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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

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The following abbreviations are used to show a Member's party affiliation:

Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Monday 6 June 2022

2.30 pm

Prayers—read by the Lord Bishop of Chichester.

Death of a Member: Lord Swinfen *Announcement*

2.36 pm

The Lord Speaker (Lord McFall of Alcluith): My Lords, I regret to inform the House of the death of the noble Lord, Lord Swinfen, on 5 June. On behalf of the House, I extend our condolences to the noble Lord's family and friends.

Electric Vehicles: Supporting Access *Question*

2.37 pm

Asked by Baroness Worthington

To ask Her Majesty's Government what consideration they have given to mitigating the impact of the increase in the cost of living by helping those who are most dependent on their car as a mode of transport through supporting access to electric vehicles.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): My Lords, we want people across the country to have the opportunity to switch to electric vehicles. In many cases, EVs are already cheaper to own and run than a petrol or diesel equivalent. Even with recent trends in electricity prices, EVs benefit from lower fuel costs than their petrol and diesel equivalents.

Baroness Worthington (CB): My Lords, I declare an interest as a board member of the independent transport research group New AutoMotive. I thank the noble Baroness for her Answer. Just this weekend we have seen that fuel prices have again spiked by 3p a litre, and it is true that the running costs of an electric vehicle can be up to 80% cheaper per mile. It is therefore absolutely imperative that the people who need to make the switch and who have no affordable alternatives but to use a car must have access to electric vehicles. Could the Minister comment on whether the Government have looked into the possibility of making zero-interest loans available for those who travel the most miles? What more can be done in the forthcoming ZEV mandate regulations to help get the right cars into the hands of those who need them the most?

Baroness Vere of Norbiton (Con): My Lords, the Government are doing an enormous amount to make sure that the take-up of electric vehicles is as swift as possible. We have introduced plug-in grants, we will be

spending £1.6 billion in total to support charging infrastructure, and there are favourable tax elements relating to zero-emission vehicles. At the moment, the Government do not have any plans to introduce a specific zero-interest loan scheme for the purchase of electric vehicles, although there are various loan schemes on the market that people may wish to look at. On the zero-emission vehicle mandate, we are currently conducting a technical consultation on the design parameters for the mandate, which is open until 10 June.

Lord Berkeley (Lab): My Lords, the noble Baroness said that it is cheaper to run electric vehicles, but that rather depends on the price that people have to pay for buying the current. Would she agree that those who are in most need of cheaper vehicles will probably be paying the highest price for their electricity, depending on where they get it from? In addition, when will she insist that all the plugs and sockets for the different makes of cars are interchangeable?

Baroness Vere of Norbiton (Con): The noble Lord was quite right to say that it depends on where people get the electricity from. It is the case that, for many people who are able to charge at home using off-peak electricity, prices can be as low as 2p per mile for the running costs of an electric vehicle. However, the Government are very cognisant of the fact that we need to introduce charging infrastructure in more places other than peoples' driveways, which is why we reformed the Electric Vehicle Homecharge Scheme in April 2022 to provide more help for those in flats and in buildings owned by others.

Lord Oates (LD): My Lords, further to that answer, can the Minister tell the House how the Government justify the fact that households with off-street parking are able to charge their electric cars at the reduced VAT rate of 5% while households without off-street parking, which are often on lower incomes, are required to pay the standard 20% VAT rate? What does the Minister intend to do to fix that?

Baroness Vere of Norbiton (Con): I will write to the noble Lord about those differences in VAT rates, that being a matter for the Treasury and one on which I am not briefed today. However, I would say that the Government have announced a local EV infrastructure fund pilot of £10 million, which will look at technically and commercially innovative proposals coming from local authorities to help those people who do not have driveways to be able to charge their cars near their home.

Lord Howell of Guildford (Con): My Lords, the noble Baroness, Lady Worthington, is quite right that more access to electric cars would be very nice. However, in the immediate situation, for those who cannot afford to buy an electric car, or a new car at all, does my noble friend agree that the quickest and cheapest way to get down the cost of oil, gas and transport—with a knock-on for food and inflation as well—is for much more oil and gas to be pumped into global markets

[LORD HOWELL OF GUILDFORD]
quickly? Did she notice that, last Thursday, the meeting of OPEC sounded much more co-operative about doing just that and having a major impact on prices? Does she welcome that?

Baroness Vere of Norbiton (Con): Energy security is a priority for Her Majesty's Government. Great Britain already has highly diverse and flexible sources of gas supply and a diverse electricity mix.

Baroness Jones of Moulsecoomb (GP): My Lords, car clubs often use electric vehicles and offer the benefits of clearing our roads, fewer miles and cleaner air. Have the Government done anything to benefit car clubs since 2014, when the noble Baroness, Lady Kramer, announced £500,000 for them?

Baroness Vere of Norbiton (Con): The Government are hugely supportive of car clubs. To be honest, they benefit from various government measures. For example, people using car clubs can use the chargers, the rollout of which the Government are supporting across the country. We do not have any specific proposals for financial support for car clubs, but we welcome them and think they have a core part to play in future.

Lord McLoughlin (Con): My Lords, I declare my interest as chairman of Transport for the North. Will my noble friend outline what the Government are doing to work in partnership with the private sector to ensure that we have much more rollout of availability of superchargers throughout the country, to give confidence to people who already own or are thinking of purchasing an electric vehicle?

Baroness Vere of Norbiton (Con): My noble friend is absolutely right: it is not up to the Government alone; it must be up to support from both the Government and the private sector. That is why the Government are investing, alongside the private sector, in a £400 million fund for charging points. To date, between the Government and industry, we have supported more than 30,000 publicly available devices.

Baroness Randerson (LD): My Lords, a recent Which? report pinpointed the problem of the lack of interoperability between multiple payment systems for EV charge points. It is nothing short of sharp practice that EV owners have money tied up in what are effectively useless apps and cards—I say “useless” because so many charge points are out of commission. The Government have the power to insist on the use of ordinary credit and debit cards at EV charge points, so that paying is easy. Why have they done nothing about that so far?

Baroness Vere of Norbiton (Con): The Government accept that reliability is absolutely key when it comes to EV charging. We will look at minimum reliability standards for charge points and hold poor-performing operators to account; we are looking at mandating a 99% reliability metric across the rapid charging network. We will regulate for minimum payment methods, such

as contactless, and payment roaming at new charge points over 7.1 kilowatts. We will also look at retrofitting existing charge points over 50 kilowatts.

The Lord Bishop of Chichester: My Lords, can the Minister indicate whether the Government will pay particular attention to promoting access to electric vehicles in rural areas, which are already disadvantaged by a lack of adequate public transport?

Baroness Vere of Norbiton (Con): The Government feel that the take-up of electric vehicles should be countrywide. The key thing about rural areas is making sure that they have appropriate access to charge points. We are aware that rural areas are more poorly served than their urban equivalents, which is why we are looking carefully at the amount of support we can give to local authorities. For example, so far, 157 local authorities have applied to the On-Street Residential Chargepoint Scheme—I wish it were more—and we expect 11,000 charge points to be rolled out with this scheme. I really do think that there is an opportunity for rural local authorities to grasp the financial support that the Government have made available.

Lord Moylan (Con): My Lords, quite apart from the cost of electricity, does my noble friend accept that many people in this country are reliant on cars with a price point of roughly £15,000? That would not buy you an electric battery, let alone an electric car. Are the Government not in danger of pricing large numbers of people out of car ownership altogether?

Baroness Vere of Norbiton (Con): My noble friend is right that many people do not buy any vehicle. Indeed, fleet operator businesses represent around half of the new vehicles purchased in this country. It is important that those vehicles then come into the secondary used car market once they have ended their useful life within businesses. That happens after around three years, so we expect a number of zero-emission vehicles to come into the used car market in due course. We recognise that there are probably not enough of them there now, but that is just a function of time. We can work with fleet operator businesses and get them to buy new zero-emission vehicles, which will then come into the used car market.

Lord Tunnicliffe (Lab): My Lords, does the Minister accept that, because of the paucity of public transport outside London, many workers—including quite low-paid ones—are absolutely dependent on a motor car? Does she also accept that the private sector, which is so praised in the department's latest guidance, does not have a good record of making sure that facilities such as this are provided at reasonable cost? Is it an objective of the Government to make sure that people who have cars for their work today will be able to afford and run them in future?

Baroness Vere of Norbiton (Con): The noble Lord raises a number of issues. It is worth pointing out that the private sector has been incredibly successful in the rollout of energy sources in the past. I do not believe

that previous Governments would mandate petrol stations in certain places, nor spend billions of pounds supporting their introduction, but we are very clear that we will support the introduction of charging points. On public transport, I beg to differ: this Government are investing billions of pounds of both capital and revenue to support public transport in our great cities and our rural areas.

Schools: Biometric Technologies

Question

2.48 pm

Asked by *Lord Scriven*

To ask Her Majesty's Government what assessment they have made of the adherence of schools to Chapter 2 of the Protection of Freedoms Act 2012 when implementing biometric technologies.

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, the decision to use biometric technology rests entirely with individual schools, which must ensure that the use of biometric data complies with all relevant legislation. We provide guidance, making clear that schools must comply with the law when implementing biometric technologies, including the Data Protection Act, the UK GDPR and the Protection of Freedoms Act.

Lord Scriven (LD): Facial recognition technology is now used in classrooms to monitor children's mood and engagement, despite some parents objecting. The biometric regulator has no powers to enforce compliance with the law in schools and the department does not even monitor the use of this technology. Why are the Government taking this approach, allowing private companies' marketing departments to determine the parameters of our children's civil liberties and privacy in the classroom?

Baroness Barran (Con): The Government have extensive legislation in relation to the individual's rights for their own data, particularly highly sensitive data such as biometric data. The Government have been clear that live facial recognition technology is not appropriate in schools and colleges.

Baroness Chapman of Darlington (Lab): Some 65% of transactions are now cashless in schools, using biometrics, so the idea that we can turn the clock back is unrealistic. However, it is clear that schools must have confidence that these systems work, and there is a complex legal framework around the use of these technologies. Does the Minister think that it would be helpful to schools to have some crisp, clear guidance, so that these systems can be used safely and with parental confidence?

Baroness Barran (Con): The noble Baroness is right. The department is working on the guidance and is aware that it needs updating. I am expecting it to be

updated very soon. There will be some important changes within it, particularly in relation to the use of live facial recognition technology.

Baroness Chakrabarti (Lab): My Lords, the Minister quite rightly spoke about data protection. Do the Government agree that this is not just about the individual's data but about their dignity as well? Is this the way we should be softening up our young people for treatment by corporates coming out of China or anywhere else in the future?

Baroness Barran (Con): The Government are not softening up our children. The use of biometric data in schools requires explicit consent from both parents of a child, and the child themselves can overrule that, should they wish.

Lord Clement-Jones (LD): My Lords, from what the Minister has said today, it is clear that, despite promises, no new guidance has been produced since 2018, the Government have no means of ensuring compliance with that guidance and they have very little information about the use of this technology in schools. From that, can we conclude that this Government are washing their hands of virtually any responsibility for the deployment of this technology?

Baroness Barran (Con): The Government are clearly not washing their hands; there are very clear procedures which schools must follow if they want to introduce this technology and very clear procedures which must be followed if a breach takes place.

Lord Flight (Con): My Lords, for what purposes are biometric technologies used in schools?

Baroness Barran (Con): There are a range of purposes. One, as the noble Baroness, Lady Chapman, mentioned, is in relation to payment; another is access to libraries, where fingerprinting is often used. They are also used in order that children accessing free school meals do not have a separate payment system and are not stigmatised and their dignity is not affected.

Lord Scriven (LD): Why will the Government not allow the Biometrics Commissioner to be the regulator of schools? The commissioner has asked for that, and the Government have so far refused. Why are the Government refusing a regulator to ensure that the rules and regulations that the Minister keeps referring to are being adhered to by every school in this country?

Baroness Barran (Con): There is already a regulator. The Information Commissioner's Office regulates this area and, if the noble Lord would let me respond, the key statutory functions of the Biometrics Commissioner are explicitly to keep under review the retention and use of DNA and fingerprints by the police.

Child Poverty Strategy Question

2.53 pm

Asked by **The Lord Bishop of Durham**

To ask Her Majesty's Government what assessment they have made of the review by the Church of England *Making the case for a child poverty strategy*, published on 28 April; and what plans they have, if any, to introduce a child poverty strategy.

The Parliamentary Under-Secretary of State, Foreign, Commonwealth and Development Office and Department for Work and Pensions (Baroness Stedman-Scott) (Con): My Lords, I confirm that no specific assessment has been made. We are completely committed to supporting low-income families and will spend £108 billion on welfare support for people of working age in 2022-23. With record vacancies across the UK, our focus is firmly on supporting parents to move into work and to progress in work wherever possible, as we know that this is the best way to tackle poverty, particularly where work is full-time.

The Lord Bishop of Durham: I thank the Minister for her reply. In the Church of England child poverty review, we present a consensus from across the political spectrum that child poverty is a complex issue that must be strategically dealt with across all departments but in a locally facing way. One group cautioned in its response that the feasibility and success of a child poverty strategy will be dependent on the will of the Government, so my question is this: is there enough will to produce a specific, targeted strategy that aims to end child poverty?

Baroness Stedman-Scott (Con): My Lords, Ministers and officials engage regularly across government to ensure a co-ordinated approach to this very important issue. We keep all priorities under review, but, as I said, with almost 1.3 million vacancies across the UK, our focus is to ensure that we can fill those vacancies with people who can work so that they can become independent. The latest available data on in-work poverty shows that, in 2019-20, a child in a home where adults were working was around six times less likely to be in absolute poverty before housing costs.

Baroness Lister of Burtersett (Lab): My Lords, recently the Prime Minister admitted that we cannot level up without tackling child poverty, and the Deputy Prime Minister declared himself heartbroken at the story of Emma, whose son provided her with a bowl of cereal because he had not seen her eat for days. Does this not underline the urgent case for a child poverty strategy? According to the Social Mobility Commission, England is the only country in the United Kingdom without such a strategy. Does that not also make the case for immediate urgent help for children so far lacking in the face of the cost of living crisis?

Baroness Stedman-Scott (Con): The case study the noble Baroness relays is definitely harrowing, and I wonder whether I might meet with her to talk more

about it and to understand it in more detail. However, the Government are absolutely committed to dealing with the issues of poverty. We have just allocated another £15 billion support package. This will include a £650 payment to more than 8 million low-income households and a £300 increase to the winter fuel payment. Individuals receiving disability benefit will receive £150 as a one-off payment in September, and this will not be taken into account for tax purposes on benefits. We have cut the taper rate, and we have also given a non-repayable £400 reduction in energy bills. Those in houses in council tax bands A to D will get £150, and for other people who do not get that there is a further £144 million. We understand the issues of poverty, and we are placing vast sums of money to do what we can to help.

Lord Farmer (Con): My Lords, during the passage of the Welfare Reform and Work Bill, my noble friend Lord Freud said that focusing on income-based poverty measures fails

“to tackle the root causes of child poverty.”—[*Official Report*, 25/1/16; col. 1054.]

He promised regular reports on family instability, inter alia, to hold the Government to account for their actions and progress. The Government have not yet fulfilled that promise. Can my noble friend assure me that they recognise that family instability is a driver of poverty and are concerned not just about parental conflict?

Baroness Stedman-Scott (Con): I completely agree with my noble friend about family instability and how it drives poverty. That is why we are investing so much in family hubs, and I pay tribute to my noble friend for the activity he has had with those. I am meeting the Minister responsible for family hubs next week to see how the rollout is going and how the DWP might work with them. But I have to say that through the reducing parental conflict programme, in which we will invest £33 million, we have supported over 4,400 parents since 2019. We are confident that we have gleaned sufficient data from this to continue to roll out the programme and to ensure that we support people with difficult relationships.

Baroness Bull (CB): My Lords, the review's recommendations range across a number of policy areas, including the importance of addressing educational inequality in tackling child poverty. With the conclusion this year of the five-year opportunity area programme, could the Minister tell the House what lessons have been learned about what works to level up opportunities for those children born into areas of persistent poverty and deprivation, and how these learnings will be incorporated in future policies?

Baroness Stedman-Scott (Con): Opportunity areas caused great excitement when they were announced. They are a matter for the Department for Education, so I hope the noble Baroness will be happy with me asking my noble friend Lady Barran to give her the information she requests.

Baroness Humphreys (LD): My Lords, in government, Liberal Democrats delivered on free school meals and ensured that every child between four and seven was provided with a free school meal regardless of income. In any child poverty strategy, will the Government commit to extending eligibility for free school meals to every pupil whose parents or guardians are in receipt of universal credit, and to pupils from low-income families whose parents or guardians have no recourse to public funds?

Baroness Stedman-Scott (Con): In 2018 the Government introduced new eligibility criteria for families on UC following a consultation. It is estimated that this will be more generous in its reach by 2022 in comparison with the legacy benefits system. Further to this, we included generous protections which mean that any family eligible for free schools meals transitioning to UC from a legacy benefit will continue to have access to a free school meal even if they move above the earnings threshold.

Baroness Wilcox of Newport (Lab): One of the important recommendations in the strategy was to ensure that the hidden poor and those with no voice, such as victims of modern slavery, the homeless and victims of child abuse, are not missed. Does the Minister support this recommendation for implementation within her department, and what steps are being taken to lift these groups out of poverty?

Baroness Stedman-Scott (Con): I am not able to make a commitment right now, but I know that the department is looking at all the recommendations and will respond to the Church in due course. I reiterate that we will be spending £64 billion on benefits to support people who are unable to work or who are on a low income. Another point I would like to make—I ask all noble Lords to help me on this—is that we urge people to check whether they are receiving all the benefits to which they are entitled and to be aware of the wider support this opens up, including help with transport, broadband and prescription costs.

Baroness Bennett of Manor Castle (GP): My Lords, the report highlights the widespread agreement among concerned organisations that the two-child limit is a significant cause of child poverty. Given that this is an explicitly punitive measure directed at children, should the Government not be taking this advice to end that policy?

Baroness Stedman-Scott (Con): It is important that we support families. I note the point the noble Baroness makes about the two-child policy, as did the right reverend Prelate the Bishop of Durham, but it is important that we are fair to the many working families who do not see their budgets rise when they have more children. This does not apply to child benefit nor to the disabled child element, and statistics from the Office for National Statistics show that in 2021, 85% of all families with dependent children had a maximum of two children, and for lone parents the figure was 86%.

Baroness Fookes (Con): My Lords, my noble friend has rightly spoken about getting people out of poverty through work, but what steps are the Government taking to help those who are in work but are low-paid and low-skilled to better themselves?

Baroness Stedman-Scott (Con): Another exciting initiative is the in-work progression offer. We have in-work progression champions working with every jobcentre and district to help people to get a job, and then to get a better job which pays more and helps them with their cost of living.

International Development Strategy

Question

3.04 pm

Asked by **Lord McConnell of Glenscorrodale**

To ask Her Majesty's Government when they will announce their new international development strategy.

Lord McConnell of Glenscorrodale (Lab): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and, in doing so, draw attention to my entry in the Lords register.

The Minister of State, Department for the Environment, Food and Rural Affairs and Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park) (Con): My Lords, the Government published their UK strategy for international development on 16 May this year. The strategy puts development at the heart of the UK's foreign policy. It sets out a focused set of priorities: delivering honest, reliable investment; providing women and girls with the freedom they need to succeed; stepping up our life-saving humanitarian work; and taking forward our work on climate change, nature and global health.

Lord McConnell of Glenscorrodale (Lab): My Lords, I thank the noble Lord the Minister for his Answer on behalf of the Government, and I would like to be positive: it is good that we now have a strategy. It is long overdue. It is good to see some clear priorities, and I welcome the recommitment to the sustainable development goals and to long-term, consistent planning. However, the strategy does appear to reverse a long-term commitment—under Labour, Conservative and coalition Governments—to putting conflict prevention and peacebuilding at the heart of this country's development strategy. It is hard to find references to conflict in the strategy document. There are two, a paragraph on page 16 and a paragraph on page 30, and they appear to be an afterthought. Do the Government understand that those who live in conflict-affected and fragile states have the least opportunities, the least safety and the least hope, and that therefore they should be at the heart of the whole development strategy? What action will the Government take to ensure that the priorities they have outlined do not sideline conflict prevention and peacebuilding?

Lord Goldsmith of Richmond Park (Con): The noble Lord makes a hugely important point, and of course the Government share his view. Much of the development strategy is about preventing the kinds of displacement caused by conflict—not least through our work on climate, environment and so on. The focus on humanitarian assistance remains, as the noble Lord will have seen in the strategy, and we are committed to building on the UK’s capabilities, reach and international role in conflict prevention and reduction in order to target long-lasting political settlements; to tackle new threats, including disinformation and cyberattacks, as well as enduring ones such as landmines; to address the causes and consequences of forced migration; and to establish a new conflict and atrocity prevention hub that brings together all UK government capabilities.

Lord Lancaster of Kimbolton (Con): My Lords, this Government have said in the past that they will prioritise overseas territories—something that becomes increasingly difficult, as so few qualify for ODA. However, with the hurricane season approaching in the Caribbean, can my noble friend simply take this opportunity to reassure your Lordships’ House, and crucially our overseas territories, that should a hurricane happen, the Government will support them through humanitarian assistance and disaster relief?

Lord Goldsmith of Richmond Park (Con): My noble friend makes an important point. As he says, the majority of overseas territories do not qualify for ODA. However, I and the Government think there is a problem in the way in which the rules are assessed and those assessments are made. As he notes, small island states are particularly vulnerable to extreme weather events and can be plunged from prosperity into poverty literally overnight. We have taken up this issue with our international partners, and I hope we will see movement on the criteria soon. In the meantime, yes, our support for the OTs remains. We have increased our funding for work in the overseas territories, and I am very keen for us to continue to do so.

Lord Purvis of Tweed (LD): My Lords, on 12 July last year the Chancellor told the House of Commons that

“the Government commit to spending 0.7% of GNI on ODA when the independent Office for Budget Responsibility’s fiscal forecast confirms that, on a sustainable basis, we are not borrowing for day-to-day spending and underlying debt is falling”.—[*Official Report*, Commons, 12/7/21; col. 3WS.]

In March the *Economic and Fiscal Outlook* said the following of ODA, on page 129:

“At this forecast, the current budget reaches surplus and underlying debt falls from 2023-24.”

That is just six months away. Why are the Government not preparing for restoration as, according to the OBR, we have met the fiscal tests?

Lord Goldsmith of Richmond Park (Con): It is worth saying that the UK remains one of the largest donors globally. We spent more than £11 billion in aid around the world in 2021, and the Government have committed, as the noble Lord acknowledged, to returning to 0.7%

as soon as we can. That is something that I know the whole House, on both sides, supports. In various debates the noble Lord has made the point that in jumping from 0.5% to 0.7% and having the opposite of a cliff edge—a steep mountain to climb in a short period of time—there is a risk of not investing that additional money wisely. This is a very live discussion in the FCDO, and one that I am taking part in. I am not yet in a position to go into detail about what that means.

Lord McDonald of Salford (CB): My Lords, CHOGM takes place later this month in Kigali. Will Her Majesty’s Government assure Commonwealth partners that qualify that they will be priority recipients for UK development assistance?

Lord Goldsmith of Richmond Park (Con): All the allocations will be published in due course, but I can tell the noble Lord that a very large percentage of Commonwealth members are small island developing states. We recognise in the strategy the particular vulnerabilities that come with that in terms of various shocks from climate and environment to what we saw in the pandemic recently, where countries that did not even experience Covid nevertheless saw almost total economic collapse as a consequence of policies around Covid. So, yes, we will be stepping up—as we already have—our focus on those small island developing states, many of which are Commonwealth countries. Others are climate-vulnerable countries and they too remain a priority.

Lord Collins of Highbury (Lab): My Lords, due to increasing conflict and the effects of climate change, the global nutrition crisis is getting worse. The strategy did not include any specific prioritisation of nutrition, despite the Government’s commitment at the recent summit to spend £1.5 billion over the next eight years. So when will we know how the money will be split between nutrition-specific and nutrition-sensitive programmes, and when will the money begin to be disbursed? Will the Government keep to their previous commitment of reaching 50 million children, women and adolescent girls with nutrition-relevant programmes by 2025?

Lord Goldsmith of Richmond Park (Con): My Lords, the FCDO’s annual report and accounts will be laid in Parliament before the Summer Recess and will include details of the FCDO’s ODA spending. I cannot give the noble Lord specific numbers, but I can tell him that a focus on land use, which is emphasised in the IDS, will be very much at the top of the agenda as a consequence in the years to come. On women and girls, we have a clear commitment in the strategy to providing women and girls around the world with the freedom and opportunity they need to succeed. We have said that we intend to restore funding to help unlock their potential,

“educating girls, supporting their empowerment and protecting them against violence.”

This remains a key priority area for the Government.

Baroness Sugg (Con): In relation to the women and girls spending commitment that my noble friend the Minister just highlighted, can he confirm that that restoration of funding will happen in this financial year, and by how much the funding will be increased?

Lord Goldsmith of Richmond Park (Con): The Foreign Secretary confirmed recently that the FCDO will spend £745 million on bilateral women and girls programmes this financial year. This will restore bilateral spending to 2020-21 levels. As I said earlier, the new approach will be set out in full in the UK's 2022 women and girls strategy.

Lord Oates (LD): My Lords, the Minister will recognise that climate change poses a major threat to progress on international development. Does he also agree that private capital alongside development aid will be critical in tackling it? To that end, will the Government encourage the Glasgow Financial Alliance for Net Zero to put far more emphasis on engaging African financial institutions in its work and to focus on delivering real benefits to the 2.5 billion people who will live in Africa by 2050?

Lord Goldsmith of Richmond Park (Con): The noble Lord is right that the UK is currently doing all it can to encourage donor countries to increase the finance they make available for climate change and nature, with some success. However, even if we are very successful—more so than we expect—it will not be anything more than a drop in the ocean compared with what is needed, so mobilising private finance is key. We have persuaded the multilateral development banks, including the World Bank, to align their funding not just with Paris goals but with nature. At the G7, the UK was solely responsible, I think, for persuading other G7 members to align all their aid with nature and the Paris goals—something that we did not expect to get over the line but did, thanks to our brilliant negotiators. We are working hard to mobilise private finance from all sources; I would be happy to talk in more detail with the noble Lord in due course.

Baroness Coussins (CB): My Lords, why is the strategy silent on the importance of international volunteering programmes, especially by young people? Will the Minister also say whether the FCDO is planning to resume funding for the International Citizen Service, which was suspended in 2020 because of the pandemic?

Lord Goldsmith of Richmond Park (Con): My Lords, I am afraid I cannot give the noble Baroness an answer on the International Citizen Service. If she will allow me to, I will get back to her in due course.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, is the Minister aware—

Noble Lords: Order!

Lord Foulkes of Cumnock (Lab Co-op): I think I began before it started flashing. The number of people over the age of 60 in the developing world is going to

increase rapidly over the next few decades and they are particularly dependant on healthcare. Why are older people not mentioned at all in the international development strategy documents?

The Lord Speaker (Lord McFall of Alcluith): I will ask the Minister to respond to that in writing, given that the noble Lord, Lord Foulkes, exceeded the time of 10 minutes.

Government of Wales (Devolved Powers) Bill [HL] *First Reading*

3.15 pm

A Bill to provide that powers devolved to Senedd Cymru must not be amended or withdrawn without a super-majority vote of its elected members; and for connected purposes.

The Bill was introduced by Lord Wigley, read a first time and ordered to be printed.

Ofcom (Duty Regarding Prevention of Serious Self-harm and Suicide) Bill [HL] *First Reading*

3.16 pm

A Bill to require Ofcom to establish a unit to advise the Secretary of State regarding the use of social media platforms to encourage or assist serious self-harm and activities associated with risk of suicide; and for connected purposes.

The Bill was introduced by Baroness Finlay of Llandaff, read a first time and ordered to be printed.

Product Security and Telecommunications Infrastructure Bill *Second Reading*

3.16 pm

Moved by Lord Parkinson of Whitley Bay

That the Bill be now read a second time.

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, Her Majesty's Government want the UK to be a science superpower. Two key planks in achieving this are security and digital connectivity. The UK already influences and shapes global cyber standards and we have committed huge investment to counter cyber threats and to meet our digital infrastructure targets. Back in 2016, we invested £1.9 billion to bolster our cybersecurity, setting up the National Cyber Security Centre and investing in economic resilience, innovation and skills. Now we have gone further, with an additional £2.6 billion being invested over the next three years. The National Cyber Security Centre has stopped 2.7 million online scams in the past year alone, and the new National Cyber Force will proactively counter cyber threats that we face.

Our investment in innovation has seen more than 40 tech unicorns—that is, start-up businesses now valued at over \$1 billion—grow outside London, with 100 more in the pipeline. We have invested significantly in superfast broadband, bringing it to 97% of premises,

[LORD PARKINSON OF WHITLEY BAY]

and are now driving investment in gigabit broadband, with over 68% of premises now able to access this technology. But we need to keep investing in emerging technologies to secure ourselves against future threats and realise the opportunities of a digital economy. Monthly broadband use has doubled in four years and continues to rise every year. Cyber threats are proliferating and technology is not always secure by design. That is why we have introduced this Bill.

We want to fulfil our commitment to delivering faster digital connectivity and to ensure that, as we grow, our technology is secure. The Bill will facilitate the extension of futureproofed gigabit-capable broadband and 5G networks, and improve the protection of people, networks and infrastructure from the harms caused by insecure consumer-connectable products. I will start with the telecommunications measures, explaining why they are necessary and what their intended effect is. Following this, I will turn to the product security measures and outline why it is important to consider digital infrastructure and cybersecurity in conjunction.

The Government are committed to delivering digital growth by building a stronger, more connected and more secure UK. This is even more vital as we build back from the pandemic. We have seen rapid growth in the availability of gigabit broadband, from less than 11% of homes and businesses at the end of 2019 to more than 68% today, but, to deliver much-needed connectivity, we must have a legal framework which encourages and enables the deployment of digital networks.

To that end, we are making good progress through a package of measures. Last year we passed the Telecommunications Infrastructure (Leasehold Property) Act to address one of the key barriers to the deployment of gigabit-capable broadband in blocks of flats. We have also committed to legislate to mandate gigabit connectivity in new-build homes. These regulations will be laid as soon as parliamentary time allows. We continue to work closely with the Department for Transport to ensure that street works support deployment of broadband while protecting the road network.

We are working with industry to support its investment and have committed £5 billion of public funding to ensure that no part of the United Kingdom is left behind. We aim to reach a minimum of 85% gigabit-capable broadband coverage by 2025 and to get as close to 100% as soon as possible. We have also agreed a £1 billion deal with the industry to deliver the shared rural network, which is already delivering improved 4G coverage across the UK. The operators and the rest of the industry remain confident that their combined coverage is expected to be delivered to 95% by the end of 2025. We also aim for the majority of the population to have 5G coverage by 2027.

To improve connectivity, in 2017 we implemented reforms to the Electronic Communications Code, which regulates installation agreements between landowners and telecommunications operators. Some noble Lords here today will have been involved in the scrutiny of that legislation. The aim was to make it easier and more cost effective for digital networks to be installed, maintained and upgraded. However, there is still more

to be done. We need to go further to realise the Government's ambitions for digital connectivity and levelling up.

The Bill before us will update the Electronic Communications Code, among other pieces of connected legislation, to deliver these ambitions. Specifically, the Bill aims to optimise the use of existing infrastructure. It encourages collaborative relationships between telecommunications operators and site providers. It gives operators the ability to obtain new rights, which will enable them to take advantage of new technologies and pass the benefits on to customers. It builds on previous measures to tackle the issue of unresponsive landowners and ensures that the price paid to host telecoms apparatus is calculated in a consistent way across the country, preventing a digital divide.

Making optimum use of existing cable and fibre networks has a key role to play in upgrading services and increasing competition. The Bill introduces a new automatic right for operators to upgrade or share apparatus installed before the 2017 reforms. This will be subject to specific conditions to ensure that it will not adversely affect landowners. The measures have been considered carefully to deliver significant benefits to the public while ensuring that there will be little impact on landowners.

Furthermore, the Bill rationalises the way in which expired code agreements are renewed. Currently, an operator has to use one of three different statutory renewal routes. The Bill ensures that, whichever route an operator uses, the terms of the renewed agreement will more closely align with the code as it was reformed in 2017. As a result, there will be greater consistency in how agreements are renewed across the UK.

Making better use of existing infrastructure through upgrading and sharing, and a more consistent and efficient renewal process, will not only improve digital services but reduce the need for new installations. This means less disruption from street works and fewer mast installations in both rural and urban settings, which I am sure will be welcomed in all parts of your Lordships' House.

We are also introducing measures to facilitate greater use of alternative dispute resolution when parties are negotiating the terms of an agreement to install telecommunications apparatus. This is to ensure that disputes are resolved more quickly and cost-effectively, and that litigation is used only where absolutely necessary. We anticipate that this will encourage constructive dialogue between network operators and potential and existing site providers. It will address situations where landowners may feel compelled to accept terms offered by operators by giving them alternative means of resolving disputes without the need for lengthy and costly litigation.

Finally, in situations where landowners are not responsive, we are creating a new court process. This process will provide a quick and inexpensive route for operators to gain time-limited rights to access certain types of land. Again, these measures have been developed to strike the balance between protecting landowners and ensuring that everyone across the UK has access to reliable and quick digital infrastructure.

I turn now to the product security provisions in the Bill, since the demand for faster broadband is driven by the increasing number of devices we are all installing in our homes. Increasingly, we are streaming more programmes on smart televisions and using telephones and tablets for video calling; half of all homes have a smart speaker, smart watches continue to rise in popularity and smart doorbells and cameras are appearing on every street. The average UK household now has nine internet-connected devices, and over 50% of all UK households purchased an additional consumer connectable product during the pandemic.

With this increased ownership and use of consumer connectable products, there comes a heightened risk of cyberattacks. Cybercriminals have taken advantage of consumer vulnerability during the pandemic, and increasingly target consumer connectable products. In the first half of last year alone, we saw 1.5 billion attacks on connectable products—double the figure of the year before. Thousands of people in the UK have been victims of cyberattacks, leaving many with significant losses of money or private data. As we have seen recently, cybercriminals can now use compromised connectable products to attack large infrastructure. In 2016, the Mirai attack disabled internet access across much of the east coast of the United States of America; we still see variants of Mirai-using botnets attacking businesses and infrastructure today. We have made significant progress to develop the UK's cybersecurity to tackle threats such as these. In 2018, the Government published a code of practice for manufacturers to improve the security of consumer devices. The UK is a world leader in this area, and our code has since been used by Australia and India, among other countries.

Of course, this progress needs to keep up with the ever-evolving cyber landscape—hence the need to legislate now to ensure that our people and networks are better protected. Taken together, the telecoms and product security measures in the Bill work to create a reliable fast broadband network, and to support the growth of more secure consumer connectable products. The Bill will enable the Government to specify mandatory security requirements to ensure that manufacturers, importers and distributors of smart devices work harder to protect consumers from cyber risks. These requirements will be set out in regulations and are supported by experts, industry and our international partners, with whom we continue to work closely to ensure that everyone is well aware of the initial three requirements.

The first is a ban on universal default passwords. Too often, consumer connectable products come with an easy-to-guess password; this makes them vulnerable and risks compromising a user's privacy and security. The second is that a manufacturer of consumer connectable products must have and maintain an accessible vulnerability policy, obliging them, as a minimum, to receive and respond to reports of security issues in their products. This is important to ensure that manufacturers can be made aware of, and quickly address, any shortcomings in their products, and to foster good practice to protect society as a whole. Finally, manufacturers will be required to be transparent about the minimum length of time for which a product will receive security updates. This should enhance consumers' awareness, enabling them to consider the

security of products before they purchase them and, in so doing, foster market competition towards enhanced security update periods. Where those three security requirements have not been complied with, businesses will not be allowed to make these products available in the UK. We will be able to monitor, investigate and take enforcement action where necessary.

These are the first steps towards a change in the security landscape for consumer connectable products. We have created this Bill to reflect the need for resilient and adaptive measures to protect consumers and our vital infrastructure. Both the product security and telecoms infrastructure measures in the Bill will be of benefit to the public. We have brought the Bill forward to ensure that, as our digital infrastructure evolves and as we become more connected to the internet, we protect consumers from the dangers which come with this. I hope that noble Lords from across your Lordships' House will support the Bill, and I look forward to discussing it in detail as we scrutinise it.

3.29 pm

Lord Fox (LD): My Lords, the Product Security and Telecommunications Infrastructure Bill is another snappy portmanteau Bill from this department—or perhaps I should say, in sporting parlance and in deference to the department, it is legislation in two halves. As we heard from the Minister, it is the second half that has attracted most attention in the Commons and, frankly, from the various lobbying organisations—and it is easy to understand why. Bringing connectivity to a reasonable level across everywhere in the United Kingdom is an aim I am sure all noble Lords share in this House, as do all the MPs at the other end. However, as the Minister alluded to, there are balances that need to be brought into play when we bring this objective forward.

I shall start with the first part of the Bill, the security bit. As the Minister outlined, it is designed to enable us to face up not just to the present but to the internet of things or the network of everything, safe in the knowledge that our appliances are safe from hacking. It is not a future problem, as the Minister outlined: it is with us here and now. The consumer organisation Which? very clearly brought this to bear. It tested a range of devices, from baby monitors to smart speakers, with its ethical hackers and found 37 vulnerabilities with those test devices, including at least a dozen rated as “very high risk” and one as “critical”.

At the heart of this problem is that some of these products may have had inadequate security against threats in the first place, or that they have not been effectively upgraded by the manufacturer during the life of the product, which is why they are at risk of being hacked, as the Minister well knows. The Bill is supposed to make provision to enable the Government, via regulations, to require manufacturers, importers and distributors to make sure that their consumer-connectable products meet some minimum standard of cyber requirement before they are placed on the market. This is the problem that I face with the Bill: the majority of this part of it will come through secondary legislation, so it is hard to see at this point the Government's objective for consumer rights.

[LORD FOX]

I have looked through the Bill—I have tried very hard—and neither the Long Title nor the text of the Bill sets out what a consumer might reasonably expect from consumer-connectible products in their house. What might they be able to expect through the life of that product in terms of security and hacking? Assuming that there is no such thing as absolute security, following the implementation of the Bill and all its, as yet, unseen statutory instruments, what level of security should the UK consumer reasonably expect for their household, and what is their recourse in the event that that is not met?

The Government's response appears to be a sort of micromanaging process—for example, as the Minister set out, mandating password protocols. The Government are, in essence, pitching the ingenuity of the department and the support that the department gets against the ingenuity of the criminals and hackers and, to a large extent, micromanaging how those device manufacturers respond to that threat. In a sense, that absolves them of being the innovators; it absolves the manufacturers of responsibility for delivering a security rather than meeting a requirement set out in a statutory instrument. In short, they will need only to follow the letter of the process that the department comes up with through its statutory instrument rather than deliver a level of security. In the view of this Bench, there ought to be a minimum standard of security that consumers can expect. From our perspective, we are looking at the wrong end of the telescope with this legislation. At the very least, there should be an up-front clause that sets out what that minimum expectation should be. Then, rather than micromanaging it, it would be up to the supply chain to deliver security, which would be a legal expectation.

That takes us to the subject of policing. Assuming that the Bill stays as it is, I am interested in Chapter 3, on enforcement. Once again, the meat of this provision awaits secondary legislation. The Secretary of State is responsible for enforcement, but it is not clear to me how she will do it. Perhaps the unit will do this and perhaps a new unit will be set up in the department. Could the Minister explain how enforcement will be managed in light of the 20% reduction in departmental head count being enforced on all departments by the Chancellor of the Exchequer? There will be 20% fewer people to do, yet again, a bigger job. Unless the Minister can set out a plan for enforcement, it is safe to assume that consumers in fact will not be safer when the Act comes into play.

Turning to the infrastructure part, as the Minister said, the Government's commitment is for there to be a minimum of 85% gigabit-capable broadband by 2025. The *Levelling Up* White Paper of course talks about maximum coverage later on. The Minister talked about there being 100% coverage as soon as possible. What does that mean in reality—or does it mean nothing? The Minister also spoke about a majority of the country having 5G by, I think, 2027. Does that mean 51% or a larger number? There are lots of parts of the country still chasing 4G, never mind 5G. Can the Minister use this Second Reading to update us further about—and perhaps set out in writing—where the country is in implementing both gigabit and 5G

across the whole country, rather than use a percentage? To give a percentage of users is slightly misleading because there are less well-populated areas where users remain very much underserved. I also ask the Minister to update your Lordships' House on progress in eliminating Huawei hardware from the 5G network. We are interested to know where that is going and when it might be achieved.

As I expected, the Minister portrayed this legislation as a vital piece in meeting the installation target but, before we get to that, can he tell us how the other pieces are going? As I have said, my recent travels to Devon, Cornwall and my home county of Herefordshire indicate that network coverage remains poor at best and is sometimes not there at all. Given that these are some of the more rural parts of the United Kingdom, I take that to be the standard that most rural communities are surviving through. What extra is being done to get better coverage in these places, rather than focusing on the big numbers—the big conurbations, cities and towns? To date, the evidence suggests that this is not successful. It seems to me that the issues in the Bill are not the issues preventing this happening.

The Bill is about access—I think the Minister was a Whip at the time of the last pass on this. Somewhere in the dog days between two of the Covid lockdowns, my noble friend Lord Clement-Jones and I were climbing through the niceties of multiple-occupancy access and wayleaves in the then Telecommunications Infrastructure (Leasehold Property) Bill—another of the Minister's snappy Bills. Perhaps this should be the starting point. The Minister mentioned it today but, taking that previous Bill as a template, when it comes to access, what worked and what did not work? I get a sense that access is piece of string that the telecoms operators will keep on pulling for ever, so what has sparked this new Bill, and what did not work under the previous ones? Their briefings seek to raise this as a key issue, but is that really the case? Is the lack of access that I described earlier the overwhelming impediment to the rate of installation, or is it something else? Is it perhaps the rate of investment, the skills available or the capacity to do so many projects overall? I suggest that all three are key elements in the rate at which the installation we need is happening. Can the Minister balance those issues with the issue of access, which is the only issue being addressed in the Bill?

Changing access regulations is also an opportunity to drive down costs. If they are being passed on to consumers, that is no bad thing—but are they? Speed Up Britain, a cross-industry organisation, is campaigning for the Government to close the loopholes—very much in the way that they are—and points to benefits. Other campaigners highlight a potentially catastrophic drop in income faced by local community organisations and local authorities in the rent-to-host infrastructure, such as mast licences, which was caused by the last Bill and will be further enshrined by this Bill; those campaigners estimate up to a 90% drop in income. In a meeting, the department puts the fall at around 60% to 65%. Either way, this is a big fall in income for, say, a local football club.

So who is benefitting from the drop in operational costs? Many of the mobile towers are now owned and operated by towercos which sit between the landowners

and the telcos. I suspect that changes in the use of shared apparatus, as heralded by this Bill, will drive more of that intermediate role for towercos or similar. Are these towercos passing the savings through? To date, I think it is very hard to see that consumers have seen any benefit from that fall in cost.

The other delicate balance that has to be weighed carefully is the role of BT Openreach and the need to foster genuine competitiveness across the sector, rather than having a collection of niche operators and a 500-pound gorilla. Can the Minister please tell your Lordships' House how the market for full-fibre and gigabit-capable broadband is currently split, and what analysis his department has of how that will be affected or otherwise by this Bill? There is a possibility that the nature of the changes proposed in the Bill will disproportionately benefit the dominant player in the market, so that analysis will be very important.

As we have said, there are two parts to the Bill: there is a serious danger that the second half activates a series of unintended consequences, while I fear that the principal danger in the first half is that it has very little consequence at all. We look forward to working with the Minister on improving the Bill in Committee.

3.42 pm

Baroness Harding of Winscombe (Con): My Lords, I support the Bill. This is very technical legislation, but technical does not make for unimportant, even today. In fact, my experience in business is that it is in the detailed technical and operational delivery that businesses succeed or fail—and when it comes to building national infrastructure, the same is true.

The strategy is relatively easy. I spent seven years as the chief executive of a telecoms company and, during that time and in the five years since, I have not found any community, business or politician who wants a different outcome. Everyone wants ubiquitously available, safe to use, affordable and, above all, high-speed connectivity at home, at work and on the move, on an ever-increasing number of devices, everywhere. The direction of travel is not up for debate. What is are the technical details to get us there as effectively as possible, which is what this Bill is about. As technical and detailed as it may be, it is none the less extremely important. It is in the shaping of these detailed laws and regulations that we determine whether we have the effective digital connectivity that we are all so agreed upon.

I am supportive of both parts of the Bill and will speak very briefly on the first half, which, as the noble Lord, Lord Fox, said, is, I suspect, less contentious. I will then speak in more detail about the second half.

I am pleased to see in Part 1 a clear framework for regulating the security of connected devices. I have been involved in a related area of digital regulation—child internet safety—for over a decade, and that experience has taught me that it is necessary to put regulation on to a legal footing. For far too long, technology companies have tried to persuade us that self-regulation is the right route for the digital world, yet we are seeing in every area of digital, as here, that self-regulation leads to no regulation and that we need to do our job as legislators and set the rules of the game. The digital

world is really no different from the physical world, where responsible capitalism works best when we set legal guardrails and encourage commercial creativity and innovation within them. As such, I welcome Part 1.

Turning to Part 2, even those stakeholders concerned about it are united in their agreement that enabling the rapid and effective build-out of mobile and fixed digital connectivity is an essential part of modern society. The devil really is in the detail here. I believe the Bill strikes the right balance between protecting property owners' rights and the broader benefits to the whole of society of speeding up the delivery of faster connectivity.

Again, we should take our cues from the physical world. The Government are right not to move away from the changes in valuation methodology made in 2017, bringing telecoms infrastructure in line with other much older physical utilities, and right to extend this approach to renewals. I appreciate that this has meant a material reduction in rent, but as telecoms matures, surely it is fair to consumers, and ultimately landowners, to treat it in the same way as other essential utilities.

It is also important that, wherever possible, we enable rather than restrict competition in the building of these telecoms networks. When I first came into the industry in 2010, BT was not investing at all in building full-fibre networks. For the best part of a decade, the UK lagged behind many other countries because BT preferred to upgrade its copper, in large part because there was no credible threat to its Openreach-monopoly copper infrastructure. We are in a very different position today, with several alternative fibre providers building scale networks, which is providing consumer choice and spurring on Openreach to invest. It is in the detailed changes to telecoms regulation that this has been made possible; among other things, by forcing Openreach to make its ducts and poles open to alternative providers.

This physical infrastructure access—or PIA, to those of us in the industry—is a very important ingredient in speeding up the rollout of fibre broadband. It has enabled competition, which in turn is driving investment. As currently drafted, the Bill extends the effectiveness of PIA by allowing the sharing of existing ducts under private land, which will significantly speed up and extend rollout, and resolves the anomaly of different rules for cable duct infrastructure if built before or after 2017. However, it is not clear how telegraph poles are treated. This is where the detail starts to really matter. I ask my noble friend the Minister to clarify that operators cannot only lay cable to a telegraph pole and string fibre in the air between poles but can roll fibre up the pole itself. That may seem obvious, but if we do not get this sort of detail right in regulations, you cannot build the connectivity.

Another key area where we need to be careful about protecting competition is in access to multiple-dwelling units, or MDUs. I have huge sympathy with Members of the other place who have proposed amendments aimed at making it easier for Openreach to fibre-enable blocks of flats where it is having trouble contacting landlords. It is so important that we do not exacerbate existing non-digital inequalities in the digital world,

[BARONESS HARDING OF WINSCOMBE]

which is exactly what happens when the fibre rollout goes past blocks of flats in many communities across London and other cities.

But—and it is a big “but”—there is a very big difference between the cabling in multiple-dwelling units and the ducts and poles in rural areas. Ducts and poles are now part of the PIA regime I mentioned earlier, so competing fibre providers can all use them. Openreach’s existing copper cables in multiple-dwelling units are its to use alone, so relaxing the rules for Openreach in MDUs such that it does not need permission from the landlord to upgrade to fibre is not only an extraordinary power of entry—one we do not even give the police—but gives Openreach a huge competitive advantage. Tempting though it might be in the short run, relatively recent history shows that embedding an infrastructure provider’s monopoly—in fact, embedding this infrastructure provider’s monopoly—is never good for consumers in the end. I encourage my noble friend the Minister to resist similar amendments should they be brought to this place.

With the not inconsiderable challenges our economy faces as we emerge from Covid, we need detailed supply-side changes such as this Bill that will help drive growth across the country via digitally enabled, safe, secure and competitive markets. As such, I am pleased to support it.

3.50 pm

Lord Vaizey of Didcot (Con): My Lords, it is a delight to follow my noble friend Lady Harding, and a great pleasure to be in the Chamber with her. When I was a Minister, I worked closely with her when she was the chief executive of TalkTalk, so it will be enjoyable to respond, to a certain extent, to some of the points she made.

I begin briefly by outlining my interests. I work as an adviser to a US bank called LionTree, which has advised a UK alt-net provider called Hyperoptic. I am also, amazingly, the patron of the Institute of Telecommunications Professionals. I have no idea how that came about, as I know nothing about telecoms and I am not a professional. I was also chairman of Speed Up Britain, which is one of those lobby groups that the noble Lord, Lord Fox, pointed out in his remarks. It competes against Protect and Connect in trying to persuade your Lordships to take alternative views on how to reform the Electronic Communications Code, but I am no longer its chair; I just wanted to put that in context.

But, obviously, the reason I wanted to take part in this exciting debate—which is really where the action is today—was because of my six years as the Minister for Broadband, where I suffered the slings and arrows of outrageous fortune of people constantly telling me to hurry up and deliver exactly what my noble friend Lady Harding was talking about, which is what everybody wants: ubiquitous broadband everywhere, for as many devices as possible. It was a hard slog, but we made progress.

Like everyone else who has spoken, I will take the Bill in two parts. Starting with product security, I do not think this is a controversial part of the Bill, so it

can be skimmed across relatively quickly. I doubt that there will be any amendments to it at all; it is a necessary piece of legislation in an age of digital technology where cybersecurity is at the forefront of our minds. We know that the Government recently published their national cybersecurity strategy. To give this Government, and recent previous Governments, credit, they have invested absolutely correctly in cybersecurity, both at the national security level and in encouraging businesses to take cybersecurity seriously, so the Bill is very welcome.

Like all other noble Lords who may be taking part in this debate, I have read the briefings that have come in to me from both Which? and a company called NCC Group, and they all seem to make extremely valid points which may well be worth exploring in Committee. For example, Which? has suggested that online marketplaces should be covered so that products that are sold on them reach a minimum standard; that there should be a minimum time period in which a company guarantees to update the software on a connected device; and that connected devices fall within consumer rights law. NCC Group has suggested that there should be some form of third-party verification of online devices to ensure that they are compliant. That seems eminently sensible. It also has a minor obsession, which I cannot really understand, with e-scooters, so my simple question to the Minister is: is an e-scooter a connectable consumer product? I think it probably is, but they can of course be hijacked and the brakes put on remotely. A very interesting and worthy point of debate is the amendment to the Computer Misuse Act to see whether there is a public interest defence to ethical hacking. Those are just some points to put on the record which I would be willing to explore with other noble Lords in Committee, should they be minded to table amendments.

But let us now turn to telecoms infrastructure, where I carry the scars on my back, as it were. In fact, it is probably my fault that we are here debating this at all, because I was in charge of the first reform of the Electronic Communications Code. But as he has not made it to this place yet, let me firmly blame Oliver Letwin for everything that went wrong there, because the minute he got hold of it, it became an All Souls seminar, and it took about three years to get it through Whitehall. However, we did deliver some changes. I make no apology for the changes that were made because, at the time, obviously, the relationship between the infrastructure provider—whether it was a mobile infrastructure provider or a fibre infrastructure provider—was very unequal with the landowner. If you wanted to get your mast or to lay some fibre across somebody’s land, the landlord had all the bargaining chips in their bag, and—quite rightly, of course—they extracted generous rents to provide for their land.

Contrary to what some people may think, the telecoms business is not overly lucrative. For example, the margins for mobile telecoms providers in this country are about 1% or 2%; it is a very fiercely competitive marketplace. In fact, my noble friend Lady Harding is partly to blame, because TalkTalk has ensured that the prices that consumers are prepared to pay for broadband and mobile phones are far lower than you would be prepared to pay on the continent. It is a relatively

low-margin business, and there is no doubt that the high rents that landowners were charging were hindering the rollout of infrastructure.

There is an argument—and Protect and Connect put this—that the pendulum swung too far the other way when the Electronic Communications Code was reformed and rents dropped far too precipitously but, if I had to take a side, I would much rather lower rents and investment in infrastructure and quicker rollout than the higher rents that were in place before we reformed the Electronic Communications Code. The simple fact is that if we want mobile and fixed connectivity, it is all about the planning. The technology is actually a complete sideshow; the real pain is getting the planning. I will go off on a slight tangent here. The extraordinary lack of joined-up thinking in many local authorities is a wonder to behold. I was talking to a mobile phone company the other day which, obviously, wanted to put in small 5G masts and was told by the lamp-post department of a London council that the lamp posts were not to be touched, so the lamp-post department was stopping the other departments in the council fast-forwarding 5G in the local authority area.

I was lucky enough to get full fibre broadband in my small village in Oxfordshire, Sparsholt. I wonder how that happened. I pay tribute to Craig Bower from Oxfordshire County Council—I am sounding a bit like an MP here—Martin Crutchley from Openreach and local resident Maia Sissons, who got everyone in a row. I saw over the five to 10 days how much planning, extraction, digging and so on had to take place to fibre up simply a rural hamlet of 100 homes. That is happening all over the place. Whether it is a TalkTalk, CityFibre or Openreach engineer, we are very lucky to have people doing this work. It is difficult, time-consuming and takes a great deal of planning.

If we are to move forward, we must keep that in focus, which is why I would support amendments on the points to do with both telegraph poles and multi-dwelling units. I am told by Openreach that a letter has gone to the Minister setting out a way by which telegraph poles may be brought into the scope of the Bill, which is a very exciting development. If that way can be found, I would certainly support an amendment that would allow telegraph poles to be upgraded. Again, just as a point of interest, in both my home in London, in Shepherd's Bush, and my home in Oxfordshire, the fibre cables are delivered on a telegraph pole, so telegraph poles are important. Openreach says there are something like 1 billion miles of fibre on telegraph poles all over the country.

I part company with my noble friend Lady Harding on multi-dwelling units. This goes to the heart of some of the issues to do with infrastructure rollout and a problem I had when I was the Minister. I was constantly berated for putting all my eggs in the Openreach basket and asked why I was not fostering competition and all these extraordinary alternative providers, such as TalkTalk and CityFibre, which could really hold the candle to BT Openreach and really take it on. Funnily enough, when broadband came to my village in Oxfordshire, I was alerted by an alt.net provider, and I rang the provider up. I said, "I would love to get broadband from you: I will go through the front

door." It said, "No, sorry, it was a mistake. We put the flyer in but, actually, we're not interested in fibering up your village." If you want as much connectivity as quickly as possible to as many homes as possible, you have to put Openreach at the centre of your strategy.

It is a misplaced intellectual argument to say that Openreach cannot upgrade multi-dwelling units where there could be many people living on low incomes who will depend on digital connectivity because, somehow, it is anti-competitive. I also think it is a slightly spurious argument to say that Openreach has greater powers than the police to enter your premises thanks to this legislation. It is not as if someone from Openreach is going to get into your flat and make themselves a meal of spaghetti Bolognese while it busily upgrades the telecoms infrastructure in your multi-dwelling unit.

We all know that getting hold of, identifying and getting a response from landlords in multi-dwelling units can be extremely difficult. Making a simple upgrade to increase the connectivity for dozens of people living in those flats seems eminently sensible to me. The argument that it will prevent alt-net providers providing fibre rollout has long since gone. Only yesterday, CityFibre raised £5 billion in debt to continue its expansion. The fact is that alt-net providers have very rich pickings in central parts of our urban environment, whether it is London, Manchester, Bristol, Newcastle or anywhere else where they can put their networks into flats. Where I live, in Shepherd's Bush, we have had three or four fibre providers digging up the road, one after the other, because they know that it is a competitive enough environment for them to put in an investment.

My next point was mentioned in, I think, the speech from the noble Lord, Lord Fox; although I am obviously not the chair of Speed Up Britain, it is quite clear where my sympathies lie. It is worth pointing out that Protect and Connect is supported by what is known as a land aggregator, an invention from the US, where so many of these clever financial wheezes are invented. It buys up the land where mobile sites are—a sensible business approach—and so ends up having thousands of sites all over the country. It is then clearly in its commercial interests, but frankly not in the interests of UK plc, to ensure that the rents extracted from those sites are as high as possible.

I urge noble Lords to get behind this Bill. I will certainly look at supporting amendments to make it easier to upgrade existing infrastructure in multi-dwelling units. I also hope that my noble friend Lady Harding and I can work together on the specifically denoted "telegraph pole amendment".

I want to finish on one important point. It is now traditional in these speeches for me to lavish extraordinary praise on our Minister. I note that I have not even mentioned him so far in my speech. In conclusion, therefore, let me say how pleased I am to see the Minister on the Front Bench. I do not know how long he will be there, given what is happening across the way—he may be our Prime Minister in a week's time, voted in by application—but to see this Renaissance man move from Raphael to Open RAN, from Modigliani

[LORD VAIZEY OF DIDCOT]
to mobile and from Botticelli to broadband is always a wonder to behold. I look forward to his concluding remarks.

4.02 pm

Lord Hunt of Wirral (Con): Wow. My Lords, may I first draw attention to my interests as set out in the register, in particular as a partner in the global commercial law firm DAC Beachcroft.

It is a privilege to follow my noble friend Lord Vaizey of Didcot, who has accomplished a tremendous amount in the area we are now discussing. I pay tribute to him. Whether or not I express some dissatisfaction with having to agree to cookies, which I think had something to do with him, I must acknowledge that, as he stressed, access to reliable, high-quality telecommunications infrastructure is now an essential service. This has never been felt more keenly than in the past two years, with so many of us being reliant on our mobile and broadband connections to work from home and connect with our loved ones.

The intention of the reformed code in 2017, as my noble friend Lady Harding of Winscombe explained, was to bring rents in the telecommunications sector down so that they would be more in line with other utilities such as gas, power and water. The explanation to the noble Lord, Lord Fox, as to why things went wrong is simply this: the market had become inflated and leasing arrangements ever more complex, leading to a significant and deleterious impact on improvements in connectivity. The code, as it stands, is just not working, so the proposed modifications in the Bill are to be greatly welcomed. I just want to concentrate on telecommunications infrastructure.

Under the current system it seems that, too often, operators and landowners are left with little choice but to argue over technical legal points of interpretation, which comes at a cost to both sides in terms of the financial and wider impact of dealing with formal litigation. I have to say that this is of great benefit to solicitors and professional advisers, but benefits no one else.

We have also seen, as my noble friend Lord Vaizey just pointed out, the emergence of large-scale and well-funded intermediary landowners, who he described as “land aggregators”, opportunistically buying up thousands of leases with a view to leveraging them for their own profit. A significant number of the technical legal arguments that seem to be emerging over the existing code are the direct consequence of their intervening influence as they seek now to resist the new valuation regime.

The emergence of this sector is all about profit and, as far as I can see, serves no useful social purpose whatever. I am reminded of the claims management companies—other noble Lords may also recollect them—that sought to create a compensation culture until they were effectively regulated. The market has created this situation, which others are seeking to exploit. Such behaviour undermined then and now undermines civility in society.

The purpose of these further modifications to the code, as I understand them, is to try to avoid these pointless skirmishes by simplifying and clarifying the

statutory regime and by ensuring that every existing telecommunications installation has a clear and relatively straightforward road to renewal and a consistent basis of valuation. Without these modifications there is a real risk that existing sites will have to be removed and an application to rebuild them made, with all the consequent costs and delay of removal and reinstatement, as well, of course, as the break in coverage for the end users—in other words, unnecessary cost and inconvenience all round. That would make a mockery of the stated intention of the code and these modifications, which is to speed up connectivity.

I stand between my noble friend Lord Vaizey and the Minister, to whom a lot of tributes have been paid. I echo them, but the Minister now has a heavy responsibility to justify our faith in him. As he knows, I believe that further tweaks to the drafting may be needed to ensure that the intention to speed up connectivity is crystal clear in the Bill and, in due course, the Act. We must not miss this golden opportunity to get the code into good order so that the focus can rightly be on building world-class infrastructure and connectivity, as opposed to further endless litigation and delay. I therefore strongly support the Bill and look forward to participating in all its stages.

4.08 pm

Baroness Hodgson of Abinger (Con): My Lords, it is a pleasure to follow my noble friend Lord Hunt. I begin by thanking my noble friend the Minister for introducing the Bill so ably today. I declare an interest: I was on the Select Committee for the Rural Economy and through that connected with Openreach, which kindly provided us with broadband in our home in the country.

I have to confess that I am no tech expert, and I recognise that there are many speaking today in this debate who have far more expertise than me. However, I wanted to speak today because I recognise that this is a very significant Bill which has the ability to make important changes and a real difference to so many people. Today, technology is central to our world. We all need to be connected—it is hard to function without that. However, it is not just about being connected but being able to access fast, reliable and secure broadband and mobile phone connection.

Connectivity is key to today’s world, whether it is for running a business, for children’s learning or for being socially connected. We have to have secure connectivity. I should think that most of us have received emails through a friend who has been hacked, asking for money. We need to prevent malign access to emails, contacts and files, whether they are personal, corporate or government. The importance of all this has been heightened by the pandemic, with many people now choosing to work from home and having meetings on Zoom, Teams and similar programs. If they do not have good, fast connections, they are at an enormous disadvantage.

Although I understand that connectivity is reasonably good in most urban areas of the UK, country areas are often less well served. So, as part of the levelling-up agenda, it is important that we ensure that all households that wish to be connected are able to be, and that it is possible to run a business from the depths of the

country in the same way as it is for those who live in a town or city. However, just being connected is not enough. We have all suffered when broadband is down, or when it is going like a snail and everything takes for ever. Therefore, it is important that, through the Bill, we support full-fibre deployment in town and country alike.

I understand that the Government have set a manifesto commitment on the UK's broadband connectivity, aiming to reach 85% of homes by 2025. Openreach tells me that its ambition is to pass 25 million premises with full fibre by December 2026, including at least 6.2 million properties in very hard-to-reach areas. I understand that, so far, it has reached 7 million homes and businesses, including more than 2 million in hard-to-reach areas, so in five years it aims to treble this. However, as we have all heard, one of the particular challenges it faces is in securing wayleaves. I understand that the Government have recognised this and, after consulting on the Electronic Communications Code, have proposals in the Bill to amend the regulations.

Fulfilling Openreach's goal is not just about new connections; it will need to upgrade some of its existing infrastructure. Although the Bill will amend the ECC to retrospectively add automatic upgrades to existing wayleave agreements, it crucially limits these only to apparatus that is installed underground, and it is more restrictive than the existing provisions for upgrade rights within the ECC, which would apply to new wayleaves it agrees.

As we have heard, these changes will not help deliver upgrades to full fibre to blocks of flats, nor help in rural areas where most of the network is built overhead on poles—I absolutely hear what my noble friend Lady Harding said about going up the poles as well. However, although I understand that there is a debate to be had about the rights of property owners, we are talking about properties where wayleaves have already been granted. Again, I absolutely take my noble friend's point about competition, but surely it is a balance between competition and quick rollout. For me, the pendulum swings to quick rollout.

Thus, in its present form, this Bill is surely missing an opportunity to really turbocharge the rollout of full fibre to deliver the manifesto commitment. In welcoming the Bill, I hope that consideration will be given to retrospectively apply automatic upgrade rights to existing wayleaves, in line with those that already exist in the code. Through this Bill, I hope that we can help everyone across the UK, including all those in remote areas, to access fast, secure and reliable broadband.

4.14 pm

Lord Holmes of Richmond (Con): My Lords, it is a pleasure to follow my noble friend Lady Hodgson and to speak in this Second Reading debate, so perfectly introduced by my noble friend the Minister. There can be no levelling up without universal high-speed connectivity that is safe, secure, reliable and available 24/7, like power, energy and water.

If our citizens do not have the skills, comfort or confidence to interact, transact and feel safe and secure online, we can lay as much fibre and have as much connectivity as possible, but we still will not optimise all the economic, social and psychological potential across the nation. At this Second Reading, will the Minister

briefly set out in his response what the Government are doing on digital inclusion, which is so important? It is often caricatured as the soft element of this, but it is critical if we are to get the benefit of what is seen as the hard part of it—not the least of which is the fibre which we are discussing today.

Similarly, does this Bill offer us the opportunity to look carefully and reconsider the Computer Misuse Act and the provisions therein? My noble friend Lord Vaizey asked about this. The Act was passed when there was no internet and no smartphones, and the computers of 1981 looked, felt and operated very differently from everything we have in our pockets in 2022. There are many issues within the Computer Misuse Act and many of them are finely balanced. This seems an opportune moment to see whether we have the balance right and whether we are giving everybody who we rely on to keep us safe and secure online everything that they need. Will the Minister give us his views on the Computer Misuse Act?

On the Bill, many of the issues I was going to cover have been extensively and beautifully covered, not least by my noble friends, but I shall touch on a few. When it comes to an individual living in a block of flats, it cannot be right that she or he is in a materially different and potentially disadvantageous position compared with someone who is living in an individual dwelling. On the rural versus urban debate, will the Minister say more on how the Bill will ensure that there are not disadvantages wherever one resides? To echo many of the points that have been raised, I am tempted to say that if it looks like a duct and it works like a duct, we can certainly have shared services through that duct, as the Bill provides. When it comes to poles—one million of them, largely over rural England and urban Scotland—there cannot be a different approach by the very nature of how that fibre goes across the land and comes into all of our, hopefully well-connected, devices.

On the timing of negotiations around wayleaves, how will the potential differences between the provisions in this Bill and those set out in the TIL be resolved with, in some circumstances, a difference of six years as against 18 months? What is the situation on fragmentation around wayleaves? How will the Bill resolve those issues, which are often at the trickiest end of the wayleave debate?

Finally, I welcome this Bill, as have other noble Lords, and I intend to take part in all stages and get alongside many of the amendments that will be put down. We have a unique opportunity to connect our nation and enable individuals, citizens, communities and companies to be connected safely and securely and able to interact and transact for economic and social good. I welcome the fact that the Minister is leading this Bill. I think we would all agree that with his sartorial elegance and political eloquence he is a highly connected, smart device.

4.20 pm

Lord Bassam of Brighton (Lab): My Lords, I feel that I am trespassing in this debate—on this rather light-hearted blue-on-blue banter over the way there—but I fear that I ought to join in because this is an important

[LORD BASSAM OF BRIGHTON]

and necessary piece of legislation and, like several of the Bills in the Queen's Speech, it has been much delayed and is long overdue.

For the most part, we on these Benches support the Bill and wish to help it on its way to the statute book. However, we have concerns over its effectiveness and in places we think that it is wrong and in need of amendment. Part 1 of the Bill, as the Minister set out, relates to powers to introduce mandatory security requirements for consumer connectable products such as smartphones, smart televisions and connected speakers. Historically, the UK has relied on European law to help regulate security requirements. We are now in a position where we are likely to follow where the EU leads on product security. What surprises me is that the Government have been so slow to make progress with their own legislation, given how increasingly important cybersecurity has become.

The other obvious and important point is that, given how quickly technology is evolving in this field, we are always likely to be playing a form of catch-up with legislation. I wonder, therefore, whether the eloquent Minister tell us what plans the Government have to future-proof the legislation, apart from relying on bringing forward regulations following on from the Bill. For example, is work being undertaken with tech companies and manufacturers to anticipate changes to products that will change or weaken, in any way, current levels of cybersecurity? Given that the Government consulted in 2019 on introducing mandatory security requirements for connectable products, and given that legislative proposals were consulted on in 2020, do they think that the current list of products is right, and will they be keeping those excluded under review?

We particularly welcome the move to bring forward a ban on default passwords, a requirement for products to have a vulnerability disclosure policy—whereby security weaknesses in a product are identified and notified—and the requirement for transparency about the period for which a manufacturer will provide security updates for the product. However, I wonder what guarantees consumers will have that these policies will be adequately policed and that enforcement will be effective. Will additional resource be committed, and how quickly will this regime be introduced? Surely the failure of the 2017 code suggests that action is needed now if product security is to be taken seriously.

Part 2 of the Bill covers the rollout of sites to extend and improve the digital network—something that we are all signed up to—and to ensure that it is capable of delivering digital connectivity to a level and standard which a modern economy demands. The Government's approach so far raises questions about their judgment on the balance of power between landlords providing sites for installations and the network providers. Clearly, something is not right when companies can almost unilaterally determine the level of rent that they are prepared to pay for sites, regardless of earlier agreements. We are not convinced that the arrangements set out in the Bill get the balance right. Landlord-tenant relationships are complex matters, subject to laws that are often open to wide interpretation. What appears to be missing here is a process for dispute resolution that takes into account the original agreements and accurately

reflects the value of the site to the network providers. We will no doubt, with others, seek to probe this during the course of the Bill, ensuring that principles of fairness and equity are properly written into the legislation and, in particular, that the many charitable and sporting organisations that benefit from rental income are not disadvantaged.

This is legislation worthy of support from these Benches and, like others who have been involved in the debate this afternoon, we look forward to bringing forward practical changes and improvements to the Bill which will ensure that, when it is on the statute book, this legislation is effective and assists in rolling out our digital connectivity in a way which will greatly benefit our society. We are happy to engage in that process.

4.25 pm

Baroness McIntosh of Pickering (Con): My Lords, I add my congratulations to my noble friend the Minister on so eloquently and effectively introducing the Bill. I, for one, will welcome anything that can improve connectivity, especially in rural areas. Not only is it a fact that local businesses are being held back from participating in and improving the rural economy, but there can also be safety aspects, particularly as regards mobile networks in rural areas where no phone boxes exist and there is a very poor mobile signal.

It is absolutely vital that a high standard of rural connectivity is achieved. Improving digital connectivity in rural areas will boost the rural economy and allow farmers to create jobs, improve their productivity and make full use of new technology to further reduce the environmental impact of food production. But, at the same time, the Government need to get the balance right between making it easier for telecommunications companies and operators to obtain the rights to acquire new sites for digital infrastructure, and to upgrade and share existing sites, and the rights of landowners. As a number of noble Lords have expressed this afternoon, this is an area where the infrastructure is largely borne in rural areas; we have to keep the landowners onside and ensure that the rights they currently enjoy are not reduced.

Will my noble friend therefore look at investigating why, when a number of telephone operators have put masts in very challenged areas of connectivity such as the North Yorkshire moors, these masts are not operational? That is surely extremely wasteful and frustrating, not just for the shareholders and those who have paid to have the masts put in place but even more so for the local residents who are unable to use them. I can give my noble friend and his department examples of this. Will he take this opportunity to investigate to make sure that this will stop immediately and that those masts will be put to good use straightaway in those areas that, he has accepted, are the remaining 5% hard to reach?

I pay tribute not just to my noble friend the Minister but to my noble friend Lord Vaizey, who was a star turn as a witness when I chaired the Environment, Food and Rural Affairs Select Committee. I hope we did throw too many brickbats at him—he acquitted himself extremely well—but his evidence went to show

how many obstacles still remain in place. I accept that the Bill is the next in line to improve those, but I thank my noble friend for taking the opportunity to share his expertise with us at that time. I will not go on to say what the fortunes of the chairmen of that Select Committee have turned to, given recent events since I left that position.

There are issues in the Bill that I will wish to explore as it progresses. One of those is the balance between operators and landowners that other noble Lords have alluded to this afternoon. Perhaps it has shifted too far in the interests of the former, to the detriment of the latter. I have heard that the interests of the consumer have been quoted. When the Government looked to introduce the 2017 Electronic Communications Code reforms, changing the way in which new sites were valued, they stipulated that landowners should be paid based on land value, not market value. The Law Commission at the time advised against that change, arguing that it would lead to a fall in rent for landowners and therefore a c in the number of agreements reached between landowners and operators to host digital infrastructure.

Its prediction was absolutely correct. Rents offered to landowners are up to 90% lower for new or renewal agreements made under the new 2017 valuation scheme. Before that code came into force, landowners assessed hosting mobile phone masts in the same way as they would other diversified activity. The rent to be received and terms of the agreement are carefully built into business models or other financial plans such as a pension or loan. For the most part, I would hazard a guess that this is affecting private, non-commercial landowners and farmers in a way that was simply not anticipated.

As the 2017 code has resulted in fewer new sites being agreed due to much lower rents being paid by operators, I urge my noble friend the Minister to look at this and not to bring further renewals under the new code, but to leave them under the Landlord and Tenant Act 1954. I would certainly like to explore that as the Bill proceeds through this place. Has my noble friend received representations to this effect, and will he give us an undertaking this afternoon to address this as part of the passage of the Bill?

I would like to flag up to my noble friend another concern about why operators are not moving from calculating rent based on land value to market value, to which I just referred, and whether this will be the barrier to hosting future digital infrastructure on private land—a fear I share.

The Bill includes an alternative dispute resolution mechanism, which I welcome, but I ask my noble friend: why is using it optional for operators? Currently the Bill does not properly address the imbalance between the resources of operators—which seem to have limitless resources to contest a disagreement before the tribunal—and landowners, many of whom find resisting a claim before a tribunal simply beyond their means.

I end with my noble friend's opening reference to the increasing existence of and potential for cyberattacks. I witnessed one in North Yorkshire on a company which, sadly, was not given any helping hand from the Government. It was advised not to pay a ransom but

was told that if it did not pay the ransom, it probably would not have its systems back in place. Is there any opportunity through the Bill to extend more help to companies to ensure that any such future attacks will see more assistance offered to address the cyberattack and help companies get their systems back without paying a ransom? I think it ran into millions when it was the clothing company FatFace.

Many cyberattacks operate below the radar and do not enter the public domain for very good reason—because it is not good for business. Obviously, if a company is not insured before the cyberattack, it will certainly not get insurance after a cyberattack. I hope my noble friend will look favourably on a plea to ensure that more assistance is given, to prevent not only cyberattacks but the payment of ransoms when they happen.

I shall support the vast majority of the Bill, but I will be raising all these issues through it. I look forward to ensuring that my noble friend and his department will act as smartly as the devices we are hoping to use.

4.33 pm

Lord Arbuthnot of Edrom (Con): My Lords, for a technical Bill, this has been a fascinating and most enjoyable debate. I am lucky follow my noble friend Lady McIntosh, whose comments on the rural economy are always of genuine importance. The Bill addresses two important matters, both arising from market failures. The first is the security of the internet of things. That is what I want to concentrate on. The second, a highly polarised dispute between mobile providers and landowners, has been dealt with by noble Lords much more expert than me.

I will therefore concentrate on the internet of things, which opens up huge opportunities and huge vulnerabilities. I declare my interests as chairman of the Information Assurance Advisory Council, chair of the Thales UK advisory board and chairman of Electricity Resilience Ltd. I am also on the advisory panel of the Electric Infrastructure Security Council in the United States.

For a long time, I have hoped that we might be able to come up with a security solution driven by market forces. How wonderful it would be if the market required product manufacturers to make goods that were secure—actually, if the market required companies to have a secure and resilient infrastructure of governance. If anybody could come up with a business plan to achieve that, they would be able to name their price for it, but experience shows us that this is an area of market failure. A company that spends little money on secure products or secure practices is able to sell those products or services more cheaply than those that take security and resilience seriously. Therefore, this is a field in which the Government have to help so that every product manufacturer has to be put on a level basis and everyone can block a hole in our collective security that would otherwise invite attack from malign actors.

These vulnerabilities are indeed serious. A blogger named Jeff Jarmoc once said:

“In a relatively short time we've taken a system built to resist destruction by nuclear weapons and made it vulnerable to toasters.”

[LORD ARBUTHNOT OF EDROM]

I am not sure whether internet-connected toasters exist and I cannot think why anybody would want one, but the point remains. The internet is fundamentally insecure because its security model is end-to-end. It was supposed to be a basic tube for a research network for a small group of trustworthy experts—a tube connecting smart devices—but it expanded too far and too fast, and many devices attached to the internet today are not smart at all. Even when they are smart, users can undo their security with unsmart passwords including the ones assigned at the factory and contained in the instruction booklets, which are available online.

There is a problem here. Mankind will do almost anything for convenience. In the Bill, which I very much welcome, we need to cater for those moments when multiple engineers will need to have access to an internet-connected system. They will need to know what to do when something goes wrong, and often they will need to be quick about it to avoid disaster. Without the Bill, often a default password would be the solution to that problem; with the Bill, organisations will have to come up with new ways of addressing it. We also need to cater for that large mass of the population who are neither expert nor in the slightest bit interested in security. Why would I buy a secure internet-connected toaster if I know nothing about security and can get a cheaper one that is not secure?

I note the Government's intention that

“manufacturers and others should implement a security vulnerability disclosure policy to ensure that such weaknesses are monitored, identified, rectified and reported to stakeholders”,

but I am not sure this works. GDPR, another welcome bit of legislation, to which my noble friend Lord Hunt referred briefly, requires companies to tell you what their cookies are doing, but how many of your Lordships read the terms and conditions you sign up to regularly? I do not, and I bet that not even my noble friend Lord Vaizey reads them. We need the products themselves to be secure by design, in exactly the same way as cars nowadays make it easier for the driver to drive safely.

I make one final point, raised with me by the CyberUp Campaign, and touched on by my noble friends Lord Vaizey and Lord Holmes. The vulnerabilities that I have been talking about mean that cybersecurity researchers need to be encouraged to look for and disclose those vulnerabilities. The Government's response to the consultation on these proposals mentions the importance of legal certainty for these security researchers. But the CyberUp Campaign suggests that, without a statutory defence in the Computer Misuse Act—and I remember taking part in Committee during the passage of that Act more than two decades ago, in another place—

A noble Lord: Three.

Lord Arbuthnot of Edrom (Con): Three—well, that is also more than two decades ago. Cybersecurity researchers can still face spurious legal action for reporting a vulnerability to a company. They cite as an example Rob Dyke and his civil legal battle with the Apperta Foundation. They suggest that the Government should go further to reform the Computer Misuse Act and put in law a basis from which cybersecurity researchers can defend themselves. I should be grateful if the

Minister, who introduced this Bill with such eloquence, could, in winding up, say something about the Government's thinking on this.

I welcome this Bill and look forward to its further progress in your Lordships' House.

4.41 pm

The Earl of Devon (CB): My Lords, I, too, welcome the Bill and I look forward to adding a Cross-Bench voice during its passage through this House. While my principal focus will be on Part 2, I offer a few thoughts on Part 1 and product security. As an IP and technology litigator both in California and here, I have represented a number of consumer electronics firms in both jurisdictions, and I am aware of the remarkable technological opportunities presented by smart technology and the internet of things, as well as the risks inherent in such ground-breaking technology being admitted into our homes, our most private and domestic spaces. Who has not been thrown by Alexa or Siri offering an answer to an innocuous question directed to a family member? They are always listening.

I note the Government's aim to ensure that smart technology becomes available in a way that is safe for consumers, but I am also mindful of the law of unintended consequences, as referenced by the noble Lord, Lord Fox, and the danger of government intervention to control and/or manage such technological advances. Such intervention must not become a drag on innovation; we do not want the UK to become the safest place to interact with modern technology simply because there is no cutting-edge technology with which to interact. Can the Minister explain what co-ordination there has been with other jurisdictions on this legislation? Will the UK be an outlier in introducing these product security requirements, or is this consistent with requirements due to be introduced elsewhere? Is it sensible to go it alone? The obvious risk is that cutting-edge consumer products simply will not be introduced to the UK market, causing us to fall behind in a key technological sector. I note that the legislation is specific as to what technology is to be included and what is to be exempted. How do the Government intend to ensure that these provisions are kept up to date in such a fast-moving industry? How will the legislation capture nascent technologies and new means of connectivity?

I note that the legislation and its enforcement powers extend to relevant persons, as defined in Clause 7, such as manufacturers, importers and distributors. How does the legislation impact the second-hand and grey market in consumer electronics? Does it impact products acquired by consumers overseas and brought to the UK and sold here? Also, how do the Government intend to deal with existing products on the market that may not satisfy these legislative requirements? Will they be allowed to become obsolete through the passage of time? One of the major concerns of consumers is how quickly consumable technology products become obsolete. Will this legislation increase that speed of obsolescence, with the requisite cost, both financial and environmental?

Turning to Part 2 of the Bill, on telecoms infrastructure, I note a number of further interests. In my capacity as a technology lawyer, I represent a number of infrastructure

providers, mostly in the south-west of England. As the Earl of Devon, I am a champion of rural connectivity and the vital need to end the discrimination experienced by the dispersed population of Devon. I am surprised by quite how many friends and neighbours living in the middle of our local village, only five miles from Exeter, are unable to receive any mobile signal whatsoever in their homes. However, I am also a farmer and a land manager and, in that capacity, I inherited a telecoms mast tenancy of an area of woodland granted by my father some years ago under the 1954 Act. This tenancy has for some time been due for renewal, but it has been stuck in protracted and thus far incomplete negotiations due to the crippling uncertainty caused by the 2017 amendments to the Electronic Communications Code which is only compounded by this pending Bill. As a local resident frustrated by a lack of signal, I am keen as mustard to encourage more masts and better coverage. As a lawyer representing telecoms companies, I see the benefit in strengthening their hand in renewing leases and saving them money. However, as a site provider, if I were ever asked to grant further leases, I would likely decline, as I simply would have no confidence that the rights granted would be honoured or that the rent negotiated would ever be paid.

Therefore, I see the complicated issues raised by the telecoms infrastructure provisions of this Bill first-hand and from pretty much all sides. The one thing of which we can be certain is that the current legislative structure and the 2017 amendments in particular are simply not fit for purpose. As we have heard, some site providers record telecoms operators seeking to decrease rents by up to 90%. There has clearly been a breakdown in trust between operators, providers and their respective professional advisers. Unfortunately, I am not sure that Part 2 of this Bill will do anything to fix that, and it may even make it worse.

As I think we have all stated, our principal concern must be to ensure that the rollout of mobile connectivity across the country is completed as quickly and efficiently as possible to ensure that hard-to-reach communities do not fall further and further behind. The 2017 amendments sought to achieve this by, in part, seeking to decrease the rent payable for telecoms infrastructure and so to decrease the cost to consumers. The actual impact of the 2017 amendments has been the exact opposite: as telecoms companies have sought to renegotiate leases entered into on the open market, at dramatically decreased rents, the take-up of new masts has slowed. The market for telecoms infrastructure has largely ground to halt as property owners—be they farmers, sports clubs, community centres, charities or churches—think very hard before renewing and/or granting new leases in such an uncertain market. The provisions of Part 2 will only exacerbate this problem, causing property owners to withhold their consent and to terminate already-granted leases where possible. The Government's laudable aim of increasing connectivity will be frustrated if this legislation, in its current form, is passed—to the detriment of us all: communities, telecoms companies and proprietors alike. This is a return to the law of unintended consequences.

A broad array of stakeholders has questioned the wisdom of this legislation, from the NFU and CLA, to the CAAV, the BPF and the Law Society. Of particular

concern are the changes in Clause 61 to the way land is valued under telecoms leases, so that they are no longer at market value but now merely bare land value. By these provisions, the Government will be intervening in long-standing existing leases, freely negotiated between willing participants, to dramatically decrease rental values, often years after the fact. That is no way to encourage the rollout of digital infrastructure, and it takes a sledgehammer to existing property rights.

The Law Society noted that the 2017 reforms

“have tilted the balance of rights too heavily in favour of operators to assist them in securing site facilities”.

The result has been many site providers

“reacting with obstruction, unwillingness to cooperate and litigation.”

Despite this, it appears that the Government have failed to assess the impact of the 2017 reforms at all. What analysis has been conducted prior to seeking to extend those controversial reforms to historic leases, as proposed?

I note that the Government consulted in 2021 on changes to the ECC but did not consult on the issue of valuation and compensation to providers. The Government recognised

“that the 2017 Code reforms had an impact on ... providers' willingness to agree or renew Code rights.”

They also noted that changes to the valuation provisions

“have made entering these agreements significantly less attractive for site providers.”

Despite this, the Government's policy position has not changed. Why?

The Government identified other reasons for lease negotiations failing including, as I said, lack of trust and poor communications between advisers. They are therefore focused on achieving faster and more collaborative negotiations but this entirely misses the point. If the financial underpinnings of those negotiations remain as one-sided as they are, no amount of ADR will help. The Government state that they wish with these provisions to make it easier for digital networks to be installed and encourage stronger and more collaborative relationships between telecoms operators and site providers, but the fact that they seek to backdate claims to rental discounts and permit the ability of operators to add infrastructure to existing sites fundamentally undermines the collaborative relationships that were well established before 2017.

These retrospective amendments ensure that any prospective site provider, properly advised, will be reluctant to grant such telecoms leases, frustrating the Government's well-intended ambitions. This cannot be in anyone's interests.

4.51 pm

Baroness Stowell of Beeston (Con): My Lords, it is a pleasure to follow the noble Earl, Lord Devon. I too congratulate my noble friend the Minister on introducing the first of his four Bills in this Session. My noble friend is going to be busy. I also thank the range of organisations which have provided briefing for this Second Reading, whether in written briefing that they have sent us by email or in the various meetings that have been scheduled.

[BARONESS STOWELL OF BEESTON]

I should start by declaring an interest as chairman of the Communications and Digital Select Committee but also acknowledge the expertise of other speakers in today's debate. I pay particular tribute to my noble friends Lady Harding of Winscombe and Lord Vaizey of Didcot, both of whom are members of the Select Committee and whose expertise and professional knowledge I rely on a lot.

Like everyone else today, I welcome the Bill. I recognise the importance of full-fibre broadband rollout, both in its benefits to the economy and its importance to levelling up. I want to address just three main points. I support the greater clarification in the Bill so that all providers have the right to access telegraph poles to upgrade the fibre wires run on overhead poles, as so ably described by my noble friend Lady Harding. I recognise the importance of that being clarified in the Bill, because it will be of benefit to all the providers participating in making sure that we have full broadband rollout in the UK.

What I do not support, however, is extending the exclusive rights of Openreach to upgrade its existing network in blocks of flats, or multi-dwelling units. The reason I would not support an amendment brought forward to that end would be because of it embedding an unfair competition. As my noble friend Lady Harding so expertly already explained, it is the arrival of competition that has done most to accelerate the rollout in this country, so we need to keep Openreach on its toes. That would be to the benefit of flat owners and residents, of whom I am one.

The issue which troubles me most is that of resolving the dispute between site providers and mobile network operators over significant falls in rental income and land value. Other noble Lords have already described these falls, which range from 60% at best—I think that is the Government's estimate—to, at worst, 90%. The noble Earl, Lord Devon, has just described this in some detail.

I am grateful to Speed Up Britain for its briefing and have some sympathy with its argument comparing the value of what we are discussing to that for other utilities, which is the position that the Government have taken in this legislation. However, I also know that the land-value regime for other utilities was established at a time of state ownership and monopolies and that some argue that the regime for utilities is out of date, although I am not suggesting that we revisit that.

I also understand and share the view that the most important gain—and the prize we must all keep our eye on—is faster rollout, especially for these remote communities and those who are currently not served well. However, according to the other lobby group that has already been mentioned today, Protect and Connect, many site owners remain concerned and feel a sense of injustice and unfairness in the way in which they are treated. It seems to me that site owners are being asked to make sacrifices for the benefit of their local communities, but they fear that what is in fact happening is that they are being asked to give up income for the benefit of commercial providers gaining profit. I recognise that both sides are represented by vested interests—my noble friends Lord Vaizey and

Lord Hunt referred to land aggregators buying up leases from landowners to gain their own profit. That is why transparency is so important.

As I understand it, the site providers were told that a reduction in their rental income would be reinvested by the mobile network operators in the rollout. Without the economic impact assessment that the Government promised in 2017 and said would happen by June 2022—ie, this month—those site providers who have been most affected are being asked to take on trust that their loss is not another commercial provider's gain. The noble Lord, Lord Fox, has already outlined the impact of this on bill payers, whose bills are not going down as a result of this, so there are quite a lot of people who want a better understanding of what is going on. I see that the Government rejected a request for such an economic impact assessment during the passage of the Bill in the Commons, and I should be grateful if my noble friend the Minister would explain why. Also, if that is not something that the Government are willing to carry out, what else will they do to provide the confidence that some of these site providers are looking for so that there is not any unnecessary delay to rollout, as has been described is happening because of their sense of events?

As I say, I think that everyone recognises the urgency and importance of rollout, but if this is for the greater good—I believe it is—the Government cannot afford to ignore those who feel that it is happening at unfair expense to them. As I have said on many occasions in your Lordships' House, levelling up is not just about infrastructure that brings economic equality; it is also about fairness. It seems wrong that a Bill designed to level up is making some of those affected feel that they are losing out. I hope that my noble friend the Minister can do what is necessary to address their legitimate concerns.

4.58 pm

Lord Clement-Jones (LD): My Lords, I start by thanking the Minister for his comprehensive introduction. We have had a really well-informed debate today; it has, in the words of the noble Lord, Lord Arbuthnot, been enjoyable to hear the expertise displayed around the House. As the noble Baroness, Lady Harding, made clear, a lot of the Bill will involve arguing about technical issues. I look forward to many happy hours talking about ducts and poles as we proceed.

As many noble Lords have said, the Bill clearly falls into two distinct parts. The first is a very welcome but overdue addition to the security of connected products; the second concerns a telecom infrastructure element which makes yet more changes to the Electronic Communications Code. The product security elements are a welcome follow-on to the original 2018 Code of Practice for Consumer IoT Security. As the noble Lord, Lord Arbuthnot, also said, the internet is fundamentally insecure. I pay tribute to Which? and the PETRAS National Centre of Excellence for IoT Systems Cybersecurity for highlighting security issues in connected devices, and we welcome the proposals in the Bill.

As techUK says, demand and consumer appeal rose across all categories during the pandemic, and Covid-19 saw UK consumers buying 21.8 million smart home devices—a 22% rise in volume compared with

2019. People overwhelmingly assume these products are secure, but only one in five manufacturers have appropriate security measures in place for their connectable products. While there are strict rules about protecting people from physical harm such as overheating, sharp components or electric shocks, there are currently no such rules for cyber breaches.

My noble friend Lord Fox mentioned some survey work by Which? that found that a home filled with connected devices could be exposed to more than 12,000 hacking or unknown scanning attacks from across the world in a single week. There is, however, a series of issues in this area that will require amendment to the Bill. I am very sorry to disappoint the noble Lord, Lord Vaizey, in this respect—I do not know whether I should say he is from Vivaldi to Velasquez, but maybe we can continue with that later.

As my noble friend Lord Fox emphasised, at the very least there should be an upfront clause that sets out the purpose of the Bill. It should set out the minimum expectations for what a consumer should enjoy with respect to security because the danger, otherwise, is that these requirements are simply treated as a tick box. Which? has called for the three security requirements to be set out expressly as well, in Part 1 of the Bill or an appropriate schedule. At the moment, they are promised in secondary legislation without any draft being available. Will the Government supply this during the passage of the Bill so we can be vouchsafed what these three principles are going to look like? Why are only three out of the six principles set out in the original guidelines covered, including minimise exposed attack surfaces and securely store credentials and security-sensitive data—can the Minister explain why these are not going to be included in the legislation?

The noble Lord, Lord Arbuthnot, raised some very interesting points about products being secured by design and access by engineers, and the noble Earl, Lord Devon, raised the very important issue about compatibility with international standards. The proposed mandatory requirements need to be matched with strong enforcement arrangements ensuring that consumers are able to get effective redress when they purchase devices that fail to meet security standards, and there need to be sufficient measures to keep people safe from harms caused by the weak security of these products. At present, the Bill gives the Secretary of State enforcement powers with the ability to delegate to a regulator. What are the Government's intentions in this regard? What is the regulator going to be?

There are further amendments which we agree with Which? should be made to the Bill and which we will be advancing. We want to ensure that every individual device has a unique or user-set password that meets effective complexity requirements; there should be very clear provision of vulnerability disclosure policy information; and there is a variety of other aspects, such as ensuring that intermediaries, such as listing platforms, online marketplaces and auction sites, are covered as well.

The noble Lord, Lord Bassam, also mentioned the question of exemptions, and these include medical devices. These are increasingly common, and the data captured is sensitive but the regulations covering these

are outdated. If they are going to be excluded, what assurance do we have from the Minister that conformity requirements are being updated for these devices to the latest security standards?

As the noble Lords, Lord Vaizey, Lord Holmes and Lord Arbuthnot, said, we have difficulties surrounding the ability to report flaws in device security. The CyberUp campaign has made the case that, without a statutory defence in the Computer Misuse Act 1990, cybersecurity researchers can still face legal action for testing and reporting a vulnerability to a manufacturer—the noble Lord, Lord Arbuthnot, raised the case of Rob Dyke. Can the Minister respond on this very important aspect—will the Government put forward an amendment during the passage of this Bill?

With the latter half of the Bill, we all seem to be trapped in a time loop on telecoms, with continual consultation and changes to the ECC and continual retreat by the Government on their 1 gigabit per second broadband rollout pledge. In the Explanatory Notes we were at 85% by 2025. Can the Minister confirm that that should now read 2026? My noble friend Lord Fox asked the Minister a number of questions about the detail, where we were talking about fixed on the one hand and broadband on the other. I very much hope he will come back on that. But how long will all those targets stick? They seem to be changed just about every six months.

There has been so much government bravado in this area, but it is clear that the much-trumpeted £5 billion announced last year for Project Gigabit, bringing gigabit coverage to the hardest to reach areas, has not even been fully allocated, and not a penny has been spent. As the noble Lord, Lord Hunt, said, this is despite the increased importance of connectivity through the pandemic and the importance of digital exclusion, as the noble Lord, Lord Holmes, mentioned.

The changes to the ECC in the Digital Economy Act 2017 were meant to do the trick. Then the electronic communications and wireless telegraphy amendment regulations 2020 were heralded as enabling

“stronger emphasis on incentivising investment in very high-capacity ... networks”,

promoting “efficient” use of spectrum, and

“ensuring effective consumer protection and engagement.”

Then we had the future telecoms infrastructure review and the Telecommunication Infrastructure (Leasehold Property) Bill, where we argued about the definition of “tenant” and “rights of requiring installation” and “rights of entry”. Sadly, we were not able to include a clause that would have required a review of the Government's progress on rollout—and of course now we know why. Even while that that Bill was going through in 2021, we had the *Access to Land: Consultation on Changes to the Electronic Communications Code*. That has now resulted in this Bill. It is an extraordinary saga of chopping and changing to the ECC. After all this, we are no further forward on the extent of the universal service obligation, which is so frustrating for rural areas.

Where in all this, as my noble friend Lord Fox and I have asked each time we debate these issues, are the interests of the consumer, especially the rural consumer? How are they being promoted, especially now that the

[LORD CLEMENT-JONES]

market review is only once every five years? As my noble friend Lord Fox said, the big question is what has and has not worked in all these changes. I fully join with the point made by the noble Baroness, Lady Stowell, that we have not had the promised impact assessment to see where we are on the ECC and the impact it has had.

Regarding the changes to the ECC made by the Bill, we have heard a great deal from, and many noble Lords have mentioned, the Protect and Connect campaign, which represents land and property owners, including sports clubs, churches, farms and country parks. Personally, I found what the noble Earl, Lord Devon, had to say extremely persuasive. Contrary to what the noble Lord, Lord Hunt, said, and as described by the noble Lord, Lord Bassam, and the noble Baroness, Lady McIntosh—I think the phrase the noble Earl, Lord Devon, used was “taking a sledgehammer” to existing property rights—the campaign says that those it represents have been severely impacted by the changes to the Electronic Communications Code made by the Digital Economy Act 2017. It appears that, since 2017, site providers, with rent reductions of up to 90% as opposed to the anticipated 40%, have lost more than £200 million per year in income, including £60.5 million of lost local authority money, while in some cases the capex of some operators has fallen. The Protect and Connect campaign believes that the

“push for massive rent reductions, compared with existing agreements, trample over property rights, and place farmers, small land and property owners, community organisations, charities, and other site providers, who have come to rely on this rental income, in financial peril, not least because it may unfairly result in these groups being forced to refund or repay operators thousands of pounds”.

I can give the Minister some very powerful case histories. It is noteworthy that work by the Centre for Economics and Business Research shows that the 2017 changes have led to a slowdown in rollout and the current government proposals will not remedy this. What is the Government’s assessment of that CEBR response?

We have also heard support for Openreach’s position on achieving easier upgrade rights as regards installation of broadband in MDUs. Like the noble Baroness, Lady Stowell, these Benches are not yet persuaded that this will not give Openreach an unfair competitive advantage, but we look forward to having that debate during the course of the Bill.

My noble friend Lord Fox had no time to raise the implications of the Hackitt report into building regulations and fire safety, and the aspect of broadband installation. We will raise this in Committee, because we believe that could provide a solution to the MDU contact issue by providing a single point of responsibility.

That was a bit of a gallop, but I look forward to the Minister’s reply.

5.11 pm

Baroness Merron (Lab): My Lords, I am grateful to the Minister for introducing the Bill—perhaps not the most snappily named one this House will ever deal with but nevertheless extremely relevant to our daily

lives—and to noble Lords who have participated in this debate, all of whom, like me, are keen to ensure that it does the job it is here to do. One thing I am sure we can agree on across all sides of the House, as the noble Lord, Lord Arbuthnot, observed, is that it has been an enjoyable, enlightening and educational debate. I hope it will contribute to improving the Bill from its current form.

This is a very important debate because, despite some steps forward, the issues around product security and telecommunications infrastructure are not entirely in the right place, so we have another opportunity before us to improve that situation. We also find ourselves dealing with the very complex nature of regulation in this field. This is perhaps highlighted by the very nature of the Bill: it runs to nearly 70 pages, yet its scope is relatively narrow. Given the pace of change in this sector, as the noble Earl, Lord Devon, observed, it is quite possible that parts of this legislation will need updating before we have even got to the end of the process of which we are in the beginning stages.

On Part 1, improving the security of so-called smart products is a sensible and long-overdue step. We have all been aware of the risks associated with these products for some time. While some are theoretical, many are extremely real. We are witnessing an increasing number of attempts to take control of smart devices to commit fraud, carry out surveillance or initiate other forms of cyberattack. The Government’s previous commitment—I believe from 2016—was to ensure that a “majority” of these products would be “secured by default” by 2021. I would be grateful if the Minister could comment on whether he believes that target has been met.

As a wider observation, until now the Government have very much been relying on voluntary codes over and above statutory duties. Given the risks to both personal and national security, this seems a light-touch approach to take with producers, importers and sellers. Surely, these things should not be left to chance.

As I alluded to previously, we have concerns that the Bill might not capture new waves of technology, some of which are already making their way into homes across the nation. Given the considerable efforts to future-proof the Online Safety Bill, can the Minister comment on whether it is possible to do the same in respect of this Bill and its provisions? As noble Lords have expressed during this debate, we will no doubt need to use Committee to better understand how the new system will operate, but it is important to say that I can confirm from these Benches that we generally support Part 1 of the Bill.

However, the Minister will not be surprised to hear that, like other noble Lords, we have rather less enthusiasm for Part 2. There are many concerns around the rollout of new broadband and 5G networks. The Government are lagging behind their target, even though that target has repeatedly been watered down, from full-fibre nationwide to gigabit-capable connections for 85% of homes. The Minister has asserted that the Bill will improve the situation but we remain unsure whether it will do so. If anything, we fear that some of these measures—particularly the tensions that they will create within the sector—will slow the process down.

The Bill does nothing to improve the rollout of infrastructure in communities where commercial viability is in doubt. This problem is by no means new, yet seemingly no answer to it has been provided in the context of the Bill we are debating today. Indeed, to give one example, the Minister in another place suggested that the best way to avoid an entrenched urban/rural digital divide is for MPs to provide lists of streets with access issues. This does not seem an all-embracing strategic approach; I think we are all aware that any good constituency MP worth their salt will have been doing that in any case for many years. However, there has been little to no improvement on the ground. If there is no money to be made, operators are not interested in providing fibre cables in remote villages or erecting mobile masts to cover not-spots.

The last time DCMS made major changes to the Electronic Communications Code, back in 2017, telecoms companies were allowed to reduce the rents paid to landowners who host phone masts and other pieces of equipment. Ministers believed that these rents, which were often only a couple of thousand pounds per year, were too high. Promises were made that reductions would not exceed 40% but the reality is that many landowners have seen rents cut by 90% or more. The result is that many community centres, sports clubs, churches, farmers and local authorities are being deprived of the sums they believed they were entitled to and had planned for. These individuals and organisations entered into the agreements in good faith, yet the law forbids them taking the masts down when payments are slashed.

The impacts of this have been felt, even in the Prime Minister's own back yard. Hillingdon NHS Trust used to receive nearly £2 million per year from telecommunications rental fees. Following the 2017 reforms, that not only fell to £211,000 but Vodafone demanded a £300,000 repayment. Although not all the sums involved are so large, they are nevertheless significant in their impact. For example, Billericay Rugby Club was being kept afloat thanks to an annual rent of £8,500. It now receives £750 a year. It would be helpful to know from the Minister how this can be explained to local people who use facilities such as those at Billericay Rugby Club.

After all, hosting telecommunications equipment means providing 24/7 access to property, which surely deserves adequate remuneration. It is hard to believe the argument that global companies such as EE and Vodafone were unable to pay the higher charges, despite having done so for years with no issues. I would welcome the Minister's comments on this.

As we have heard in the course of this debate, the number of legal challenges has grown exponentially, but rather than addressing the legitimate concerns of landowners, it seems that the Government's answer is to introduce a new layer of bureaucracy. At a time when we need new infrastructure, Ministers should be incentivising the involvement of small landowners, not making enemies of them. Will the Government undertake an urgent review of this situation and commit to bringing forward sensible changes to the code in due course?

I know that the Government say that the revised valuation guidance is fair, so it would be very helpful—I hope that the Minister can do this—to see the department publish the evidence base so that we can all see it. Of course, DCMS committed to carrying out a broad review of the 2017 reforms, but as far as I am aware, that information has not been made public. Can the Minister provide an update today? If the department is so convinced of its position, what is the harm in producing the evidence, so that we can see it, in the interests of transparency?

Of course, it is not just the rents fiasco that is holding us back. There are still practical and legal issues around the provision of new or upgraded equipment for multiple-dwelling units, as my noble friend Lord Bassam referred to. The Government sought to address this several years ago by introducing new rights for tenants in leasehold properties. We welcomed that Bill, and it has no doubt helped some, but it has not proved to be a silver bullet.

It is ludicrous in this day and age that many people living in flats have worse digital connectivity than those living in houses, as the noble Lord, Lord Holmes, referred to. The type of property that we rent or buy should not determine the extent to which we can receive digital services. Noble Lords will know that this matter was subject to amendments in another place which served to highlight the level of disagreement among service providers themselves. This is no doubt an area we will explore in Committee, but in the meantime can the Minister share the Government's current thinking on this? If operators cannot agree on a way forward, what is going to be done about it?

To conclude, I think we all want to achieve the same things. We need to have the highest possible safety standards for the broadest range of products, and we want government and industry to combine to provide the fastest, most reliable networks for the largest number of people—but we do not believe that the Bill as drafted achieves these aims. There will be areas, of course, where the Government are able to convince us otherwise, but I hope that there will be areas where the Minister will see fit to work with us to make sensible changes. We stand ready to play our part in ensuring a fair, successful and secure rollout of fibre and 5G.

5.23 pm

Lord Parkinson of Whitley Bay (Con): My Lords, I am very grateful to all noble Lords for their contributions to what I agree has been a very enjoyable debate this afternoon. I am sure these contributions will form a prelude to some further interesting and enjoyable debates in Committee and later stages of the Bill. I am grateful, too, for the excessively generous compliments from my noble friends behind me, which I am sure are an illustration of the great harmony and mutual affection for which the Conservative Party is, today of all days, renowned.

As my noble friend Lady Harding of Winscombe rightly said, this is a technical but important Bill, and I am pleased that all noble Lords from all parts of your Lordships' House are in agreement that people from across the country should be able to benefit from faster digital connectivity and the assurance that their

[LORD PARKINSON OF WHITLEY BAY]
 technology is secure. The Bill therefore comes at an opportune time, when cyberattacks are on the rise and when digital connectivity is increasingly important for all the reasons that my noble friend Lady Hodgson of Abinger and other noble Lords set out. We have heard examples in today's debate of the benefits which will accrue to communities, urban and rural, right across the country.

I am conscious that in Committee we will go into greater detail in some of the areas which noble Lords have alluded to, but I want to respond to some of the points which they have raised in today's debate. The noble Lord, Lord Fox, began in general terms by asking whether we ought to set out a clear explanation in the Bill of what consumers can expect in terms of product security. The fundamental purpose of the Bill, as set out in its first clause, is to embed security requirements to protect and enhance the security of connectable products and their users. That is the measuring stick against which the impact of the Bill and future regulations will be assessed.

As I alluded to in my opening remarks, there are no silver bullets in cybersecurity. Thousands of people in the UK have been victims of cyberattacks, and cybercriminals are using connectable products to attack large infrastructure as well. Our approach to connectable products lies in both the UK and wider international expertise. Our own 2018 code of practice is the foundation of the first international standard for consumer security and there is an international consensus behind this standard. We are also, through the Bill, the first to embed these protections in legislation. At the moment, some security-conscious manufacturers address these threats, but through the Bill we will now make sure that all manufacturers follow best practice in future.

The noble Earl, Lord Devon, rightly spoke of our international standing. The UK has established global leadership in this area. We have worked closely with our international partners and have seen evidence of other countries and organisations embedding the approach that we have taken in their own codes. In my opening remarks I mentioned Australia and India, which have published codes of practice with the same 13 principles which we published in 2018, but Singapore, Germany and Finland among others have made their own domestic interventions which also align with the UK's code of practice. The European Commission has also published its intention to explore regulation for connected devices through the cyber resilience Act.

On Part 2, the noble Lord, Lord Fox, in general terms asked why we were revisiting and changing the code again. As noble Lords noted, it was substantially reformed in 2017, following the important and substantial work undertaken by my noble friend Lord Vaizey of Didcot when he was the responsible Minister. A key aim of those reforms was to make it cheaper and easier for digital infrastructure to be deployed, maintained and upgraded. The Government recognised that this would mean telecommunications site providers receiving lower payments than had previously been the case. However, those changes were introduced only following an extensive period of consultation and research and were considered necessary to reduce operator costs

and to encourage the industry investment required for the UK to get the digital communications infrastructure that it needs.

The Government intended that the 2017 reforms would speed up deployment and reduce operator costs, and indeed the changes have borne fruit. However, since the changes have come into force we have also received feedback about how they have worked in practice and about some of the ongoing challenges which people face. The Bill aims to tackle those problems and to ensure that the aim and the ambition of the 2017 reforms is realised. To give an example, both operators and landowners have pointed to problems regarding negotiations, with operators saying that they take too long and landowners saying that they face too much pressure to accept certain terms. This is one of the areas we will address through the Bill.

A number of noble Lords spoke about the valuation work which came from the 2017 reforms. The new pricing regime is more closely aligned to those for utilities such as water, electricity and gas, and we think that is the correct position. Landowners should still receive fair payments which, among other things, take into account any alternative uses that the land may have and any losses or damages that may be incurred. We think that the measures in the Bill will support greater collaboration between operators and landowners and help agreements to be completed more swiftly.

The prices being paid for rights to install communications apparatus before 2017 were too high and reflected the rapid explosion that was taking place in demand for digital services; it was right that they were addressed. The 2017 reforms were intended to strike a balance between ensuring that individual landowners are not left out of pocket and making network deployment and maintenance more cost-effective.

The noble Earl, Lord Devon, and others asked about reviewing the impact of the reforms made in 2017. We recognised when the 2017 reforms were introduced that the market would need time to adapt and settle, and it would be premature to carry out a full assessment of the 2017 reforms at this time. There is not enough evidence about agreements which were completed after they came into force for a properly robust and comprehensive analysis to be made—not least, of course, because of the impact of the pandemic. However, the evidence and feedback we have received provides a compelling case that the changes we are making in this Bill will ensure that the 2017 reforms have their intended effect. Making these changes now will help to deliver the Government's 2025 connectivity target of at least 85% of homes and businesses having access to gigabit broadband. That is not to say that we think the 2017 reforms failed. Much progress has been made. We simply think that more can and must be done to maximise their impact.

The noble Lord, Lord Clement-Jones, and the noble Baroness, Lady Merron, asked about impact assessments. The impact assessments which accompanied the 2017 reforms did not state that the Government would undertake a full economic review of the code's impact on rents, but in that document the Government committed to reviewing the 2017 reforms as a whole by June 2022—this month. The Government have met this

commitment through their continuing engagement with interested parties, including holding monthly access to land workshops. This engagement and the issues which have been highlighted through it prompted the 2021 consultation and the measures in the Bill, which we think are needed for the aims of the 2017 reforms to be fully realised.

Lord Clement-Jones (LD): That sounds a bit feeble. DCMS has had workshops but has not produced a review. That does not sound like any sort of review.

Lord Parkinson of Whitley Bay (Con): The noble Lord perhaps thinks we committed to more in 2017 than we did. We have met the commitments we made in 2017 through our engagement with the industry. The points it made have informed the Bill before us. I am sure we will debate—

Lord Clement-Jones (LD): May I suggest that if the passage of the Bill is to be smooth, any information the Minister is able to provide about the impact, past or expected, would be extremely helpful? Otherwise, we are all going to be arguing about suppositions.

Lord Parkinson of Whitley Bay (Con): Certainly. I pointed out that the time that has elapsed since 2017 has perhaps not given us as much real data as we would have had, were it not for the pandemic, but of course we will be influenced by what have seen as we scrutinise the Bill in Committee and later.

We have heard a range of views on multiple dwelling units. The Government are aware of calls from parts of the industry for greater automatic rights to upgrade existing infrastructure in multiple dwelling units. The Government are not convinced that granting those rights is proportionate, because we must strike the right balance between private property rights and public benefits. There are other ways that operators can arrange to upgrade equipment in multiple dwelling units. They can ask for those rights and if landlords fail to reply, they will be able to use the process created through the Telecoms Infrastructure (Leasehold Property) Act 2021. If landlords refuse, operators can ask the courts to impose additional rights to upgrade existing equipment if their agreement with the landlord does not already provide them with those rights.

Other measures in the Bill encourage the use of alternative dispute resolution to support more collaborative negotiations. The Government are also considering further changes through regulations to help code disputes be dealt with more quickly. Finally, it is important to stress that there is no consensus from the industry on this issue, just as there was no consensus in our debate today. In fact, many operators have opposed the proposal on the grounds that it would create an unfair advantage for operators who already have equipment inside buildings and could therefore have anti-competitive effects.

My noble friend Lady Harding of Winscombe asked about telegraph poles. It is important that any automatic rights in relation to apparatus on, under or over private land strike a fair balance between any interference with private property rights and any public benefits that can be delivered. We think that the measures in

this Bill on rights to upgrade and share apparatus under land achieve that balance. However, we have seen some evidence that further public benefits might be achieved if telecommunications poles sited on private land could be upgraded and shared more easily. Operators already have statutory rights to fly wires between these poles and it is obviously important that the legislative framework supports the effective use of these rights; we are looking into this matter closely.

A number of noble Lords touched on what is and is not in scope of Part 1 of the Bill. The Bill sets out what types of products should be treated as “consumer connectable”. This includes products that can be connected to the internet, such as routers, smart TVs, smart home products and connectable toys. I can tell my noble friend Lord Arbuthnot of Edrom that toasters are indeed in scope, although the idea of an internet-connected toaster makes me think of Wallace and Gromit. I share his bafflement at why people might want to do it, but they are in scope.

The powers in the Bill will allow the Government to update products that are in scope where changes to the wider regulatory, technological or threat landscape render this appropriate. The Government also intend to remove some products from scope where their inclusion would subject them to double regulation or where that would be disproportionate to the level of security risk. An example of such an exception is automotive vehicles, which I can tell my noble friend Lord Vaizey of Didcot include e-scooters; other examples are medical devices and smart charging points.

My noble friend Lord Arbuthnot talked about the vulnerability disclosure process. Of course, manufacturers will not see every vulnerability in their own products. Increasingly, the people best placed to spot them are everyday users and designated security researchers; but the potential point of failure here is the process for reporting those vulnerabilities to the manufacturer, which is often difficult to navigate. The security requirement will mandate a clear point of contact and the policy for the manufacturer to receive such reports and take meaningful action to address them. That is an important step forward, which, I am pleased to say, has widespread industry and expert support.

The noble Lords, Lord Clement-Jones and Lord Bassam of Brighton, the noble Baroness, Lady Merron, and others asked about future-proofing. There is a common notion that Governments are behind the curve when it comes to regulating technology, but not in this case. As well as setting the stage to introduce the regulations to which we have already committed, this Bill establishes a flexible and future-proof regulatory framework so the Government can be agile and proactive in amending and introducing security requirements in step with technological innovation. That is exactly why we have not included the three security requirements on the face of the Bill. By design, the Bill not only addresses the current problem but looks beyond it to ensure that UK consumers can be protected no matter how technologies and threats change and emerge.

My noble friend Lord Holmes of Richmond asked about the Computer Misuse Act. Colleagues at the Home Office are currently taking forward work to

[LORD PARKINSON OF WHITLEY BAY] identify whether the proposals made in response to the review of that Act, which was launched in May last year, will assist in helping to protect the UK from cybercrime, or whether they are addressed under other programmes of work. We will provide an update to your Lordships' House in due course, but this Bill will enhance protection for consumers and networks from the range of harms associated with cyberattacks. It equips the Government with the necessary powers to set and update security requirements within a fast-growing area of emerging technologies.

Lord Clement-Jones (LD): I am sorry to interrupt the Minister again, but I am frightened that he is not going to tell us who the regulator will be, explain why we are covering only three of the many principles covered in legislation in other territories, or provide us with a glimpse of the secondary legislation.

Lord Parkinson of Whitley Bay (Con): The noble Lord is eager to hear answers to questions to which I may yet turn; on some of them I will write. Work has been done to identify the regulator, but it would not be right to refer to that person at this stage and ahead of Royal Assent. I will write to the noble Lord on the other points he mentioned. I talked just now about our approach, through secondary legislation, to future-proofing and the reasons for not setting out the first three principles in the Bill. We have set out what those standards will be up front.

My noble friend Lord Holmes of Richmond spoke about the important issue of digital inclusion and skills. We run programmes to give young people the opportunity to learn digital skills and to improve their cybersecurity. More than 100,000 young people have participated in these programmes. We have expanded that with a new online training platform, Cyber Explorers, which aims to engage 30,000 young people, and DCMS funded the creation of the UK Cyber Security Council to create professional standards and pathways for cybersecurity.

The noble Lord, Lord Fox, asked about Huawei equipment in our infrastructure. The Government have undertaken a consultation with the industry on the designation of Huawei as a high-risk vendor and proposed directions relating to Huawei goods and services. The responses we receive will inform any final post-consultation decision on whether to issue the designation notice and direction. The Government have also undertaken a public consultation on a set of draft electronic communications security measures regulations and a draft code of practice, the outcome of which will be published in due course.

Lord Fox (LD): It was the “in due course” bit that I was interested in. In other words, what is “in due course” in this case—months, weeks, days, years?

Lord Parkinson of Whitley Bay (Con): I am afraid I am not able to elaborate further than “in due course” at this point, but if I am able to before Committee I will come back with more particulars. The final regulations

and code of practice will be laid in Parliament later this year using the negative procedure, as required by the Telecommunications (Security) Act.

The noble Baroness, Lady Merron, asked about the knock-on effect of telecoms operators' reduced rental payments on the funding of community organisations. It is important to note that the funding for such organisations should not be reliant on telecommunications. There are many funding streams, not least from the Government, to support them and their important work. The National Lottery Community Fund is the largest non-government funder of community activity in the UK and one of the largest arm's-length bodies that DCMS sponsors. Officials at the department work closely with the National Lottery Community Fund to ensure that it continues to support the evolving needs of civil society organisations. Over the last five years, the fund has distributed £3.4 billion.

The noble Baroness talked particularly about sports clubs. The Government very much agree that sports and physical activity are critical for our mental and physical health, which is why we provided an unprecedented £1 billion of financial support to sport and leisure organisations during the pandemic. We will ensure that community groups continue to get the support they need.

I shall write to the noble Lord, Lord Clement-Jones, on the points that he highlighted that I have not addressed today. I would, of course, be very happy to speak to any noble Lords who would like to talk about any of the issues in the Bill in further detail. I am very grateful to my noble friend Lord Hunt of Wirral and to the noble Baroness, Lady Merron, and the noble Lord, Lord Bassam of Brighton, as well as the noble Lords, Lord Fox and Lord Clement-Jones, for the engagement that we have had in detail already. I would be more than happy to hold further discussions and talk in greater detail between now and Committee.

My noble friend Lady McIntosh of Pickering offered to furnish me with the details of some of the unused masts in North Yorkshire, and I would be very glad to receive them and take them forward to discuss with officials.

Bill read a second time and committed to a Committee of the Whole House.

Product Security and Telecommunications Infrastructure Bill

Order of Consideration Motion

5.45 pm

Moved by Lord Parkinson of Whitley Bay

That it be an instruction to the Committee of the Whole House to which the Product Security and Telecommunications Infrastructure Bill has been committed that they consider the Bill in the following order: Clauses 1 to 66, Schedule, Clauses 67 to 79, Title.

Motion agreed.

Champions League Final

Commons Urgent Question

5.46 pm

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, with the leave of the House, I shall now repeat the Answer to an Urgent Question made by my honourable friend the Sports Minister in another place earlier today:

“Mr Speaker, on 28 May, Liverpool Football Club played Real Madrid in the final of the Champions League. The fixture was held at the Stade de France in Paris and, on this occasion, Real Madrid won the match 1-0. In this case, it is not the result that makes the fixture worthy of debate but the spectator experience. The start of the fixture was delayed due to a number of crowd safety issues outside the ground. These issues prevented safe and timely access to the stadium for many thousands of Liverpool supporters. Members from across the House will, like me, have been appalled to hear of the terrifying and potentially dangerous conditions experienced by many Liverpool fans. Many of us will have seen the clips on social media. What should have been a celebration of the pinnacle of European club football will be remembered for all the wrong reasons.

I am shocked and concerned by what has come to light. I welcome the fact—the Secretary of State and I requested it—that UEFA has commissioned an independent investigation and issued an apology to all fans who attended the final. The French Minister for Sport has also commissioned a review of the delivery of the event, and I will be discussing this with her later this week. The French Government will also be supporting the UEFA investigation and issuing sanctions against any police officers who misused tear gas, and they have confirmed that they will pursue compensation for fans who had a valid ticket and were unable to enter the stadium. UEFA has confirmed that it will launch a new complaints procedure for fans to present evidence, and Liverpool FC is collating fan experiences, via its website, to contribute to the UEFA investigation. I urge fans to send accounts of their experiences to the club. DCMS will continue to work closely with the relevant authorities and Liverpool FC.

The footage and accounts from Liverpool fans and the media on their entry to the Stade de France on 28 May have been deeply upsetting. Thousands of Liverpool fans travelled to Paris in good time to support their team in one of the biggest matches of the season, and we are hugely disappointed by how they were treated. Fans deserve to know what happened, so it is absolutely right that the relevant authorities are now fully investigating these events. These investigations must establish the facts so that the authorities can learn lessons from the event and ensure that we do not see scenes like this again.”

5.49 pm

Lord Bassam of Brighton (Lab): My Lords, spectator bottlenecks, closed turnstiles, riot police using tear gas on patient fans and thuggish attacks by local gangs indicate that something went seriously wrong in the

planning of the Champions League Final and the police operational plan, yet the authorities immediately accused Liverpool Football Club fans.

I have three questions for the Minister. First, what liaison took place between UK and French police before the match, and were co-operation protocols properly followed? Secondly, although I welcome that assurances have been given on the genuine independence of UEFA’s inquiry or investigation, its terms of reference and likely punishments will be key to its work. The appointment of the inquiry chair and the terms of reference will determine the effectiveness of its outcome. Thirdly, what steps will be taken by the Government to help restore the reputation of Liverpool Football Club and of its fans? Many fans caught up in these events were at Hillsborough, where an early blame game saw lies established as fact. I hope that, on this occasion, the truth will quickly out.

Lord Parkinson of Whitley Bay (Con): I certainly agree with the noble Lord’s final comments: we want to see the truth out and to do so quickly. We want the facts to be established, which is why the Secretary of State and the Sports Minister urged that this independent investigation be swiftly set up and are glad that it has been. We are confident that UEFA is committed to a thorough review.

I will write to the noble Lord on the question of police liaison beforehand, having checked, but I saw that UK police officers were present there, which suggests liaison beforehand, and we will of course want their insights and evidence, as well as that of fans and others, to feed into UEFA’s review. He is absolutely right to mention the Hillsborough tragedy in this regard. Liverpool fans, above all, know all too well the importance of proper security and policing at football matches. That is important for fans across the world, whatever team they support. Something clearly went wrong on 28 May, and we are very glad that UEFA is investigating it so that the facts can be established.

Lord Addington (LD): My Lords, will the Minister expand on the idea of liaison between the various police forces? Not just the English and French police should be talking to each other; there should be at least a Europe-wide connection, because we do not know when we will next have British fans in a foreign country in a European competition, when something can go wrong again. The more high-pressure the situation and the bigger the competition, the more pressure we have on those structures and the more people will travel. Is Europe-wide communication going on here? How effective are we now at collecting intelligence from home to feed into the process?

Lord Parkinson of Whitley Bay (Con): The noble Lord makes an important point. In international fixtures, it is important that lessons are learned across jurisdictions so that scenes such as this cannot be repeated. The French Government, who are hosting the Rugby World Cup and the 2024 Olympics in Paris, will want to make sure that they have learned the lessons for those important sporting events. The Home Office will be working with its counterparts, in line with existing protocols of

[LORD PARKINSON OF WHITLEY BAY]

co-operation, to ensure that any appropriate evidence is gathered to contribute to the review, and has undertaken to look at many aspects of the event beyond the policing response.

Lord Birt (CB): My Lords, I am a Liverpool supporter and I attended this shamefully managed event. The inquiry announced by UEFA needs to explore quite a number of things: first, the manifest limitations of the design and management of the Stade de France; secondly, the prior planning and operational response of the French police; and, thirdly, the quality of oversight of UEFA itself. Will the Minister endeavour to ensure that the inquiry has the power, capability and capacity to do all those things?

Lord Parkinson of Whitley Bay (Con): The inquiry is for UEFA, and I am confident that UEFA is committed to a thorough review. I am grateful to the noble Lord for his first-hand observations, which I am sure will have been heard, but I shall gladly pick that up with him after this to ensure that they can be fed to UEFA so that the lessons can be properly learned.

Lord Moynihan (Con): My Lords, pursuant to the question of the noble Lord, Lord Addington, is my noble friend confident that adequate preparations have been made to avoid similar events at the England v Germany game tomorrow evening?

Lord Parkinson of Whitley Bay (Con): Yes, my honourable friend the Sports Minister has that match very much in mind. We of course hope that the emerging lessons can be learned very swiftly, as well as the detailed lessons which will be learned once the full facts are established and publicised following UEFA's review.

Lord Alton of Liverpool (CB): My Lords, undoubtedly the saddest time of my life as a Member of Parliament in Liverpool was visiting the homes of constituents who had loved ones who had died or been injured at Hillsborough, including the family of a child. That was compounded by the collective character assassination which immediately occurred in the media, referred to by the noble Lord, Lord Bassam, and also by the lies that were told by people in authority. Given that French Ministers immediately tried to put blame on the Liverpool fans, I wonder whether the inquiry by UEFA will look into how the authorities responded in the immediate aftermath of these events, when spectators had tear gas and pepper sprayed into their faces.

Lord Parkinson of Whitley Bay (Con): The noble Lord speaks very powerfully about the lessons of the Hillsborough tragedy, which we were still learning during my time as an adviser at the Home Office many years later—so I am very aware of the long-standing impact that such events have on the families and friends of those caught up in them. It is important that the facts are established before any blame is apportioned. That is why we are glad to see this investigation being set up and hope that it will be able to do that swiftly.

Lord Faulkner of Worcester (Lab): My Lords, there have been a number of references to Hillsborough in the Chamber this evening. I think that I am the only Member of your Lordships' House who was present at Hillsborough in 1989 and, as the noble Lord, Lord Alton, said, the most shameful aspect of it was the cover-up and the lying that took place after it. Can the Government look again at the report by our former colleague James Jones, the retired Bishop of Liverpool, who addressed many of these issues and came forward with some solutions, a number of which have not been adopted?

Lord Parkinson of Whitley Bay (Con): Well, I am full of admiration for Bishop James Jones and his review. It was ongoing when I was working at the Home Office. I will take the points raised by the noble Lord back to my department.

Baroness Newlove (Con): My Lords, as an avid football fan and the only woman who has asked a question about football—although I am a Manchester United supporter rather than a Liverpool supporter; do not kill me now—and as somebody who lives in the Liverpool area and knows a lot of family members of the victims of the Hillsborough disaster, I am a little concerned about the rhetoric of “lessons learned”. If you have not learned anything about Hillsborough now, from what we saw on the television, I am very concerned. I have spoken to a victim's family and friends, who are very traumatised and will not discuss what happened at that event. Is this just a tick box for everybody else but not actually for the fans who have suffered?

Also, the French police allowed local people to go into the fan zone and blocked a lot of fans who had tickets and were there to enjoy a family scene with their young people and to watch the football that they are so passionate about. Can the Minister please stop saying “lessons learned”? It is an insult to the families who have had to fight for over 25 years to get a result which was not the result we thought that we would get in the first place.

Lord Parkinson of Whitley Bay (Con): As ever, my noble friend, as a former Victims' Commissioner, speaks powerfully on behalf of victims and survivors. Whatever phrases are used, it is important that they are translated into action so that people can see meaningful change and can see that lessons are being learned, even if that phrase understandably rankles with some people. It is also important that lessons are learned and shared across the world, which is why we are glad that UEFA is doing this investigation. We hope that it establishes the facts swiftly and thoroughly.

Nigeria: Killing of Church Worshippers

Commons Urgent Question

5.59 pm

The Minister of State, Department for the Environment, Food and Rural Affairs and Foreign, Commonwealth and Development Office (Lord Goldsmith of Richmond Park) (Con): My Lords, with the leave of the House, I shall now repeat the Answer to an Urgent Question in the other place from my honourable friend the Minister for Africa, Latin America and the Caribbean:

“I was horrified to hear of the attack on a church in Ondo state, south-west Nigeria, yesterday. I have publicly expressed my condemnation of this heinous act and stressed the importance of those responsible being brought to justice in accordance with the law. Our high commissioner in Nigeria has also reached out to the governor of Ondo state to express our condolences and to offer our support to him and his team. I know this House will join me in sending our condolences to the families and communities of those killed.

Rising conflict and insecurity across Nigeria is having a devastating impact on affected communities. I have raised this issue with the Nigerian authorities on several occasions, including in conversations with Nigeria’s Vice-President and Foreign Minister during my February visit. During that visit, I also met with regional governors, religious leaders and non-governmental organisations to discuss intercommunal violence and freedom of religion or belief. It was clear from that meeting that religious identity can be a factor in incidents of violence and that Christian communities have been victims, but the root causes are complex and frequently relate to competition over resources, historical grievances and criminality.

The UK Government are committed to working with Nigeria to respond to insecurity. At the first dialogue in support of our security and defence partnership with Nigeria in February, we committed to work together to respond to conflict in Nigeria. We are supporting local and national peacebuilding efforts in Nigeria, including through our work with the Nigeria Governors’ Forum and National Peace Committee. We are also providing mentoring and capacity-building support to Nigerian police force units to improve their anti-kidnap capacity and supporting efforts to address the drivers and enablers of serious and organised crime in Nigeria. At our inaugural security and defence dialogue, the UK and Nigerian Governments also reiterated our shared understanding and commitment to protecting human rights for all, including victims of conflict.

The UK is committed to defending freedom of religion or belief for all and promoting respect between different religious and non-religious communities. I discussed freedom of religion or belief with the Nigerian Foreign Minister last month. We look forward to hosting an international conference on freedom of religion or belief in July. We will continue to encourage the Nigerian Government to take urgent action to implement long-term solutions that address the root causes of violence.”

6.02 pm

Lord Collins of Highbury (Lab): I thank the Minister for repeating that Answer. These are horrific killings. The Answer referred to the security and defence partnership dialogue which has resulted in agreements on police advisers being deployed from the UK to Nigeria, as well as wider support for community policing. What assessment has been made of that assistance? Are there plans to extend it even further?

The dialogue also mentioned human rights for all and freedom of religion or belief—or no belief. I raise the case of Mubarak Bala, who was president of the

Humanist Association of Nigeria and was sentenced to 24 years for blasphemy. I know the Government have taken the case up, but can I ask what further progress has been made with the Nigerian authorities to ensure that Mubarak is released?

Lord Goldsmith of Richmond Park (Con): I am grateful to the noble Lord for his comments and for raising the case of Mubarak Bala. The UK Government continue to follow the case closely and the Minister for Africa, Latin America and the Caribbean has raised his recent sentencing with the Nigerian Foreign Minister. The UK Government believe that the right of individuals to express opinions is essential to a free and open society. The UK is committed to defending freedom of religion or belief for all and promoting respect between different religious and non-religious communities. Promoting the right to freedom of religion and belief is one of the UK’s long-standing human rights priorities.

On a broader point that the noble Lord raised, we are concerned about rising conflict and insecurity across the country. That includes terrorism in the north-east, intercommunal conflicts and criminal banditry in the north-west and middle belt, and violence in the south-east and south-west. The data we have from 2020 suggests that only Afghanistan and Yemen experienced more civilian deaths due to conflict than Nigeria. We are committed to working with Nigeria; it is one of our main aid partners and has been for many years. The Minister for Africa, Latin America and the Caribbean discussed these issues with Nigeria’s Vice-President and Foreign Minister during her visit and they agreed that future co-operation is required between our two countries to respond to shared threats and to support Nigeria to tackle security challenges and promote human rights. Our teams are working on exactly what that looks like as we speak.

Lord Purvis of Tweed (LD): My Lords, no one could see the images and reports of this horrific attack and not be moved. I share in the Minister’s condolences to those affected. This will be a scar for many years to come in that community. I also agree with the Minister’s comments recognising the nuance and complexity of the sources of some of this horrific violence.

My question relates to the UK’s plans. The Foreign Affairs Committee in the Commons wrote to Vicky Ford in January, saying:

“We understand that contracts with ODA funded projects that work specifically with women and girls impacted by violence have been cancelled with very little notice. How will the renewed emphasis on Preventing Sexual Violence in Conflict, and Freedom of Religion and Belief, affect the level and nature of project funding in the future?”

The Minister’s reply said on funding for freedom of religion or belief and preventing sexual violence in conflict that

“the FCDO is also working through these as part of the business planning process”.

We know that the UK’s support for Nigeria is being cut by two-thirds overall, so are any projects on freedom of religion or belief that require long-term support going to be protected as part of this? Can the Minister say a little more about this business planning process

[LORD PURVIS OF TWEED]

so that those who will deliver some of these projects will have certainty that they will be able to be on the ground?

Lord Goldsmith of Richmond Park (Con): As the noble Lord knows, I will not be able to give him numbers on future spending, but a process is happening in line with the vision set in the IDS, which we discussed earlier today. It is for our country offices and regional experts to tell us what they are looking for, what they need and what the priorities are. The FCDO will then respond to that. It is not clear exactly how much money will be going to different areas, but, as he knows, Nigeria is one of the largest recipients of UK aid and has been for a long time. We provided over £100 million in bilateral aid to Nigeria last year. We provided nearly £210 million in 2020-21 and supported a very wide range of issues. I spent a considerable amount of time only two days ago in Stockholm discussing with my counterpart from Nigeria how we can do more to support the ambition Nigeria has to tackle what it regards to be the root cause of some of the conflict, which is a battle over resources, shortage of resources and very serious environmental degradation, which can mean only more human misery to come.

Lord Alton of Liverpool (CB): My Lords, notwithstanding the Minister's comment about the shortage of resources, with which I agree, a lack of resources does not walk into people's homes and behead them. It does not abduct young women such as Leah Sharibu, rape them and impregnate them. It did not walk into a church and kill over 50 people yesterday. Ideology, impunity and insecurity are words that stand together in Nigeria. For far too long there has been indifference to the widespread killings of minorities, especially in the north of the country but now in the south as well. In 2020, the all-party group on freedom of religion or belief produced a report which asked the question: is this an unfolding genocide? The Africa Minister at the time dismissed it and said that this was a wrong appreciation of what was under way. Will the Minister at least undertake to go back and read that report to look at some of the issues around ideology, Boko Haram, ISIS West Africa Province and a multitude of other organisations coming out of the Sahel?

Lord Goldsmith of Richmond Park (Con): I am certainly not going to disagree with the noble Lord. These organisations are a cancer in the region and are born of an utterly perverse ideology. We are doing everything we can, along with allies, to encourage religious leaders to speak out. In fact, religious leaders from different faiths have spoken out in strong terms as a consequence of the barbarity that we are talking about today—including, for example, the Nigerian Supreme Council for Islamic Affairs under the leadership of the President-General the Sultan of Sokoto Alhaji

Muhammad Sa'ad Abubakar III, who condemned in very strong language Sunday's violence. That is true of religious leaders of many faiths in Nigeria. So I very strongly agree with the comments of the noble Lord. I know that the APPG sent a delegation very recently—I forget which month—to Nigeria, and the feedback that has been provided to the FCDO has been invaluable.

I cannot answer the question on genocide, partly because it is not UK Government policy to unilaterally determine whether genocide has occurred, in line with the Genocide Convention. There is no question in my mind or any of my colleagues' minds about the extent of the barbarity that took place on Sunday, or indeed that has taken place on many occasions in that country, often as a consequence of the toxic cancer that the noble Lord described in his question.

The Lord Bishop of Leeds: My Lords, do the Government recognise that religious leaders do not always get recognised by some of these ideologically driven so-called religious groupings and organisations? So the condemnation by religious leaders, though important, has no impact on these ideologues. Do the Government have any approach, particularly at the ministerial conference coming up next month, to address this reality and discrepancy?

Lord Goldsmith of Richmond Park (Con): My Lords, if there were a silver bullet, we would be investing in it and supporting it. I would not completely discount the value of hearing very strong condemnation from religious leaders, particularly where those leaders come from a wide spectrum of different religions. But, in terms of what the UK can do, it will require us to continue to do what we have been doing, which is work very closely with our partners in Nigeria to ensure that they have the capability to track down and ensure that those people who are either tempted to take part or who have taken part in the kinds of atrocities that we are talking about today are brought to justice. That requires a particular emphasis on governance in a country that is notoriously corrupt.

Viscount Eccles (Con): My Lords, does my noble friend think that there could be a Commonwealth initiative? Nigeria is a member, as is Cameroon next door; they have a lot of similar problems. Co-operation within the Commonwealth might prove a way forward.

Lord Goldsmith of Richmond Park (Con): My noble friend makes a very good point. We of course have a meeting of the Commonwealth Heads of State coming up in Kigali, Rwanda, very soon. I believe that the Prime Minister will be attending—sadly, I will not, but other Ministers will. Security will be a major theme, alongside many of the other issues that we have talked about, at the Commonwealth meeting.

House adjourned at 6.12 pm.