

# Telecommunications (Security) Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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[Amendments marked ★ are new or have been altered]

Amendment  
No.

**Clause 1**

LORD FOX  
LORD CLEMENT-JONES

- 1 Page 3, line 22, at end insert—  
“(1A) Regulations under subsection (1) may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.”

***Member’s explanatory statement***

*This amendment would require Parliamentary approval before regulations regarding the duty to take specified security measures are made.*

**Clause 2**

LORD CLEMENT-JONES  
LORD FOX

- 2 Page 4, line 30, at end insert—  
“(7) In making regulations under this section and any code of practice made under section 105E the Secretary of State must take full account of the advice of the Technical Advisory Board established under section 105ZZ1 and of a Judicial Commissioner appointed under section 227 of the Investigatory Powers Act 2016 concerning the proportionality and appropriateness of any measures therein.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to take into account the advice of the Technical Advisory Board, as established in the amendment in the name of Lord Clement-Jones to insert a new Clause after Clause 14, and a Judicial Commissioner.*

**Clause 3**

## LORD PARKINSON OF WHITLEY BAY

- 3 Page 5, leave out lines 13 to 16 and insert—
- “(2) Before issuing a code of practice under section 105E the Secretary of State must also lay a draft of the code before Parliament.
  - (2A) If, within the 40-day period, either House of Parliament resolves not to approve the draft of the code, the code may not be issued.
  - (2B) If no such resolution is made within that period, the code may be issued.
  - (2C) If the code is issued, the Secretary of State must publish it.”

***Member’s explanatory statement***

*This amendment applies a negative resolution procedure to the power to issue a code of practice under section 105E.*

- 4 Page 5, line 18, leave out “(2)” and insert “(2C)”

***Member’s explanatory statement***

*This amendment is consequential on the first Government amendment to Clause 3.*

- 5 Page 5, line 21, at end insert—
- “(5) In this section, the “40-day period”, in relation to a draft of a code, means the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the 2 days on which it is laid).
  - (6) For the purposes of calculating the 40-day period, no account is to be taken of any period during which—
    - (a) Parliament is dissolved or prorogued, or
    - (b) both Houses are adjourned for more than 4 days.”

***Member’s explanatory statement***

*This amendment inserts a definition of the “40-day period” into Clause 3.*

**Clause 13**LORD CLEMENT-JONES  
LORD FOX

- 6 Leave out Clause 13

***Member’s explanatory statement***

*This would remove Clause 13 (Appeals against security decisions of OFCOM) from the bill.*

**After Clause 14**

LORD CLEMENT-JONES  
LORD FOX

7 Insert the following new Clause—

**“Technical Advisory Board**

After section 105Z of the Communications Act 2003 insert—

**“105ZZ1 Technical Advisory Board**

- (1) A Technical Advisory Board must be constituted consisting of such number of persons, appointed by the Secretary of State, as the Secretary of State may by regulations provide.
- (2) The role of the Technical Advisory Board is to advise the Secretary of State on matters relating to telecommunications security.
- (3) The regulations providing for the membership of the Technical Advisory Board must also make provision which is calculated to ensure—
  - (a) that the membership of the Board includes persons likely to represent effectively the interests of persons on whom duties may be imposed by virtue of section 105C, and
  - (b) that such other persons (if any) as the Secretary of State considers appropriate may be appointed to be members of the Board.
- (4) Regulations under this section may also make provision about quorum and the filling of vacancies.
- (5) Any such regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.””

***Member’s explanatory statement***

*This amendment makes provisions about the Technical Advisory Board, as referenced in the amendment in the name of Lord Clement-Jones to Clause 2, page 4, line 30.*

**After Clause 23**

BARONESS MERRON  
LORD ALTON OF LIVERPOOL  
LORD FOX

8 Insert the following new Clause—

**“Network diversification**

- (1) The Secretary of State must publish an annual report on the impact of progress of the diversification of the telecommunications supply chain on the security of public electronic communication networks and services.
- (2) The report required by subsection (1) must include an assessment of the effect on the security of those networks and services of—
  - (a) progress in network diversification set against the most recent telecommunications diversification strategy presented to Parliament by the Secretary of State;

**After Clause 23 - continued**

- (b) likely changes in ownership or trading position of existing market players;
  - (c) changes to the diversity of the supply chain for network equipment;
  - (d) new areas of market consolidation and diversification risk including the cloud computing sector;
  - (e) progress made in any aspects of the implementation of the diversification strategy not covered by paragraph (a);
  - (f) the public funding which is available for diversification.
- (3) The Secretary of State must lay the report before Parliament.
- (4) A Minister of the Crown must, not later than two months after the report has been laid before Parliament, move a motion in the House of Commons in relation to the report.”

***Member’s explanatory statement***

*This new Clause requires the Secretary of State to report on the impact of the Government’s diversification strategy on the security of telecommunication networks and services, and allows for a debate in the House of Commons on the report.*

## LORD COAKER

9 Insert the following new Clause—

**“Provision of information to the Intelligence and Security Committee**

The Secretary of State must provide the Intelligence and Security Committee of Parliament as soon as is reasonably practicable with a copy of—

- (a) any direction or notice (or part thereof) that is withheld from publication by the Secretary of State in the interests of national security in accordance with section 105Z11(2) or (3) of the Communications Act 2003;
- (b) any notification of contravention given by the Secretary of State in accordance with section 105Z18(1) of the Communications Act 2003;
- (c) any confirmation decision given by the Secretary of State in accordance with section 105Z20(2)(a) of the Communications Act 2003;
- (d) any reasons for making an urgent enforcement direction that are withheld by the Secretary of State in the interests of national security in accordance with section 105Z22(5) of the Communications Act 2003; and
- (e) any reasons for confirming or modifying an urgent enforcement direction that are withheld by the Secretary of State in the interests of national security in accordance with section 105Z23(6) of the Communications Act 2003.”

***Member’s explanatory statement***

*This new Clause would ensure that the Intelligence and Security Committee of Parliament is provided with any information relating to a designated vendor direction, notification of contravention, urgent enforcement action or modifications to an enforcement direction made on grounds of national security.*

LORD COAKER  
LORD ALTON OF LIVERPOOL

10 Insert the following new Clause –

**“Long-term strategy**

- (1) Within six months of this Act being passed, the Secretary of State must publish a long-term strategy on telecommunications security and resilience.
- (2) The strategy must include but is not limited to –
  - (a) the objectives of the United Kingdom in working with NATO, Five Eyes partners, and other allies, on research and development, adoption and deployment, standards, and overall strategy;
  - (b) how the strategy will provide security and resilience in the long term;
  - (c) how this Act supports strategic objectives in the Integrated Review of Security, Defence, Development and Foreign Policy;
  - (d) how this Act will complement the powers in the National Security and Investment Act 2021 in the long term and whether a review is needed;
  - (e) whether, for the purposes of telecommunications security, an international advisory body should be set up to help coordinate, influence and develop guidance and standards;
  - (f) how the United Kingdom, in collaboration with its allies, will monitor, horizon-scan for, and respond to, current and emerging threats;
  - (g) whether the United Kingdom security infrastructure is adequately resourced to respond to threats against its telecommunications network;
  - (h) how to secure the adequacy of OFCOM’s resourcing in fulfilling its functions provided in this Act.
- (3) The strategy must be laid before Parliament.”

LORD ALTON OF LIVERPOOL  
LORD BLENCATHRA  
LORD COAKER  
LORD FOX

11 Insert the following new Clause –

**“Review of telecommunications companies based in foreign countries**

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 105Z29 insert –

**“105Z30 Review of telecommunications companies based in foreign countries**

Where a Five Eyes partner bans the operation of a vendor of goods or services to public telecommunications providers in its country on security grounds, the Secretary of State must –

  - (a) review the United Kingdom’s security arrangements with that company, and
  - (b) decide whether to issue a designated vendor direction or take similar action with regard to the United Kingdom’s arrangements with that company.””

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*15 October 2021*

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