



Department for
Digital, Culture
Media & Sport

Baroness Barran
Minister for Civil Society
4th Floor
100 Parliament Street
London SW1A 2BQ

www.gov.uk/dcms
enquiries@dcms.gov.uk

Lord Fox
House of Lords
London
SW1A 0PW

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Dear Chris,

Telecommunications Infrastructure (Leasehold Property) Bill Third Reading

As I promised at Third Reading on 28 January, I am writing to answer the technical questions you asked about the wording of the amendment tabled by the Government that seeks to prevent anti-competitive behaviour.

The amendment ensures that the terms accompanying a Part 4A order must include terms that are:

“aimed at ensuring that nothing done by the operator in the exercise of the Part 4A code right unnecessarily prevents or inhibits the provision of an electronic communications service by any other operator.”

The phrase ‘nothing done by the operator’ is a protection to make clear that an operator cannot hide behind their exercising of a Part 4A Code right in order to do something which would unnecessarily prevent or inhibit the provision of a connection by a subsequent operator.

Furthermore, the word ‘unnecessarily’ is included so as to allow for the possibility that there might be circumstances in which an operator may have to, by necessity, prevent or inhibit the provision of a service - i.e. a broadband connection - by a subsequent operator. Nevertheless, these terms will be subject to public consultation and Parliamentary scrutiny under the affirmative procedure.

I hope that this letter clarifies these points, but I would be happy to discuss the amendment further should you find it helpful. I'd like to thank you for your contributions to the Bill throughout its passage through the House of Lords, and I appreciate your overall support for the Government's aim of providing nationwide gigabit capable connectivity as soon as possible. This legislation is an important step in reducing the barriers to gigabit deployment and the Government is committed to continuing to work with the telecoms industry and Parliament to tackle other barriers to help ensure that the UK's digital infrastructure network keeps pace with the increasing demands on it, as well as ensuring that people in more rural and remote places are not left behind.

Do please get in touch with my officials via dcmslordsminister@dcms.gov.uk if you have any questions about any of the above. I will place a copy of this letter in the library of both Houses.

With best wishes

A handwritten signature in cursive script that reads "Diana Barran".

Baroness Barran
Minister for Civil Society