PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

DATA (USE AND ACCESS) BILL [*LORDS*]

Second Sitting

Tuesday 4 March 2025

(Afternoon)

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not later than

Saturday 8 March 2025

The Committee consisted of the following Members:

Chairs: † Wera Hobhouse, Karl Turner

† Anderson, Callum *(Buckingham and Bletchley)* (Lab)
† Aquarone, Steff *(North Norfolk)* (LD)
† Beales, Danny *(Uxbridge and South Ruislip)* (Lab)
† Bryant, Chris *(Minister for Data Protection and Telecoms)*
† Collins, Victoria *(Harpenden and Berkhamsted)* (LD)
† Dearden, Kate *(Halifax)* (Lab/Co-op)
† Entwistle, Kirith *(Bolton North East)* (Lab)
† Fortune, Peter *(Bromley and Biggin Hill)* (Con)
† Josan, Gurinder Singh *(Smethwick)* (Lab)
† Juss, Warinder *(Wolverhampton West)* (Lab)
† Kumar, Sonia *(Dudley)* (Lab)
† Macdonald, Alice *(Norwich North)* (Lab/Co-op)
† McIntyre, Alex *(Gloucester)* (Lab)
† Obese-Jecty, Ben *(Huntingdon)* (Con)
Pearce, Jon *(High Peak)* (Lab)
Robertson, Joe *(Isle of Wight East)* (Con)
† Spencer, Dr Ben *(Runnymede and Weybridge)* (Con)

David Weir, Kevin Candy, Sanjana Balakrishnan, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 4 March 2025

(Afternoon)

[Wera Hobhouse *in the Chair*]

Data (Use and Access) Bill [*Lords*]

Clause 52

Arrangements for third party to exercise functions

2 pm

Question (this day) again proposed, That the clause stand part of the Bill.

The Chair: I remind the Committee that we were also considering clauses 53 and 54 stand part. However, as no one else wishes to speak, I will put the question.

Question put and agreed to.

Clause 52 accordingly ordered to stand part of the Bill.

Clauses 53 to 55 ordered to stand part of the Bill.

Clause 56

National Underground Asset Register: England and Wales

The Minister for Data Protection and Telecoms (Chris Bryant): I beg to move amendment 12, clause 56, page 54, line 1, leave out lines 1 to 3.

This amendment removes a subsection which was inserted at Report stage in the Lords.

First, we should obviously celebrate the fact that you are in the Chair, Ms Hobhouse. I think this is the first time you have chaired a Bill Committee, so we will try to misbehave and see how much we can get away with. Chairing is sometimes a mission impossible, but since Tom Cruise has invested so much in the UK, I am sure you are prepared to accept that mission.

We are now considering Government amendment 12, but it might be more convenient if I speak first to clause 56, which it amends, and then to clause 57 and schedule 1 stand part. Clause 56 amends the New Roads and Street Works Act 1991 by inserting new sections 106A to 106J. It requires the Secretary of State to keep a register of information relating to apparatus in streets in England and Wales, referred to as the national underground asset register—I am tempted to talk about the Wombles, but I am not going to.

The clause establishes a requirement for undertakers—as a former vicar, and because we later come to the register of births and deaths, I thought when I first read that in my notes that it meant undertakers who put coffins underground, but it does not; it means people who undertake undertakings. The clause establishes a requirement for undertakers who own apparatus in the street to share information with the national underground asset register. It also allows the Secretary of State to specify who can access this information and how, as well as establishing a charging scheme with associated enforcement mechanisms, which are detailed in schedule 1. Provision is also made to allow specific functions of the Secretary of State to be exercised by third parties. Those provisions will be detailed through secondary legislation, and the Secretary of State is required to consult the Welsh Ministers before making regulations under the clause.

The clause will allow the national underground asset register to operate as a statutory register, delivering estimated benefits in excess of £400 million per year through increased efficiency, reduced asset strikes and reduced disruption for the public and businesses. That is critical to kick-starting economic growth, and it might also be critical to establishing people's love of the streets in which they live, and their preparedness to see them dug up occasionally, rather than endlessly and repeatedly.

Clause 57 makes amendments to sections 79 and 80 of the 1991 Act. The existing section 79 requires undertakers to record the location of their in-street apparatus and to share that information with those executing street works. The amendments in the clause require undertakers to input that and any other information, as prescribed, into the NUAR.

The existing, but not yet commenced, section 80 of the 1991 Act imposes a duty on those executing works in a street who find that information about apparatus is missing or incorrect to inform the owner of the apparatus or the relevant street authority. The new section 80 updates that to require data to be shared with the NUAR where the relevant asset owner cannot be identified.

The current regulation-making powers conferred on the Welsh Ministers under section 79, and those inserted by clause 57, are concurrently exercisable by the Secretary of State or the Welsh Ministers in relation to apparatus in Wales. The Secretary of State is required to consult the Welsh Ministers before making regulations under sections 79 and 80. I will say a bit more about that in a moment.

Finally, if an undertaker does not pay their NUAR service fee or does not provide information to the Secretary of State in relation to the fees as prescribed through regulations, schedule 1 allows the Secretary of State to enforce these requirements through the imposition of monetary penalties. It also includes a provision for undertakers to appeal to a first-tier tribunal. The schedule is critical to ensure that undertakers who stand to benefit most pay for the NUAR service. The amount of the service fee and the level of fine will be specified in secondary legislation. The schedule ensures the long-term financial sustainability of the NUAR, safeguarding the expected benefits of the service and helping to progress our mission to grow the economy.

Government amendment 12 removes new section 106C(3), inserted into clause 56 on Report in the Lords. That subsection creates a duty for the Secretary of State to provide guidance to relevant stakeholders on cyber-security measures before they may receive information from the NUAR. The NUAR hosts extremely sensitive data and is therefore supported by a suite of sophisticated security measures developed in partnership with the security services and owners of underground apparatus, which ensures that access given to data is proportionate. The amendment proposed by the Lords could expose detailed cyber-security arrangements that are not public knowledge. It could also curtail the Government's ability to adapt security measures where needed, with support from security

stakeholders, to accommodate changing circumstances. As such, we do not consider subsection (3) as drafted to be suitable, and we have consequently tabled Government amendment 12.

Dr Ben Spencer (Runnymede and Weybridge) (Con): It is a pleasure to serve under your chairmanship, Ms Hobhouse. The national underground asset register is clearly important. The benefits of trusted partners having access to the information held in this critical infrastructure are plain to see, and I am glad that this provision is in the latest iteration of the Bill. The information the NUAR holds is critical infrastructure, and we need to think carefully about data security and access to this information, in terms of how it is held on the register and the security measures for people directly accessing the register and for third parties.

I am unclear as to why the Government are against the amendment made in the Lords. If anything, it could be argued that it should go further in ensuring that sufficient security measures are in place for people accessing this information. It is reasonable that there should be a requirement to inform stakeholders about relevant cyber-security measures. I hear what the Minister says about the disclosure of security measures, but I do not think cyber-security advice and provisions are a particular area of national secrecy. There are many cyber-security standards that can be provided as guidance or as a bare minimum for people accessing this information.

We support the continued inclusion of these measures. To go further, if anything, the Government should consider more broadly the different ways in which the information can be accessed. I do not know what the Minister can say from the Front Bench in response to the point about the proportionality of disclosures that can be made by the Government and the advice on the operation of the clause.

Danny Beales (Uxbridge and South Ruislip) (Lab): It is a pleasure to serve under you today, Ms Hobhouse, and congratulations on your first chairship.

On initial reading, this is not necessarily the most exciting sounding clause—the subject is the national underground asset register—but despite the name, it is incredibly consequential for our country and our communities, which is why I felt minded to speak about it. I have a few reflections about its importance and some issues I hope the Minister may touch on in his summing-up of the clause and response.

Putting the register on a statutory footing, with new legal requirements on utility and telecommunication companies to add their data to the register and, crucially, to keep it up to date, is vital. We live in an increasingly digital age. Vast seas and rivers of cables—4 million km of cabling—connect our communities, running through our streets. Myriad organisations—more than 700—work day in, day out to maintain, update and replace cables and utilities, and I am sure that that number will only increase in the years to come. That is why the rationalisation and co-ordination that the register proposes is vital.

It is projected that accidental strikes, which sound quite innocuous but can be serious, cost the UK economy about £2.4 billion every year, with 60,000 incidents. That can often mean not just the loss of connection and infrastructure for our communities, but significant impacts on individuals and on staff working on that critical infrastructure. There are critical safety implications if they do not have access to up-to-date records of the cables and networking they may come into contact with. The register will help to alleviate that. In the international media, there is rightly a lot of discussion about international security and the integrity of our cables at sea, but it is also right that we think about the integrity of our domestic data connection network.

On the impact on our communities, I was a councillor for 10 years—many Labour and Opposition colleagues have also been councillors—and this issue often came up in the inbox. Residents expressed frustration when they saw holes dug in a road and, a week later, the same piece of road being dug up yet again to install another piece of cabling. The system can feel disjointed and unco-ordinated. The clause will not solve all of that—the Bill is not meant to—but it is a crucial step towards a better, more rational system for maintaining and monitoring our data and utility infrastructure.

I remember being responsible for regeneration in Camden. One of the crucial issues that often stalls development and the growth of our communities through house building and the delivery other regeneration projects is connectivity to infrastructure and to utilities. That will certainly be helped by the Bill, which will enable companies working on new development sites to more quickly and efficiently understand what infrastructure is already in the ground and how better to connect their own data and utility infrastructure. Weeks or days of delays on developments can mean millions of pounds to projects and changes in viability, so being able to speed up access to this information is crucial. At the moment, it can sometimes take about a week to access the information that is available and to turn that into a usable format. In a world where time is money, that crucial benefit can be reached.

It is outwith the scope of the Bill to look at broader changes to licensing street use, which a number of councils are exploring, or at the duty on utility companies to co-operate, but any such measures in that space will ultimately be underpinned by a common register and common data. The provisions in the Bill provide the infrastructure that will be vital to those possible changes in the future.

2.15 pm

There are a number of issues where the Minister could add more detail when he responds. He mentioned charging, and it is entirely reasonable that the registration system should not be taxpayer funded and that providers seeking commercial benefits in this space should pay towards the set-up and maintenance of the register. However, I would like the Minister to explore what considerations there may be in setting those fees. The landscape of providers is incredibly diverse, with many new enterprises setting up in the digital space. As we come on to think about the secondary legislation that will follow, I would like to put on record the fact that smaller, new companies should not be prevented by high fees from entering the market. We could perhaps reflect on a fee system that looks at the income, size and establishment of companies.

We have received representations from existing providers in the voluntary space around data registration. Linesearch BeforeUdig has made written representations to the

Committee, and I am certainly sympathetic to those. It has tried to fill a void that existed, and I understand why it could be frustrating to be potentially outmanoeuvred in this space. However, does the Minister agree that, fundamentally, we need a national, consistent system to reap the benefits that this proposal seeks to bring about? He might like to touch on how we are learning from what has and has not worked in the current system of private providers providing voluntary and partial regulation and registration.

The Minister touched on cyber-security and the Lords amendment. Does he agree that a national system has the potential to offer much greater robustness on cyber-security? Through the Government's supervision, regulation and involvement, we can have much better surety than at present about the safety and security of information regarding the national grid and a number of national infrastructure projects. That information is in a number of forms—in PDFs and in written and Excel documents—and in a number of systems across a number of providers and local authorities. Will the Minister touch on that issue as well in his response?

The Chair: I am new to the Chair, but a lot of Members are new to Parliament. I therefore remind everybody that we are currently debating amendment 12 and that there will be an opportunity to speak more generally about clause 56 shortly, when we will also discuss clause 57.

Steff Aquarone (North Norfolk) (LD): It is a pleasure to serve under your chairship, Ms Hobhouse. Given his comments, the hon. Member for Uxbridge and South Ruislip may be interested in the hearing the Transport Committee is holding on street works tomorrow—I will stop promoting other Committees at that point, except to say that I have been badgering the Committee to do that, because it is a great idea.

Clearly, Government amendment 12 turns on the interpretation of the wording of the Lords amendment. For instance, I read "cyber-security measures" as being the undertaker's cyber-security measures. In other words, before undertakers get access to the system, they need to be briefed by the Secretary of State on the cyber-security measures they themselves should be taking, as opposed to on the cyber-security measures that exist in the background for the administration of the register, which I agree it would be entirely inappropriate to share with other stakeholders. Could the Minister comment on my interpretation of the clause as drafted?

Chris Bryant: I will respond to hon. Members' comments and then we can have a more general debate, although I will not repeat my earlier comments about the clause.

First, the previous version of the clause, in the previous version of the Bill, did not include a provision like the one inserted by Lords Members. It is extremely unusual for a Bill to include requirements for the Government to refer to security measures and provide information about them to third parties. That is why we are very hesitant.

Secondly, the hon. Member for North Norfolk is absolutely right that there is an ambiguity and that the provision could be read in many different ways. That means, of course, that it could be justiciable in many different directions. That leaves the Government in a difficult place, which is one of the reasons why we are uncomfortable.

Thirdly, the subsection states:

"The Secretary of State must provide guidance to relevant stakeholders on cyber-security measures before they may receive information from NUAR."

I presume that "they" refers to the stakeholders rather than the Government, but why should it be "before"? None of it makes any logical sense to the Government, which is why we want to remove the subsection.

Dr Spencer: I think the Minister entirely appreciates where we are going, why the amendment has been put on the boards and why there is a desire for something like it in the Bill. Will he put forward a counter-amendment to satisfy that desire?

Chris Bryant: No, because we think that the desire is inappropriate. Why would the Government want to reveal cyber-security measures to third parties? It seems incorrect to require the Government to provide that information. I am not aware of any other Bill—perhaps the shadow Minister can think of one—that would require the Government to provide information on cyber-security measures to third parties.

Dr Spencer: Notwithstanding the question that the Minister has just posed, we are speaking in parallel lines. The purpose of the provision is to ensure that adequate cyber-security measures are taken up and accessed by parties. Security around the NUAR is one thing; there is also the question of security around the relevant stakeholders who are using it, hence the "before" component.

Governments provide cyber-security advice all the time. I am sure that there is general cyber-security advice on the Department for Science, Innovation and Technology website. I do not understand why the Minister is resistant. If he is concerned about the drafting, will he not come back with a counter-amendment?

Chris Bryant: We do not think it necessary for the provision to be in the Bill at all, which is why we want to take it out. If others want to attempt a different, less ambiguous language, they can do so on Report. I think that everyone accepts that the language is ambiguous when it comes to what is meant and what the Government would be required to provide. What would a court of law determine about whether adequate cyber-security guidance had been provided to relevant stakeholders and who would be a relevant stakeholder? All that is yet more reason why we are unhappy about the subsection remaining in the Bill. That is why we propose that it be removed.

Victoria Collins (Harpenden and Berkhamsted) (LD): The main message that is coming across is about the importance of the national underground asset register and how it can both have a positive strategic impact and be open to cyber-attacks—an increasingly important question. It seems that the provision is ambiguous, but a proposal on Report to look at how we could protect the register from cyber-attack should be considered.

Chris Bryant: Yes, but security is at the heart of the whole NUAR platform and remains an absolute priority for us. It feels to me that the provision introduced in the

Lords would undermine rather than add to the security of the NUAR. As a digital service in practice, the Government intend to work closely with persons who could access information from the NUAR and ensure that information is protected, but, as I say, we are still pushing our amendment to remove the subsection.

Dr Spencer: I am not convinced that the clause is ambiguous. In the absence of a counter-amendment or a commitment from the Minister to bring something to the Committee to achieve the enhanced security in this area that we all want, we oppose the Government amendment.

Question put, That the amendment be made.

The Committee divided: Ayes 10, Noes 4.

Division No. 3]

AYES

Anderson, Callum	Josan, Gurinder Singh
Beales, Danny	Juss, Warinder
Bryant, Chris	Kumar, Sonia
Dearden, Kate	Macdonald, Alice
Entwistle, Kirith	McIntyre, Alex

NOES

Fortune, Peter	Robertson, Joe
Obese-Jecty, Ben	Spencer, Dr Ben

Question accordingly agreed to.

Amendment 12 agreed to.

Question proposed, That the clause, as amended, stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Schedule 1.

Clause 57 stand part.

Alice Macdonald (Norwich North) (Lab/Co-op): It is a pleasure to serve under your chairship, Ms Hobhouse. I have a few questions about clause 56. I welcome the establishment of the national underground asset register. When one reads the detail, it is quite unbelievable that we do not already have one. It will help to reduce excavation accidents that cause traffic jams and safety hazards on our streets, reduce costs and reduce the risks posed to construction workers.

In his opening remarks, the Minister said that the NUAR would bring £450 million a year to the economy. Can he elaborate on how soon the UK will benefit from the changes? In my constituency of Norwich North, roads are regularly closed and work overruns, whether it is done by Anglian Water or by other providers. Can he elaborate on the difference that my constituents might feel as a result of the Bill?

I understand from the Bill that the NUAR will be open to organisations with statutory rights to carry out street works, including highways authorities. In Norfolk, that is the county council. As the Minister will be aware, there is currently a devolution process in our county. That is a live discussion, so it may be that oversight of the highways authority slightly shifts. Is there a need to look at that within the Bill?

In the Lords, the Government indicated that the NUAR could be open to other users in future, and potentially to members of the public. Can the Minister elaborate on that? Will that come through secondary legislation?

The clause makes provision on fees, which I believe are to be set by the Secretary of State. Can the Minister elaborate a little more on the fee-setting process? I hope that the roll-out of the Bill will not impose huge costs on local authorities; I am thinking of my county, which might be implicated in that.

We have discussed the cyber-security angle, but when I look at the Bill I think of the practical impact on my constituents and others across the country. However, I welcome the intentions, and the register is long overdue.

Gurinder Singh Josan (Smethwick) (Lab): It is a pleasure to serve under your chairship, Ms Hobhouse, and particularly your first chairship. The Government have said that the Bill has three core objectives: growing the economy, improving UK public services and making people's lives easier. I believe that part 3 links to all three objectives, but I will focus on growing the economy.

2.30 pm

Underground assets are critical infrastructure. We all rely on them in every aspect of our lives. Our businesses rely on them to communicate and trade. Our national health service, the police and other public services rely on them to keep us all safe. Every aspect of our life is affected by having that infrastructure in place. It may be inaccessible and hidden from view, but we all know the importance of the infrastructure to our life, and yet it is remarkable that we do not have a comprehensive register of where exactly the critical infrastructure is located.

The Minister and other colleagues have outlined many of the benefits of creating a national register of underground assets. I agree with and support the safety improvements that that will bring for workers, who will know exactly what to expect when they start work. Not only will the ability to minimise accidental asset strikes reduce inconvenience to customers, but it will help to save much of the estimated annual cost of £2.4 billion. Most importantly, it will help to save lives.

However, a key aspect for me is the contribution that a national register can make to turbocharging growth in our economy. That is illustrated by an example in my constituency from the past few weeks. Residents approached the council about converting a footpath to a road carriageway over land owned by the council to improve access to their homes and allow them to park their vehicles on their driveways, which would improve safety and remove vehicles from the highway, thus improving traffic flow. I got involved and asked the council to detail the scheme and the related costs to enable the council to make a decision on the scheme's viability.

After going back and forth for several weeks, we have now received a draft scheme and costs. However, the scheme is destined to remain a draft and the costs cannot be finalised. Despite separate plans having been received from BT, the Cadent gas company, National Grid Electricity Distribution, South Staffs Water, Virgin Media and Severn Trent, there remains a requirement to dig pilot holes to determine exactly what services are

present and what their depth is. The time taken to get to a detailed scheme is thereby extended and the cost for doing so is increased, often to a prohibitive level.

This is not an isolated situation. Too often, contractors cannot give accurate costs for a project, as there is limited knowledge about the underground assets. The number of different plans, using different systems and different scales, to which planners and contractors end up referring is time-consuming and a recipe for confusion. Too often, the current situation simply puts a dampener on development.

I note that the information required to be provided in the asset register is to be set out by regulation. I ask the Minister to ensure that that information records the depth of services, but also the type of services, the tubing around them and so on, so that there is the full information required for developers.

A single national register would undoubtedly bring benefits to planners and contractors. It would reduce the time taken to bring a project to fruition, streamline processes, reduce the possibility of accidental asset strikes and bring certainty on costs. Those are all clear ingredients for improving growth in the construction sector. I therefore have no hesitation in supporting the clauses.

Victoria Collins: On behalf of Liberal Democrats, councillors and constituents up and down the country, I want to highlight our support for the national underground asset register. In Harpenden, Station Road has been plagued by flooding. Councillors, constituents, Thames Water and so many different people are trying to work out what is going wrong underground. These are the kinds of issue that constituents are coming forward with and that councillors and MPs are dealing with, and I hope the register will be able to help. Will the register also help to hold companies such as Thames Water to account for how they manage their underground assets, so that we can improve the situation for constituents up and down this country?

Sonia Kumar (Dudley) (Lab): It is a pleasure to serve under your chairmanship, Ms Hobhouse. I congratulate you on your new position. The national underground asset register will form a more comprehensive digital mapping exercise throughout England, Wales and Northern Ireland. Currently, owners of buried assets such as water and electricity companies are only voluntarily sharing their data. This measure will not only help customers, but ensure that data is shared between asset owners and excavators. It will reduce the time taken to get location data from six days to 60 seconds. Because excavators will know where they are digging, it will reduce accidental excavations, which account for about 30% of accidental strikes.

My constituency of Dudley is plagued by lots of digging, but people do not know when the work will be complete and when new infrastructure will be in place. How will this measure save costs, and how will it be rolled out with local authorities?

Chris Bryant: I will respond first to the contribution from my hon. Friend the Member for Uxbridge and South Ruislip. Several colleagues have referred to the issue of accidental asset strikes, which is a really important part of why we need to do this piece of work. There was a time when a burst drain or burst pipe was significant but was not necessarily a matter of life and death. Nowadays, a major breakage to the broadband service in a local area could mean that all the telecare devices in the area do not work, so people will have no ability to protect themselves or ring for help, which could go on for several days. In some cases, it is quite literally a matter of life and death. Anybody who has been a local councillor knows that these issues plague local government endlessly, which is why it is particularly important.

As I referred to earlier, I used to be a priest in the Church of England. I will not name it, but there is a very large graveyard in the north of England that used to be managed by a particular sexton who had a rather casual attitude towards his underground register. He rarely bothered to dig a grave that was six feet deep; he thought that four feet was perfectly sufficient. Because he knew most of the people who ended up being buried in the graveyard, he often judged whether they needed a six-foot hole or whatever it may be. Quite often, that meant that the coffin did not fit. That was not so much of a problem, because we could sort it out on the day. The real problem was when we had to find a space for a new grave. Not every grave is marked by a gravestone, so without a proper register of where all the existing graves were, we had real problems when we started to dig up holes and found ourselves suddenly collapsing in on coffins that were not six feet under.

That set of problems is writ large across the whole underground asset register of the United Kingdom. I do not know whether Members have ever been to the torpedo room here in Parliament—everybody is looking blankly at me, so I guess they have not. It contains an enormous spherical metal object that basically takes all the sewage from inside Parliament and spits it every 20 seconds into the main town drain, which is higher than the drain that comes out of Parliament. It is one of our complete vulnerabilities in the Palace of Westminster. If that were to stop working—it has been there since something like 1877—we would be vacating Parliament for a considerable period. I have alerted the shadow Minister, who wants to talk about the torpedo room.

Dr Spencer: Is that a cyber-security vulnerability the Minister has just disclosed to the Committee?

Chris Bryant: Well, it is certainly a vulnerability. I started the restoration and renewal process when I was Deputy Leader of the House many years ago. Many people told me that one of the problems in Parliament was the danger of fire, which is certainly the case. We have done some work to make sure the risers cannot take fire from one part of the building to another very rapidly.

However, I have always said that just as problematic is everything underneath the building, including both the sewers and the pipework that carries the telecommunications networks. Parliament simply could not work if there were any kind of critical breach. Several hon. Members raised that point, and my hon. Friend the Member for Norwich North said it is extraordinary that such a register does not already exist—she is absolutely right. That is no particular criticism of the previous Government; they tried for some time to get this going. I wish it had happened five, six or seven years ago, because we would be in a much better place today.

Several Members have asked when we will see the economic benefits. There are dramatic benefits for contractors if they have a swifter process, because they will know precisely what they are digging up and why. I also have responsibility for the telecoms brief in Government, and one of the major problems I have—I fear this might elicit comments from colleagues—is the issue of ducts and poles. When rolling out gigabit-capable broadband, we have encouraged operators and undertakers should share ducts wherever possible. However, in many places we simply do not know whether there is an available duct, whether the duct already has a full sleeve—because it has all the cabling that could possibly fit—or, frankly, whether it is just a buried cable.

If we kept that kind of information more reliably, we would be able to make much better decisions. Operators would be able to make better investment decisions about where to go fastest and how to share ducts and poles. It would be beneficial for people who would not have to see their road repeatedly dug up by different operators providing, in essence, the same service. That is bound to be of financial significance.

My hon. Friend the Member for Uxbridge and South Ruislip spoke about the advantages of having a national system, and he is absolutely right. There is no point in having different systems around the country; we need a single national system, not least because much of the pipework and cabling does not follow the boundaries of local authorities or parliamentary constituencies, however they may be constructed at any particular time. That goes to the point made by my hon. Friend the Member for Norwich North about the changing devolution settlement in particular areas. That is a matter for another Department, but it is why it is so important to have a national system rather than individual systems.

Several colleagues asked whether local authorities will have to pay fees. A local authority would have to pay only if it were a contractor. The whole point of the clause is that the undertakers will pay for the NUAR. My hon. Friend the Member for Smethwick gave us a classic example of the kind of issue we want to resolve in these situations. He is a relatively new MP, but I have done more than 20 years of dealing with these issues. It is the bane of an MP's life, because MPs have relatively few levers to pull. Councillors have more responsibilities and often more levers to bring about change, although just occasionally a letter containing the letters "MP" and a portcullis still impresses some contractors and changes their view. My hon. Friend is absolutely right that this will help to improve the delivery of public services and help us to grow the economy.

The hon. Member for Harpenden and Berkhamsted made a constituency point.

Victoria Collins: On behalf of everyone.

Chris Bryant: On behalf of everyone in the nation. Well, Thames Water does not cover the whole nation, although it gets quite a lot of water from Wales, which we are very happy to provide. The hon. Member made a good point, and yes, this is part of holding all those with underground assets to account. That is the practical aspect of it.

My hon. Friend the Member for Dudley mentioned digging for infrastructure projects. Much of the infrastructure that we once thought of as a "nice to have" is now critical to people's lives, particularly broadband connectivity. A local hospital or GP clinic simply could not survive without a broadband connection as it would not be able to look at X-rays or run off the labels for blood tests, and so on. Everything is so intrinsically connected, so it is important that we get this secured.

Question put and agreed to.

Clause 56, as amended, accordingly ordered to stand part of the Bill.

Schedule 1 agreed to.

Clause 57 ordered to stand part of the Bill.

Clause 58

National Underground Asset Register: Northern Ireland

2.45 pm

Steff Aquarone: I beg to move amendment 17, in clause 58, page 63, leave out lines 35 and 36.

This amendment is linked to Amendments 18 to 20. See explanatory statement to Amendment 20.

The Chair: With this it will be convenient to discuss the following:

Amendment 18, in clause 58, page 64, leave out lines 1 to 3.

This amendment is linked to Amendments 17, 19 and 20. See explanatory statement to Amendment 20.

Amendment 19, in clause 58, page 64, line 14, leave out "or for a fee;".

This amendment is linked to Amendments 17, 18 and 20. See explanatory statement to Amendment 20.

Amendment 20, in clause 58, page 64, leave out lines 15 to 22.

This amendment is linked to Amendments 17 to 19. These amendments remove the ability of the Secretary of State to make provisions about which persons may access the National Underground Asset Register and removes their ability to set a fee for access to the register.

Steff Aquarone: Do not get me wrong, I am a big fan of this whole idea, so much so that I have been bothering other Committees about their equivalents. Amendments 17 to 20 would make the national underground asset register more available and transparent. As Labour Members have already said, the Bill will give quite a lot of power to the Secretary of State to use secondary legislation at their whim to choose the costs and potentially place restrictions on access to vital information for many individuals and businesses. The Minister told us this morning that he is not often a fan of secondary legislation, so I hope to appeal to our shared concern.

There are many legitimate reasons to access this data, and particularly to liberate the benign data. I do not see why people working on their home or farmers working on their land, which certainly are not security vulnerabilities, should be required to seek approval from the state, and to hand over an indeterminate fee, just to access data the Government have collected. For many businesses, such as builders, plumbers, electrical technicians and a great many more, this would add red tape and costs to their operation. I know the Chancellor is keen to slash red tape and encourage growth. If the Minister accepts

[Steff Aquarone]

these amendments, I am sure he would be helping the Government to achieve just that. It is a great way of getting into No. 11's good books.

Chris Bryant: I don't think so!

Steff Aquarone: It may be wishful thinking.

I fear that if we pass the Bill as it stands, we may find ourselves in a similar situation to the postcode address file in a few years' time, with a vast wealth of data that could unlock growth for businesses being locked behind a paywall, leading to restriction on businesses' ability to grow and expand. I know that some Labour Members have begun to break ranks by calling for the liberation of the postcode address file. This is not quite a placard slogan, but it is an important idea none the less. I do not want the Minister to face the same calls on the NUAR a few years down the line.

I support the overall aim to tackle the problem of simply not knowing what infrastructure we have buried and where, which frustrates many sectors and individuals. I hope the Minister will, within reason, give consideration to making this a more open, transparent and accessible regime. Can he tell us more about how the Government will ensure this?

Chris Bryant: These amendments broadly seek to do the same thing. As has been said, an estimated 4 million km of pipes and cables are buried underground across the UK. A hole is dug every seven seconds to install, fix and maintain the apparatus that is critical to keeping our water running, our gas and electricity flowing and our communications with the outside world connected. The provisions governing access to information kept in the NUAR are established by clause 56 for England and Wales, and by clause 58 for Northern Ireland. Those clauses respectively insert section 106C into the New Roads and Street Works Act 1991, and 45C into the Street Works (Northern Ireland) Order 1995.

The amendments would particularly affect the NUAR's operation in Northern Ireland. It should be noted that the equivalent provision to that made by clause 58 is also made for England and Wales by clause 56, which we have already agreed. Only amending clause 58 in this way would lead to inconsistencies in how the NUAR operates. The provisions enabling access to NUAR information have been carefully designed to allow such access to be secure.

On amendment 17, the existing provision set out in clause 58(3), to insert article 45C(2)(c) into the 1995 Order, and the equivalent provision in clause 56(1) to insert section 106C(2)(c) into the 1991 Act, are essential to allow the Secretary of State to establish which exceptions should apply to the sharing of NUAR data with end users of the service. That could, for example, enable the Secretary of State to exempt or otherwise restrict the sharing of data for controlled sites, which is critical for ensuring that sensitive information regarding these sites is not made available for wider access. I think we need to retain that power.

Removing that provision, as the hon. Member for North Norfolk advocates, would mean the NUAR is unable to share information on apparatus without posing a risk to critical national infrastructure. That would limit the platform's ability to share information securely, therefore risking the NUAR's operations and the estimated £400 million of benefits per year.

On amendments 18 to 20, there has been significant interest in leveraging the NUAR, as the hon. Member effectively suggested, as a national data asset to deliver additional use cases beyond excavations. More than 200 individuals from nearly 150 different organisations across the public and private sectors have identified over 100 potential use cases for NUAR information. Some of those would require aggregated data across a large space, while some would require detailed data for closely defined locations. For some of those use cases, the information can be provided free at the point of use, while some would impact on existing markets, and as such, careful consideration of how fees are collected and distributed will be required.

Accepting amendments 18 to 20 would mean that information held in the NUAR is unable to be used to deliver these additional use cases, therefore limiting the NUAR's ability to deliver additional benefits and drive growth and innovation across the public and private sectors. The amendment therefore would not put me in the Chancellor's good books, as the hon. Member suggested.

It is important to note that research and development is still being undertaken to assess which, if any, of the potential additional use cases may be taken forward. We envisage that such opportunities would only be taken forward where they are proved to have significant economic and/or social value, taking into consideration the views of stakeholders, including owners of underground apparatus and security stakeholders.

I reassure the Committee that given the complexity and sensitivity of access to information held in the NUAR, these provisions have been drafted under the affirmative procedure. This will provide the appropriate level of scrutiny, unlike the negative procedure, which would mean the measures effectively pass without Parliament having an effective say. With those explanations, and noting the risk that the amendments would pose for information security and the NUAR's ability to drive economic growth, I hope the hon. Member for North Norfolk is content to withdraw amendment 17.

Steff Aquarone: I am a big supporter of the affirmative approach, so the Minister's words provide great reassurance. I am slightly confused by what he said about use cases being invalidated, but I will come back to that. My main reason for withdrawing amendment 17 is that, as he correctly identified—he got me—this is not just about Northern Ireland. I will come back on Report and revise which clauses I am hitting with my amendments.

Chris Bryant: I should correct something I said earlier. I was getting my undertakers and contractors mixed up—I think too much vicarly talk had passed. On clause 56, I said that local authorities will have to pay only if they are a contractor, which is wrong. Undertakers will pay for the service, not contractors, but if a local authority is an undertaker, it will need to pay. I am sure every other member of the Committee noted that I had made that mistake.

The Chair: Thank you, Minister, for that correction. I am sure we have all learned something about undertaking this afternoon.

Steff Aquarone: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss schedule 2 and clause 59 stand part.

Chris Bryant: I do not need to speak at great length about clause 58, because we already know that it is all about Northern Ireland and it is not being amended. Schedule 2 makes the equivalent provisions for Northern Ireland as schedule 1 does for England and Wales. Again, I do not need to repeat all those arguments. Clause 59 updates the Street Works (Northern Ireland) Order 1995. It makes the equivalent provisions for Northern Ireland as clause 57 does for England and Wales. I hope that those are adequate explanations and I commend the clauses and the schedule to the Committee.

Question put and agreed to.

Clause 58 accordingly ordered to stand part of the Bill.

Schedule 2 agreed to.

Clause 59 ordered to stand part of the Bill.

Clause 60

PRE-COMMENCEMENT CONSULTATION

Question proposed, That the clause stand part of the Bill.

Chris Bryant: In essence, the clause requires a consultation to be undertaken before or after the Bill is passed. It will help the Department to understand stakeholders' needs and requirements, ensuring their support and the sustainability of NUAR as a service.

Dr Spencer: I have to go back to the previous point again. Will cyber-security measures be covered as part of the consultation?

Chris Bryant: Sorry, the hon. Member will have to repeat that question. I did not hear it, I am afraid.

Dr Spencer: No worries. The Minister has tempted me to ask whether, as part of the consultation that is being put forward, cyber-security measures will be considered and consulted on.

Chris Bryant: I will have to write to the hon. Member on whether we will consult on those measures specifically. They are certainly being considered by us, but that is a different matter.

Question put and agreed to.

Clause 60 accordingly ordered to stand part of the Bill.

Clause 61

FORM IN WHICH REGISTERS OF BIRTHS AND DEATHS ARE TO BE KEPT

Question proposed, That the clause stand part of the Bill.

Chris Bryant: I will speak to clauses 61 to 65 and to schedule 3. As somebody who has written history books, I have always found it fascinating that it has taken us a very long time to update the system of registration of births and deaths in the United Kingdom. It was only in 1837 that mandatory, statutory provision for the registration of births, marriages and deaths was introduced in England. I was researching a book recently and I had to try to find a man called John Smith who was born in roughly 1800, which made for a difficult process.

I am also conscious that, with the way the register is kept these days, it is phenomenally difficult to try to find a marriage, birth or death online. We make it very difficult for people to register, so we are hopeful that the measure will make things easier. The current system of registering births and deaths is outdated, as I said, and is based on paper processes from the 19th century.

3 pm

Clause 61 enables the Registrar General to determine in what form births and deaths registers are to be kept. The registers have been paper-based since 1837, although since 2009 registers have captured the information electronically in parallel with the paper registers, which is obviously a duplication of effort.

Moving to an electronic register for the registration of births and deaths meets the Government's commitment to provide better digital public services. It will give people a more satisfying experience and give them their time back. It paves the way for the transformation of the registration service, giving the public more choice in how they register births and deaths in future—for example, by telephone or online—but retaining the option of doing so face to face.

Clause 62 inserts proposed new section 11A of the Registration Service Act 1953, which sets out how the council of every non-metropolitan county and metropolitan district must provide and maintain equipment or facilities that the Registrar General considers necessary for a superintendent registrar or a registrar to carry out their functions as we move to registering births and deaths in an electronic register. It should be noted that that equipment is already in place in register offices, as births and deaths are already registered electronically in parallel with the paper registers, as I have said.

Clause 63 inserts proposed new section 38B of the Births and Deaths Registration Act 1953—

The Chair: Order. We are dealing with only clause 61, not the subsequent clauses.

Chris Bryant: I was under the impression that all the clauses in this part were grouped. It might be convenient for the Committee if they were.

The Chair: Are Committee members content to consider clauses 62 to 65 together with clause 61?

Hon. Members: Aye.

The Chair: In that case, I call the Minister to continue.

Chris Bryant: As I was saying, clause 63 inserts proposed new section 38B of the Births and Deaths Registration Act 1953, which enables the Minister to make regulations in relation to duties under the Act to sign the births or deaths register where electronic registers are kept. Regulations under that power will specify the requirements that an informant will need to comply with when registering a birth, stillbirth or death. A person who complies with the requirements is to be treated as having signed the register and to have done so in the presence of the registrar. The removal of the requirement for an informant to attend at the register office to sign the register in the presence of the registrar allows us to transform how births and deaths are registered in future. Regulations made by the Minister under proposed new section 38B will be subject to the affirmative procedure.

Clause 64 covers the treatment of the existing registers of births, stillbirths and deaths. Every superintendent registrar is required to continue to keep any registers of live births or deaths in their custody immediately before the repeal of section 28 of the Births and Deaths Registration Act comes into force with the records of the office. Any unfilled registers of stillbirths will be deposited with the Registrar General for keeping at the General Register Office.

The clause also specifies how copies of birth and death records that are being held in an electronic format are to be treated following commencement. Where a copy of a register of births or deaths was also kept electronically during the time beginning on 1 July 2009 and ending immediately before the day that clause 61 comes into force, the register is to be treated as kept in electronic form and signatures within it will continue to be effective for the purpose of the Act.

Clause 65 introduces schedule 3, which contains minor and consequential amendments to the Births and Deaths Registration Act and the Registration Service Act, and minor amendments to other Acts, as a consequence of the move from paper registers to the registration of births and deaths in an electronic register. All those provisions were, of course, in previous iterations of the Bill.

Dr Spencer: I will build on the Minister's last point. I am glad that we have these provisions in the current incarnation of the Bill. One of the things that makes the Bill so interesting is that it contains a panoply of different areas of correction and improvement. On the electronic register of births and deaths, what is perhaps most surprising about this change is that our current system is so old but that it has not been done before. Of course, we are supportive of the change and look forward to seeing it in action.

Warinder Juss (Wolverhampton West) (Lab): It is a pleasure to serve under your chairship, Ms Hobhouse, and I congratulate you on chairing a Bill Committee for the first time. It is a great development to have electronic versions of the register of births and deaths, and I absolutely welcome such a step. It will increase efficiency, because we will be able to have timely updates, speed up the registration process of information, and make those records very accessible. It will also improve service delivery, so my constituents hopefully will not have to attend the office in order to get certificates. Reducing duplication will obviously be cost-effective, reducing the cost of storage, printing and administration. There is another benefit: with digital systems, we can have encrypted systems and back-up systems, which will increase security.

In my previous job working as lawyer, where I often had to inspect death certificates, their lack of accuracy sometimes became an issue. May I ask the Minister whether having an electronic version will actually improve the accuracy of those documents?

Steff Aquarone: I want to seek specific clarification from the Minister about whether he thinks that these provisions will improve or solve the situation where an unmarried parent tragically dies before the birth of their child. Will this make it easier for their parenthood to be entered on the birth certificate? My hon. Friend the Member for South Devon (Caroline Voaden) had an Adjournment debate on that subject recently, and it is a large matter for a small but distributed number of people.

Gurinder Singh Josan: I have no hesitation in supporting this part of the Bill. Simplifying and removing duplication is a good thing, particularly at the time of a death or when people are in difficult circumstances, and to make that process simpler is obviously sensible. Having proof of records online can also help the Government to improve the planning of public policy in the future. Health records or ill-health records, for example, are really important. Demographic changes could be identified and better understood, which might be helpful. For the reasons we have heard, people being able to prove their identity without having to carry paper documents around is an important thing. We do a lot of things online now, and to be able to then improve those processes is also important.

Could the Minister also comment on other potential aspects of public policy that could be improved through this measure? If there is an accurate register of births online, that could also help with making the process of voter registration easier, for example, because if we know when people will turn 18, rather than having them fill in forms as they do now, having an automatic system of voter registration could be much simpler.

Chris Bryant: I am grateful to the shadow Minister for agreeing with the legislation that was in the previous Government's Bill—he is absolutely right that we should have been doing some of this stuff a very long time ago. It strikes me too that one of the MPs for Doncaster said to me the other day that the hospital in Doncaster still has 42 people who are solely employed in carrying physical medical records around. That is just utter madness in a modern-day NHS. How on earth can we possibly be able to transfer data, or have access to blood tests and all the rest, if it is not digitally available?

Dr Spencer: We are dealing with those provisions a bit later on.

Chris Bryant: We are indeed, but it is very similar here.

I know we do not often individually come up against birth and death registrations many times in our lives, but when we do, we want it to be as simple a process as it possibly can be. There are often very difficult emotional moments for people. My father died in October last year and the process of dealing with probate, guardianships, banks and so on is a version of hell that we really need to rectify. Some of this should be able to be assisted by digital verification services, and some should be able to be assisted by the clauses we put in the Bill.

My hon. Friend the Member for Wolverhampton West is absolutely right about improving accuracy. People's handwriting is not always legible—that includes some people sitting to my left. It is simply a fact that some people's handwriting means that it is quite difficult to tell sometimes what has been written on death certificates and birth certificates, so greater accuracy will help considerably.

On the matters raised by the hon. Member for North Norfolk, I think that this is the second or perhaps third letter that I will have to write. I do not know the precise details about the question that he asked, which is perfectly legitimate, so I will write to him.

My hon. Friend the Member for Smethwick made the right point. It would be phenomenally useful to have more timely registration and be able to have more coherent data springing from digital registration. That is one benefit that we think will accrue from this legislation. Without further ado, I beg to move that the clauses stand part of the Bill.

Question put and agreed to.

Clause 61 accordingly ordered to stand part of the Bill.

Clauses 62 to 65 ordered to stand part of the Bill.

Schedule 3 agreed to.

Ordered,

That the Order of the Committee of this day be amended as follows—

(1) delete paragraph 1(b).—(*Kate Dearden*.)

Ordered, That further consideration be now adjourned. —(*Kate Dearden*.)

3.12 pm

Adjourned till Tuesday 11 March at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

DUAB 01 Association of Anaesthetists

DUAB 02 Amberhawk Training Limited

DUAB 03 Stephen Francis

DUAB 04 David Marsh

DUAB 05 Thomas Tran

DUAB 06 Ada Lovelace Institute

DUAB 07 Letter from UK Civil Society Organisations and academics

DUAB 08 Professor David Erdos, Professor of Law and the Open Society, and Co-Director of the Centre for Intellectual Property and Information Law (CIPIL), University of Cambridge

DUAB 09 Open Data Institute

DUAB 10 Open Rights Group

DUAB 11 National Union of Journalists

DUAB 12 Directors UK

DUAB 13 Public Law Project

DUAB 14 Sex Matters

DUAB 15a Police Federation of England and Wales (PFEW): Updated briefing paper February 2025

DUAB 15b Police Federation of England and Wales (PFEW): Data (Use and Access) Bill – draft clause

DUAB 15c Police Federation of England and Wales (PFEW): Executive Summary Proposed Annex for Data (Use and Access) Bill

DUAB 16 Dr Phil Brooke

DUAB 17 Equity

DUAB 18 Mastercard

DUAB 19 LSBUD (LinesearchbeforeUdig)

DUAB 20 Handley Gill Limited

DUAB 21 Northern Ireland Human Rights Commission

DUAB 22 Association of Illustrators

DUAB 23 Big Brother Watch

DUAB 24 CyberUp Campaign