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Lord Vaizey of Didcot
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Dear Ed,

Telecommunications Infrastructure (Leasehold Property) Bill Third Reading

I am grateful for your contributions to the debate at Third Reading on 28 January, 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. The Government is committed to continuing to work with a range of stakeholders - including across the telecoms industry - to tackle other barriers to deployment. Doing so will 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.

As I promised, I am now writing to give you a fuller answer to some of the points that you raised during the debate.

Completion of works to a high standard

You asked how landowners could be reassured that, when carrying out their installations under Part 4A of the Electronic Communications Code, smaller telecoms operators in particular would do so in adherence to the highest possible standards.

Operators will only be granted Part 4A access rights following a successful application for a court order, which will impose an agreement on both parties (the operator and the landowner). The terms of that agreement will be specified in regulations.

On the face of the Bill we set out a list of matters that must be contained in the terms. While not exhaustive, that list includes terms relating to the manner in which works take place and the insurance and indemnification that must be held by the operators.

This approach aligns with the Government's [response](#) to its consultation on this legislation (published on 10 October 2019), which stated in paragraph 3.53 that: "*The Government intends to legislate so that as an effect of the application to the Tribunal being successfully sought by an operator, an agreement will be imposed on the operator and the landlord. Regulations made under the primary legislation will set out the terms of the agreement and we intend to consult on what those terms will be before making those regulations.*" We intend to publish this consultation as soon as possible.

Shared freehold properties

You also queried the position in relation to situations where a multiple dwelling building is owned under a shared freehold, and referenced the example of a Victorian house that has been split into flats.

As you will be aware, the ability of an individual to grant Code rights to an operator depends, in the first instance, on whether or not they are in occupation of the property for which access rights have been sought. Ownership of, or other interests in, the property are relevant in this context solely where that property, or parts of it, are unoccupied.

The measures in this Bill may therefore offer a remedy for some shared freehold situations. In addition, the Government's recently published consultation on possible changes to the Electronic Communications Code seeks views on whether further changes might be required in relation to non-responsive site providers and to a party's ability to grant Code rights. Responses received - including any which raise issues relating to shared freehold - will be carefully considered and will help to inform the development of our future policy on this issue. I would encourage you to submit a response to that consultation in advance of the closing date of 24 March 2021.

I trust that this letter provides some reassurance, but 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



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