

Telecommunications Infrastructure (Leasehold Property) Bill

MARSHALLED LIST OF MOTIONS TO BE MOVED ON CONSIDERATION OF COMMONS AMENDMENTS IN LIEU AND REASON

[The page and line numbers refer to HL Bill 107, the bill as first printed for the Lords.]

MOTION A

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 –

The Schedule

- 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 –”

A **Baroness Barran to move, That this House do not insist on its Amendment 1 and do agree with the Commons in their Amendments 1A and 1B in lieu.**

MOTION B

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.*

B **Baroness Barran to move, That this House do not insist on its Amendment 3 to which the Commons have disagreed for their Reason 3A.**

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