.¹⁵

The secretary of state must consult network operators and people who may represent those with interests in land before making the regulations.

What else would new part 4A provide?

Paragraph 27F provides that code rights may be exercised by the operator in respect of the ‘connected land’ for the purpose of providing an electronic communications service to the target premises and, under certain conditions, other premises. It can only be used for accessing other premises if this does not add to the grantor’s “burden”; for example, by further impacting their enjoyment of the connected land or through additional loss, damage, or expense.

Paragraph 27G sets out circumstances where the code right conferred by a part 4A order may expire. The rights would expire if a replacement agreement comes into effect, if the court refuses a request for a replacement agreement by the operator or if 18 months elapse from a part 4A order coming into effect. The 18-month time period will be set out by regulations.

Paragraph 27H allows the grantor to apply to the court for compensation from the operator for any loss or damage resulting from the exercise of the order. An application for compensation can be made at any point after the part 4A order has been granted. A court order for compensation may specify the amount of compensation or how it should be worked out, and how it should be paid.

Finally, paragraph 27I supplies further definitions and interpretations of the terms used throughout part 4A.

The remaining clauses of the bill, clauses 2 and 3, contain miscellaneous provisions and consequential amendments. The legislation would apply to the whole of the UK and most of it would come into force as specified by regulations.

¹⁵ [Explanatory Notes](#), p 8.

2. House of Commons stages

The bill was introduced in the House of Commons on 8 January 2020 and completed its Commons stages on 10 March 2020.

2.1 Second reading

Government Opening Statement

Introducing the bill at second reading on 22 January 2020, the Minister for Digital Infrastructure, Matt Warman, spoke of the importance of delivering better internet across the country, both for businesses and consumers:

Those gigabit-capable connections, by which I mean 1,000 megabits per second and above, will ensure that British businesses can retain their global reach. They will be a catalyst for entrepreneurs in areas such as cyber-security, big data and artificial intelligence, and will support innovation in operations that use cloud services and blockchain technologies. They will transform how and where people work and collaborate.

Perhaps the most exciting promise of gigabit broadband is for consumers, because as we all know, poor internet connections hold people back. They prevent children from doing their homework, the ill from arranging appointments to see their doctors and those who need it most from saving money online. It was superfast broadband that facilitated the rise of Netflix, Spotify and the iPlayer; gigabit broadband, with its improved reliability, resilience and speed, will herald the era of the internet of things, the connected home, integrated transport networks and personalised healthcare, and that is why this Government are committed to investing in it across the country.¹⁶

He noted the issues operators had raised about unresponsive landlords in multiple dwelling buildings and described the bill as a “hammer blow” to one of the barriers operators are facing delivering faster broadband.¹⁷ He believed the proposed measures in the bill are “proportionate and balanced, and places an exceptionally low burden on the landlord and a high evidential requirement on the operator”.¹⁸

Opposition party responses

Chi Onwurah, the shadow minister for industrial strategy, said that Labour would support the bill but believed it did not go far enough. She criticised the Government’s record on digital infrastructure and questioned its commitment to the 2025 target set out in its manifesto.¹⁹ She stated that the bill failed to ensure appropriate competition between operators, did not do enough to assist operators to

¹⁶ [HC Hansard, 22 January 2020, cols 357–8.](#)

¹⁷ *ibid*, col 358.

¹⁸ *ibid*, col 360.

¹⁹ *ibid*, cols 362–8.

improve the country's infrastructure and demonstrated the UK's "broken leasehold" system.²⁰ In addition, she noted that the bill does not mention mobile technology, such as 5G, which has been highlighted as an additional method of achieving gigabit-capable connections.

She said that the Government needed to set out a better plan for future digital infrastructure:

There is much the Government could be doing to deliver the infrastructure we need. We support the aims of this bill but fear that the measures are not properly thought through and will not make a significant difference. We need a proper plan to overcome 10 wasted years.²¹

The bill was welcomed by the Scottish National Party (SNP), with their shadow spokesperson, John Nicolson, believing it would help Scottish telecoms operators.²² However, he did raise the issue of new build properties being completed without fibre broadband connections. He indicated that the SNP was keen to work with the Government on resolving this issue through other regulations.

Concluding the debate, the minister defended the Government's record on digital infrastructure and welcomed the support for the bill across the House. He also indicated that the Government would be publishing further details on its plans for digital infrastructure roll-out in due course.²³

2.2 Committee stage

Committee stage for the bill took place in public bill committee on 11 February 2020.

Changes to where orders could be started

Some government amendments were made to the bill during committee, which concerned where applications for the proposed 4A order would be commenced.²⁴ Under the amendments, applications would be made to the first-tier tribunal in England and Wales and the sheriff court in Scotland. Previously, the applications would have started in the upper tribunal in England and Wales and the land tribunal in Scotland.

Matt Warman explained that the change was due to concerns raised about courts resources.²⁵ These concerns had been raised by the senior judiciary and during second reading.

The Opposition welcomed the amendments, which were agreed without a vote.

²⁰ [HC Hansard, 22 January 2020, col 365.](#)

²¹ *ibid*, cols 367–8.

²² *ibid*, cols 371–2.

²³ *ibid*, cols 378–80.

²⁴ [Public Bill Committee, Telecommunications Infrastructure \(Leasehold Property\) Bill, 11 February 2020, session 2019–21, 1st sitting, cols 25–8.](#)

²⁵ *ibid*, col 25.

Opposition amendments on definitions and operators' equipment

No other amendments were made to the bill during committee stage; however, two proposed Labour amendments were defeated on division.

The first of these sought to “expand the definition” of who could request an electronic communications service, so that it would cover “rental tenants and other legal occupants who may not own the lease to the property they occupy”.²⁶

Introducing the amendment, Chi Onwurah questioned whether the proposals, as drafted, would only be available to freeholders and leaseholders.²⁷ Seeking clarity on this point from the minister, she explained:

I remain unclear whether tenants—those who are not the leaseholder or freeholder but are occupying the building or the land—who make a request for service from a broadband provider are within the scope of this legislation.²⁸

Matt Warman said that the legislation would require involvement from the freeholder or leaseholder but believed that a tenant would be within the legal definition. He explained:

My understanding is that, within the context of this bill, a tenant would absolutely be within the legal definition. I am not pretending that I am wholly answering the hon. Lady's question, because there is still a requirement for the freeholder, for instance, to be a part of the process.²⁹

The amendment was defeated by 10 votes to 7.

The second division was on an amendment that would have required the part 4A order to specify that other operators' equipment could also be easily installed following any work done.

Chi Onwurah explained that this was to drive competition between network operators and to prevent tenants getting locked into having to use a particular operator. She stated that “it is a long-held basic tenet of telecoms deployment that infrastructure competition drives investment, innovation and choice”.³⁰ She also said that other countries, such as France and the Netherlands, required shared access to building infrastructure.³¹

The minister rejected the amendment on the basis that the bill would still allow leaseholders to request services from the providers they want, therefore not locking them into one provider, and

²⁶ [Public Bill Committee, Telecommunications Infrastructure \(Leasehold Property\) Bill, 11 February 2020, session 2019–21, 1st sitting, col 9.](#)

²⁷ *ibid*, col 10.

²⁸ *ibid*, col 13.

²⁹ *ibid*, col 13.

³⁰ *ibid*, col 20.

³¹ *ibid*, col 21.

that the amendment might deter competition or investment:

As the hon. Member knows, much of the cost of connecting premises is in the initial installation. The amendment could therefore seriously undermine the case for operators to make that initial installation, as they risk being undercut by second or third movers who would not have to bear the same costs.³²

The minister also said that the Government were seeking a wider approach to promote competition and investment, and that it would therefore be inappropriate to introduce measures through a bill that only applied to one type of premises.³³

The amendment was defeated by 10 votes to 7.

During committee stage, there was also discussion of a Labour amendment regarding the use of “high-risk vendors”, as defined by the National Cyber Security Centre, in the process.³⁴ This issue was returned to at report stage, and is covered in the following section of this briefing.

2.3 Report stage and third reading

Report stage and third reading took place in the House of Commons on 10 March 2020.

Report stage

No amendments were made to the bill at report stage; however, two amendments were moved to a division, with both being defeated.

Division 1: Conservative “Huawei” amendment

The amendment that attracted the most attention was tabled by several Conservative MPs. It concerned the use of vendors defined as “high risk” by the National Cyber Security Centre (amendment 1). The amendment sought to prevent the use of “high risk” vendors after 2022. In particular, MPs were concerned about the involvement of Huawei, a Chinese company, in the nation’s 5G roll-out.³⁵

The Government had previously announced that, following a review of future telecoms infrastructure, it had decided that high-risk vendors should be:

- excluded from all safety-related and safety-critical networks in critical national infrastructure;

³² [Public Bill Committee, Telecommunications Infrastructure \(Leasehold Property\) Bill, 11 February 2020, session 2019–21, 1st sitting, col 22.](#)

³³ *ibid*, cols 21–22.

³⁴ *ibid*, col 14.

³⁵ BBC News, [‘Huawei: Government wins vote after backbench rebellion’](#), 10 March 2020.

- excluded from security-critical network functions;
- limited to a minority presence in other network functions up to a cap of 35%; and
- subjected to tight restrictions, including exclusions from sensitive geographic locations.³⁶

The Government said it had considered technical and security analysis undertaken by GCHQ's National Cyber Security Centre to inform this decision.

Speaking to amendment I, Sir Ian Duncan Smith (Conservative MP for Chingford and Woodford Green) spoke of his concerns about Huawei's domination of the market, how it operated and about the potential security risks it posed.³⁷ For example, he highlighted a statement by the National Cyber Security Centre that, without Government intervention, the UK may become "nationally dependent" on Huawei within three years due to "commercial factors". Sir Ian also spoke about the concerns of other countries about the UK's use of Huawei. Although he acknowledged that using alternative companies may add to the cost of 5G, he believed this was a necessary trade-off to protect the UK.

However, Sir Ian did accept that the Government was in a difficult position and that the bill before the House was not the most appropriate vehicle for resolving the issue.³⁸ Therefore, he instead called for the Government to give three assurances on how the situation would be dealt with. He requested:

1. the Government set out a plan for removing high-risk vendors from the system;
2. there be an agreed timescale set out for doing so; and
3. the Government to introduce a bill to address the issue before the summer.

The Opposition tabled similar amendments on the use of "high risk" vendors. The Labour Party also expressed concerns about Huawei's prominent role in the UK's future digital infrastructure. Speaking to these amendments, and with reference to amendment I, Chi Onwurah stated she was concerned that the Government was not doing enough to show it was addressing the issues raised by the National Cyber Security Centre.³⁹ However, Labour did not press its amendments to a vote, instead supporting amendment I at division.

Amendment I was also supported by the SNP, with their spokesperson, John Nicolson, speaking of the importance of spending extra to keep key infrastructure away from Chinese companies.⁴⁰ He also criticised Government statements that only a certain percentage of the 5G infrastructure will be developed by Huawei, stating that this demonstrated a misunderstanding of how 5G will work.

Responding for the Government, the parliamentary undersecretary of state for digital, culture, media and sport, Oliver Dowden, set out details on how the Government was trying to address the concerns being raised.⁴¹ He reiterated that the Government's approach was being informed by advice and analysis by the security services and was the result of comprehensive reviews.

³⁶ [HC Hansard, 28 January 2020, cols 710–11.](#)

³⁷ [HC Hansard, 10 March 2020, cols 177–83.](#)

³⁸ *ibid*, cols 182–3.

³⁹ *ibid*, cols 173–5.

⁴⁰ *ibid*, cols 196–7.

⁴¹ *ibid*, col 189.

Supplying details on some of these measures, he said that:⁴²

- the Government would introduce a telecommunications security bill by the summer recess;
- the Government would look to reduce any reliance on high-risk vendors by working to develop extra capacity with other vendors within the current parliament; and
- the National Cyber Security Centre would be subject to greater scrutiny, eg from parliamentary committees.

He said that he hoped he had reassured members on some of their concerns, and that further discussion would be held in the context of the Government's future bill:

I understand their genuine concerns about the decision taken by the National Security Council and the Government, which was presented to the House about a month ago. I hope that I have given them some comfort, although I accept that it is not all that they have been seeking. I hope I have at least reassured them that the Government appreciate their concerns, and that we are embarking on a path towards the ideal point that we all want to reach where we will have no high-risk vendors. I also hope that they in turn will appreciate that this is not the end of the process but an opportunity for their concerns to be expressed in the amendment, and that the substantial debate will come when we introduce the telecoms security bill.⁴³

The amendment was defeated by 306 votes to 282, with some Conservative MPs voting against the Government.⁴⁴

Division 2: Labour's amendment

The second division was on Labour's proposed amendment to "expand the definition" of who can request an electronic communications service, which was also voted on at committee stage.

Speaking to the amendment, Chi Onwurah again explained that its purpose was to ensure tenants and other legal occupants could be the ones to request the service. She said that it was currently unclear from the legislation whether this would be allowed:

Although the Bill's explanatory notes and comments from the Minister suggest that tenants can make the request, the Bill itself does not make that clear, referring to them as lessees. Many tenants are desperate for gigabit broadband to enable them to work from home or grow their business.⁴⁵

Responding for the Government, Oliver Dowden explained who the definition would extend to and

⁴² [HC Hansard, 10 March 2020, cols 190–4.](#)

⁴³ *ibid*, col 195.

⁴⁴ *ibid*, cols 210–3.

⁴⁵ *ibid*, col 171.

rejected the need for the change:

As drafted, the bill, particularly the term “lessee in occupation”, refers to a person who occupies a property under the terms of a lease. For the avoidance of any doubt, this could include assured shorthold tenancy or assured tenancy agreements. It is these types of tenancy agreements that I believe the shadow minister is seeking to ensure are captured by the bill, so we will not be supporting that amendment. My concern is that to expand the definition of persons who can make the service request would be disproportionate and potentially undermine a key policy aim of the bill, which is for operators and landowners to reach agreements between themselves.

The bill also reflects the fact that the evidence we have received does not suggest that the policy needs to be expanded. I am sure Members will agree that this is a sensible approach that maintains a healthy balance between all parties involved. I hope this clarifies who is likely to be a lessee in occupation and that this satisfies the shadow Minister.⁴⁶

However, Chi Onwurah signalled she was still unclear whether it would cover tenants, saying that the secretary of state’s explanation had not supplied clarity:

[His] so-called assurances have sown more confusion, rather than rectifying the situation. He says the Bill should include tenants, but he also said in the same speech that it would be disproportionate to extend the bill to do so.⁴⁷

As a result, she pressed the amendment to a vote, but it was defeated by 343 votes to 242.⁴⁸

Third reading

Opening third reading, Oliver Dowden thanked MPs for their scrutiny of the bill.⁴⁹ He described the bill as vital, despite being short and technical, as fast and reliable broadband is essential to the UK’s economy and to society. He described access to improved digital infrastructure as a priority for the Government.

He also said that the Government was engaging with the concerns raised and reiterated that a telecoms security bill would be introduced before the summer recess.

Although not signalling opposition to the bill, Labour’s Chi Onwurah described it as mediocre. She did not believe it addressed many of the issues with developing the country’s digital infrastructure.⁵⁰ She explained:

This is a mediocre bill that, in addition, risks being derailed by the Government’s failure to take a longer-term view on our national networks, full fibre, 5G and more.⁵¹

⁴⁶ [HC Hansard, 10 March 2020, col 194.](#)

⁴⁷ *ibid*, col 205

⁴⁸ *ibid*, cols 206–209.

⁴⁹ *ibid*, col 214.

⁵⁰ *ibid*, col 215.

⁵¹ *ibid*.

She also reiterated Labour's concern over the use of high-risk vendors, calling on the Government to set out its plans to deal with this issue as soon as possible:

I hope he will be able to say how we will ensure that we are not dependent on high-risk vendors before the end of this parliament. Until we see a detailed plan, an industrial strategy and funding for all the different components of that, the Opposition will remain concerned that the Government are not prepared to make the interventions necessary to ensure that our national security is safeguarded.⁵²

⁵² [HC Hansard, 10 March 2020, col 215.](#)