

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Fifth Delegated Legislation Committee

DRAFT ELECTRONIC COMMUNICATIONS CODE  
(JURISDICTION) REGULATIONS 2017

DRAFT COMMUNICATIONS ACT 2003 AND THE  
DIGITAL ECONOMY ACT 2017 (CONSEQUENTIAL  
AMENDMENTS TO PRIMARY LEGISLATION)  
REGULATIONS 2017

*Wednesday 6 December 2017*

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

**not later than**

**Sunday 10 December 2017**

© Parliamentary Copyright House of Commons 2017

*This publication may be reproduced under the terms of the Open Parliament licence, which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

**The Committee consisted of the following Members:**

*Chair:* SIR HENRY BELLINGHAM

- |  |  |
|--|--|
| † Bruce, Fiona ( <i>Congleton</i> ) (Con)                          | † Russell-Moyle, Lloyd ( <i>Brighton, Kemptown</i> ) (Lab/<br>Co-op) |
| † Byrne, Liam ( <i>Birmingham, Hodge Hill</i> ) (Lab)              | † Scully, Paul ( <i>Sutton and Cheam</i> ) (Con)                     |
| † Docherty, Leo ( <i>Aldershot</i> ) (Con)                         | † Smeeth, Ruth ( <i>Stoke-on-Trent North</i> ) (Lab)                 |
| † Fysh, Mr Marcus ( <i>Yeovil</i> ) (Con)                          | † Smith, Jeff ( <i>Manchester, Withington</i> ) (Lab)                |
| † Green, Chris ( <i>Bolton West</i> ) (Con)                        | † Walker, Thelma ( <i>Colne Valley</i> ) (Lab)                       |
| † Hancock, Matt ( <i>Minister for Digital</i> )                    | † Warburton, David ( <i>Somerton and Frome</i> ) (Con)               |
| † Huddleston, Nigel ( <i>Mid Worcestershire</i> ) (Con)            | † Whittaker, Craig ( <i>Calder Valley</i> ) (Con)                    |
| McKinnell, Catherine ( <i>Newcastle upon Tyne North</i> )<br>(Lab) | † Yasin, Mohammad ( <i>Bedford</i> ) (Lab)                           |
| Newlands, Gavin ( <i>Paisley and Renfrewshire North</i> )<br>(SNP) | Gail Bartlett, <i>Committee Clerk</i>                                |
|  | † <b>attended the Committee</b>                                      |

## Fifth Delegated Legislation Committee

Wednesday 6 December 2017

[SIR HENRY BELLINGHAM *in the Chair*]

### Draft Electronic Communications Code (Jurisdiction) Regulations 2017

2.30 pm

**The Minister for Digital (Matt Hancock):** I beg to move,

That the Committee has considered the draft Electronic Communications Code (Jurisdiction) Regulations 2017.

**The Chair:** With this it will be convenient to consider the draft Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Primary Legislation) Regulations 2017.

**Matt Hancock:** It is customary to begin by saying what a pleasure it is to serve under the Chair, but this time, Sir Henry, it really is true. I hope that *Hansard* will note my stress on the word “really”; it is always true, but it is especially true today. This is the first time that I have served under your chairmanship, and I hope the experience will be repeated many times.

The Digital Economy Act 2017, which received Royal Assent in April, included reforms to the electronic communications code, which provides the statutory framework for agreements between site providers and digital communications network operators. The purpose of the reforms in the Act was to make it easier and cheaper for digital communications infrastructure to be installed and maintained. Rolling out digital infrastructure is a critical task that the Government are pursuing, and we want to make it easier.

To ensure a smooth transition to the reformed code, a number of supporting regulations are needed. In addition to the draft regulations before the Committee, regulations to amend secondary legislation and make specific transitional procedures were laid before Parliament on 19 October. Those regulations were subject to the negative procedure and will come into force on the same day as the new code. The reformed code is subject to commencement under a separate statutory instrument, which we hope to introduce before the end of the year to ensure that the new code’s benefits are realised as soon as possible. The draft regulations before the Committee need to be in place as soon as the new code commences.

The draft Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Primary Legislation) Regulations 2017 will simply amend references in other primary legislation to the existing code and its provisions, replacing them with terminology and cross-referencing that aligns with the new code. This will ensure clarity and consistency across the statute book.

The draft Electronic Communications Code (Jurisdiction) Regulations 2017 will implement one of the key code reforms: transferring jurisdiction for code disputes from the county courts to the lands chamber of the upper tribunal in England and Wales, and from the sheriff court to the Lands Tribunal in Scotland. This reform

was strongly recommended by the Law Commission after consultation on the code and is expected to ensure that code disputes are dealt with more quickly and efficiently. Ensuring that our system is effective in tackling communications disputes is incredibly important for getting infrastructure rolled out as quickly as possible.

Hon. Members throughout the House understand the need to ensure that we have high-quality communications in the digital age and can get a mobile signal throughout the country. Although the code and the draft regulations are technical, they are a critical part of delivering that goal. I commend them wholeheartedly to the Committee.

2.33 pm

**Liam Byrne** (Birmingham, Hodge Hill) (Lab): It is a privilege to serve under your chairmanship again, Sir Henry. You will be delighted to hear that the Opposition will not press the Committee to a Division on these important draft regulations. However, it is important to state the context for the record.

It was revealed in the Government’s lamentable Budget two weeks ago that the recovery that they have managed to deliver has been slower than after the years of the great depression. As we head towards Brexit, it is critical that we get a digital infrastructure in place so that we can become the world’s leading digital society. We should be at the top of the league tables, but most of them have us batting at about fifth, sixth, seventh or eighth. Indeed, the UK—the home of the industrial revolution—is now not even among the World Economic Forum’s top 10 most innovative nations. That is how poor the Government have allowed our digital infrastructure to become. We have a crisis in digital skills, which is a debate we will turn to in due course.

It was a great shame that, when the Digital Economy Bill came to the House, the Government sought in a rather mule-headed way to resist the intelligent amendments tabled by my hon. Friend the Member for Sheffield, Heeley (Louise Haigh). The Bill made progress, but it could best be characterised as suffering from a poverty of ambition. None the less, the next Labour Government will correct that. Bring it on: we hope that the election will be soon. In the meantime, as the Minister said, these are technically important amendments. The transferring of disputes to tribunals is sensible and was recommended by the Law Commission, as the Minister said. It is the sort of administrative change that I made as Immigration Minister—I moved a slew of immigration appeals to the very efficient tribunals that we have in this country, which was a sensible provision.

I hope, frankly, that the regulations will give the Government something they can use to accelerate the roll-out of digital infrastructure. You will know, Sir Henry, from your part of the world that many of the areas in the country that are going to be hit hardest by Brexit are also those where digital infrastructure and access to digital skills is among the poorest. The Government have to raise their game, and raise it quickly. If the amendments made by these regulations will help, we will not push the Committee to a Division on them.

2.36 pm

**Matt Hancock:** I will briefly reply to put on the record this Government’s record performance on jobs, which the right hon. Gentleman somehow missed out of his assessment of the economy.

I agree with the right hon. Gentleman about the importance of extending digital connectivity. I note with regret the decision made in 2003—I do not know whether he was a Minister then, but under the Labour Administration he supported the decision not to put any coverage requirements on the 3G auctions. That led to the geographic weakness in mobile coverage in this country. We are working doggedly to put that right, and the regulations will help in that. As so often, we are clearing up where Labour made a great mess. I am delighted that today at least, the right hon. Gentleman has decided not to stand in the way of progress. I welcome his decision not to push the regulations to a vote and the cross-party nature of the work to clear up the mess that Gordon Brown left. With that, I am glad that this non-partisan debate can conclude.

*Question put and agreed to.*

*Resolved,*

That the Committee has considered the draft Electronic Communications Code (Jurisdiction) Regulations 2017.

**DRAFT COMMUNICATIONS ACT 2003 AND  
THE DIGITAL ECONOMY ACT 2017  
(CONSEQUENTIAL AMENDMENTS  
TO PRIMARY LEGISLATION)  
REGULATIONS 2017**

*Resolved,*

That the Committee has considered the draft Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Primary Legislation) Regulations 2017.—(*Matt Hancock.*)

2.38 pm

*Committee rose.*

