Telecommunications Bill

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T O

Create a new Public Option for telecoms in the model of successful public options, partially privatise the NTN and transfer the remaining infrastructure to this new body corporate, provide a mandate to upgrade infrastructure, and create a framework for the preservation of historic broadband tech.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

1 - Definitions

In this Act—

> "NTN" means the National Telecommunications Network;.
>
> "BBTS" means the British Broadband and Telecommunications Service;
>
> "fibre-optic cables" means the fibre-optic cable network in the United Kingdom currently under the ownership of the NTN and any new infrastructure bought thereafter;
>
> "broadband" means the general infrastructure used for wide bandwidth data transmission;
>
> "wireless infrastructure" means Wi-Fi and other infrastructure for the purpose of wirelessly transmitting data from one device to another;
>
> "cellular infrastructure" means wireless cell towers and everything else needed for them to function;
>
> "historic infrastructure" means telecommunications infrastructure designated as historic in Schedule 4 and under section 26(1) of this Act;
>
> "depreciated infrastructure" means telecommunications infrastructure designated as depreciated in Schedule 4 of this Act.

Part 1 - The British Broadband and Telecommunications Service

2 - Establishment of BBTS

(1) A body corporate called the British Broadband and Telecommunications Service is established.

(2) In this Act that body is referred to as “BBTS”.

(3) Schedule 1 contains further provision about BBTS.

3 - Functions of BBTS

(1) The functions of BBTS are—

(a) to construct and maintain a network of broadband, fibre-optic cables, cellular infrastructure, and wireless infrastructure;

(b) to lease or otherwise provide to any person residing in the United Kingdom telecommunications services;

(c) to improve and upgrade depreciated infrastructure;

(d) to increase access to broadband and 5th generation cellular infrastructure across the whole of the United Kingdom;

(e) work on interconnected projects across borders to ensure that the United Kingdom retains a competitive and connected network in Europe;

(f) work with the Office of Communications to ensure better access to emergency services by telecommunications in the United Kingdom.

(2) Access to and use of the services provided by BBTS are subject to—

(a) any terms and conditions set by BBTS with the consent of the Secretary of State; and

(b) any charges, rates and fees set out by BBTS with the consent of the Secretary of State.

4 - General objectives, and guidance by the Secretary of State

(1) In exercising any of its functions under this Act or making any decisions, BBTS must have regard to—

(a) the public interest;

(b) the need to protect the environment and, in particular, to conserve the natural beauty and amenity of the countryside as far as practicable and to reduce emissions; and

(c) subject to the preceding paragraphs, its financial independence and financial sustainability.

(2) The Secretary of State may give guidance to BBTS in writing with respect to the performance of the functions conferred on it if—

(a) the Secretary of State has consulted with BBTS first; and

(b) a draft of the document containing the guidance has been approved by a resolution of each House of Parliament.

(3) BBTS must perform its functions as it reasonably considers in accordance with any guidance given to it under subsection (2).

5 - Grants to BBTS from the Secretary of State

(1) The Secretary of State may make grants to BBTS.

(2) Grants under subsection (1) may be subject to conditions.

(3) The conditions may, in particular, include provision under which sums paid by the Secretary of State under subsection (1) are to be repaid (with or without payment of interest).

6 - Disposal of property

BBTS must not dispose of property unless it is reasonably satisfied that the disposal will not create a local monopoly or oligopoly and that it will not interfere with its ability to carry out its functions.

7 - Acquisition by compulsory purchase

BBTS may, in accordance with Schedule 2,—

(1) acquire land compulsorily,

(2) acquire land by agreement,

(3) enter land for ascertaining whether the land would be suitable for use by BBTS.

8 - Open Access to the Network

(1) BBTS must permit access to its infrastructure to an independent telecommunications provider who does not own its own telecoms infrastructure.

(2) BBTS may, with the consent of the Secretary of State, decide to—

(a) create general terms and conditions, and

(b) charge fees and rates for access,

for access by an independent telecommunications provider to BBTS's infrastructure

9 - Power to Break Open Highways and Other Roads etc.

(1) BBTS has the power to break up and open any highway, road, street, path, or public place for the purpose of hanging wires, poles, or placing underground cables as well as the removal of this infrastructure within these places to the extent necessary for it to carry out its functions.

(2) BBTS must minimise as far as reasonably practicable the disruption to public life and public travel on the places where works under this section are taking place.

(3) BBTS must return the places where works under this section have taken place to a state identical or reasonably similar to the state that existed before the works took place, unless every owner of the relevant land consents to it being left in a different state.

10 - Protection of infrastructure and wildlife

(1) BBTS has the power to enter the land on and immediately around its infrastructure, to the extent necessary to operate, repair, replace, decommission or take any other action in respect of that infrastructure.

(2) BBTS has the power to—

  (a) trim trees and plants adjacent its infrastructure, and

  (b) if trimming cannot be done safely or would be ineffective, remove or relocate a tree or plant adjacent to its infrastructure.

(3) BBTS must only exercise its power in subsection (2) where there is a material risk that the tree or plan will damage BBTS's infrastructure or injure a person accessing BBTS infrastructure.

(4) If a wildlife habitat is in or near to areas of BBTS infrastructure, BBTS—

  (a) must move the infrastructure if the wildlife in question is a protected or threatened species,

  (b) must move the infrastructure if paragraph (a) does not apply and the cost is reasonable in all the circumstances, and

  (c) must move the wildlife habitat to a safe and appropriate location if paragraphs (a) and (b) do not apply.

(5) A person who intentionally or recklessly obstructs access to BBTS in the exercise of its powers and duties under this section commits an offence.

(6) A person guilty of an offence under subsection (5) is liable to pay on summary conviction a fine not exceeding—

(a) in respect of an offence that relates to subsection (4), level 2 on the standard scale, and

(b) in all other cases, level 1 on the standard scale.

11 - Power to enter the premises of subscribers

(1) BBTS has the power to enter the land and property of subscribers to the services of BBTS in order to install, maintain, or dismantle telecommunications equipment leased out to the subscriber by BBTS.

(2) A person who intentionally or recklessly obstructs BBTS in the exercise of its powers under this section commits an offence.

(3) A person guilty of an offence under subsection (2) is liable to pay on summary conviction a fine not exceeding level 1 on the standard scale.

12 - Liability for damage to buried infrastructure

(1) BBTS must maintain a map of all fibre-optic cables and broadband infrastructure it has underground (the “infrastructure map”).

(2) BBTS must publish the entire infrastructure map to the public and must, on request, provide a copy of the infrastructure map to a person for a specified area.

(3) A person who damages any underground fibre-optic cable or broadband infrastructure is liable for the cost of repair or replacement unless condition A applies and either condition B or condition C apply.

(4) Condition A is that—

(a) the person requested a copy of the infrastructure map for the area not more than 7 days before the damage was caused and,

(b) the person did not intentionally or recklessly cause the damage.

(5) Condition B is that BBTS failed to provide a copy of the infrastructure map for the specified area within 72 hours of receiving the request.

(6) Condition C is that—

(a) the person received a copy of the infrastructure map from BBTS for the specified area,

(b) the received copy of the infrastructure map was incorrect in respect of the damaged cable or infrastructure,

(c) the inaccuracy contributed to the damage, and

(d) BBTS did not notify that person about that inaccuracy before the damage occurred.

(7) If subsection (3) does not apply, BBTS is responsible for the cost of repair or replacement.

(8) The cost of repair or replacement includes the cost of materials and the cost of labour.

13 - Provisions regarding the emergency network.

(1) BBTS must maintain one or more operator assistance centres to answer emergency calls made to—

(a) 999,

(b) 112, and

(c) 911.

(2) The Office of Communications must make rules and set targets for the handling of emergency calls made to operator assistance centres, including the transfer of calls to appropriate emergency control centres.

(3) Any existing provider of operator assistance centres at the date this section comes into force ceases to be such a provider.

(4) Schedule 5 provides further details on the emergency network.

Part 2 - Privatisation of some telecommunications infrastructure

14 - Establishment of the commission

(1) There shall be a commission on the partial privatisation of the NTN, hereafter referred to as the Commission, chaired by the Secretary of State.

(2) A person is eligible to be a commissioner if—

(a) they have not been connected to a telecommunications provider in the period of 3 years ending at the date of appointment,

(b) they have not been employed by a telecommunications provider in the period of 3 years ending at the date of appointment,

(c) they do not have a conflict of interest,

(d) they do not stand to profit from the privatisation of the NTN infrastructure.

(3) The Secretary of State may appoint as many extra commissioners as they see fit.

(4) Before appointing a person as a commissioner, the Secretary of State must be satisfied that they meet the eligibility requirements in subsection (2).

(5) The Secretary of State may remove a commissioner at any time.

(6) The Secretary of State must remove a commissioner if the Secretary of State reasonably believes the commissioner no longer meets the eligibility requirements in subsection (2).

15 - Powers of the commission

(1) In general, the Commission has a 3 year mandate to—

  (a) auction, to the highest recognized telecommunications provider no more than 40% of the infrastructure transferred to it from NTN,

  (b) facilitate the upkeep of that infrastructure in partnership with BBTS until it is sold, and

  (c) ensure that BBTS remains competitive in all telecommunications regions specified in Schedule 6.

(2) Subject to the same conditions as members of Commission, the Commission may employ people to carry out the duties and exercise the powers of the Commission on its behalf.

(3) The mandate period of the Commission may be extended by a period approved by a resolution of the House of Commons.

16 - Transfer schemes and maintenance

(1) Within one month of this section coming into force, NTN must transfer—

  (a) all broadband, fibre optic, cellular, and other telecommunications infrastructure to the Commission, and

  (b) all other assets and property to BBTS.

(2) Schedule 3 contains provision about schemes for the transfer of staff and property, rights and liabilities to BBTS.

(3) BBTS must maintain the property operated by the Commission.

17 - The partial privatisation process

(1) The Commission, once it has received the NTN fibre-optic cables, will begin to list fibre-optic cables to sell to private, established telecommunications providers that have an established share of the market along that fibre-optic cable.

(2) The Commission will also begin to list the other infrastructure for sale in the same timeframe as fibre-optic cables in subsection (1).

(3) The winner of an auction will be the telecommunications provider that puts forward the highest bid while still presenting itself to the Commission as a credible provider that can use and adequately serve the market in that network.

(4) The Commission must transfer the proceeds of an auction under this section to BBTS as soon as reasonably practicable.

(5) The Secretary of State may make by regulations additional rules or procedures relating to the auction process.

18 - The privatisation contract

Upon the sale, the winning telecommunications provider must sign a contract with the Secretary of State which—

(1) describes the exact property being transferred;

(2) provides the amount that the telecommunications provider must pay to the Commission;

(3) details any other terms of sale;

(4) includes a guarantee that the infrastructure will not be renationalised for a period of no less than 5 years, except where the infrastructure is mismanaged as a result of gross negligence;

(5) includes an obligation on the winning telecommunications provider to continue to provide access to infrastructure to telecommunications providers that are already using that infrastructure until—

  (a) a period of one year has elapsed, or

  (b) if earlier, a new contract to use that infrastructure has been agreed;

(6) the rates at which telecommunications providers already using the infrastructure will be charged to lease out the infrastructure within the period specified in subsection (5); and

(7) provides for the automatic assignment of the contract by the Commission immediately before its dissolution to the Office of Communications.

19 - Prevention of market consolidation

(1) The Commission may not sell to a telecommunications provider that has already purchased or is set to purchase no more than 40% of the total fibre-optic, broadband, and/or cellular infrastructure in a region set out in Schedule 6 of this Act.

(2) The Commission must ensure that consumers have or will have the choice of BBTS and at least two other telecommunications providers in deciding which wires to sell and to whom they may sell it, wherever it is reasonable.

20 - Guarantee of use

(1) A person wishing to purchase infrastructure from the Commission must present to the Commission a plan showing that they—

(a) already have a significant number of customers that would use the infrastructure being purchased,

(b) have a plan to get a significant number of customers within a period no more than 1 year after purchase, or

(c) have a significant development plan in conjunction with the purchase and the ability to get that infrastructure used by a significant number of customers no more than 3 years after purchase.

(2) The exact details of the enforcement of subsection (1) must be set out in the contracts established under section 18, with the Commission and, after the dissolution of the Commission, the Office of Communications able to monitor compliance under these contracts.

(3) For enforcement purposes, failure to ensure adequate use shall be considered a failure to abide by the terms of the contract and the contract will be considered void.

(4) BBTS may, if a contract is considered void, use its powers of compulsory purchase under section 7.

21 - Total Infrastructure to be Privatised

(1) The Commission shall sell no more than 49% of the infrastructure it oversees in each region laid out in Schedule 6.

(2) The property overseen by the Commission that was not sold in the partial privatisation process laid out in section 17 will be transferred to BBTS at no cost to BBTS.

Part 3 - Other Telecommunications Regulations

22 - Antitrust Clause

(1) A telecommunications provider, through itself or its subsidiaries, must not own more than 80% of either the broadband infrastructure, fibre-optic cable infrastructure, cellular infrastructure, or total telecommunications infrastructure in any region laid out in Schedule 6.

(2) The Secretary of State must ensure that every individual in the United Kingdom has access to BBTS and at least two other telecommunications providers for broadband service.

(3) Should either of these requirements not be met, the Secretary of State has the power to take action under the Competition Act 1998.

23 - Wire Access

Any person who owns telecommunications infrastructure in the United Kingdom must have a process to allow providers without infrastructure access to the wires they own, subject to rates and terms and conditions the two parties may negotiate.

24 - Emergency network access

All telecommunications providers owning telecommunications infrastructure must ensure that their infrastructure is able to reach the emergency network and that any subscriber to their service can reach the emergency network with no charge levied on that service.

25 - Failure to provide access to the emergency network

(1) It is an offence for a telecommunications provider (P) to breach the requirements of section 24.

(2) It is a defence for P to prove that they took all reasonable steps to prevent the breach of the requirements of section 24.

(3) A telecommunications provider guilty of an offence under this section is liable, on conviction on indictment, to a fine.

26 - Preservation of Historic Infrastructure

(1) The Secretary of State may by regulations designate a list of telecommunications infrastructure that is considered to be historic in addition to those set out in Schedule 4.

(2) Historic infrastructure may not be used in the day to day telecommunications network unless it cannot function without a connection to the network.

(3) BBTS must maintain historic infrastructure in collaboration with heritage organisations and the Secretary of State for the purpose of historical preservation and demonstration for an audience.

(4) From time to time, BBTS may shut down a piece of historic infrastructure to maintain its function and good order.

(5) Nothing in this section applies to equipment already in the possession of museums or other heritage organisations.

27 - Devolved Telecommunications Providers

(1) The Northern Ireland Assembly, the Scottish Parliament, and the Welsh Parliament may legislate to establish their own body corporate to operate in their respective regions laid out in Schedule 6 and the provisions of this Act.

(2) A body corporate established under this section is known as a “Devolved Telecommunications Provider”.

(3) BBTS may transfer the real and personal property in a relevant region to a Devolved Telecommunications Provider so long as they provide for the guarantees laid out in this Act.

(4) BBTS is not required to operate a telecommunications service in locations that a Devolved Telecommunications Provider is operating in.

Part 4 - Miscellaneous Provisions

29 - Regulations

(1) Except as otherwise provided, regulations under this Act shall be made by statutory instrument.
(2) A statutory instrument containing regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

29 - Repeals

The *Telecommunications Infrastructure Nationalisation Act* is repealed in its entirety.

30 - Short title

This Act may be cited as the Telecommunications Act 2023

31 - Extent

This Act extends to the whole of the United Kingdom

32 - Commencement

(1) Parts 1 and 2 and Schedules 1 to 6 of this Act shall come into force six months after this Act receives Royal Assent

(2) Parts 3 and 4 of this Act shall come into force one year after this Act receives Royal Assent.

Schedule 1 - The British Broadband and Telecommunications Service

Status

1 (1) BBTS is not to be regarded—

(a) as the servant or agent of the Crown, or

(b) as enjoying any status, immunity or privilege of the Crown.

(2) BBTS’s property is not to be regarded—

(a) as the property of the Crown, or

(b) as property held on behalf of the Crown.

Membership

2 (1) BBTS is to consist of—

(a) executive members, and

(b) non-executive members.

(2) The executive members are—

(a) the Chief Executive Officer,

(b) the Chief Finance Officer, and

(c) at least two and not more than five other members.

(3) The non-executive members are—

(a) a chair appointed by the Secretary of State,

(b) one or two deputy chairs appointed by the Secretary of State, and

(c) such other members as the Secretary of State may appoint.

(4) The Secretary of State must exercise the power in sub-paragraph (3)(c) so as to secure that the majority of the members are non-executive members.

Executive members: appointment and status

3 (1) The first Chief Executive Officer is to be appointed by the Secretary of State.

(2) Subject to sub-paragraph (1), the executive members are to be appointed by the chair after consulting the other non-executive members.

(3) But the chair may not appoint an executive member without the consent of the Secretary of State.

(4) The Secretary of State may refuse consent under sub-paragraph (3) only where the Secretary of State considers it necessary or expedient in the interests of national security.

(5) The executive members are to be members of BBTS's staff.

Executive members: term

4 (1) Any appointment of a Chief Executive Officer must be for a fixed term of not more than five years.

(2) A person cannot be appointed as the Chief Executive Officer more than twice.

5 (1) An executive member—

(a) ceases to be a member of BBTS upon ceasing to be a member of BBTS's staff;

(b) may resign from office by notifying the chair.

(2) The Secretary of State may remove a person from office as an executive member if the Secretary of State considers it necessary or expedient in the interests of national security.

Non-executive members: tenure

6 (1) Subject to the provisions of this Schedule, a person holds and vacates office as a non-executive member of BBTS in accordance with that person's terms of appointment

(2) A person may resign from office as a non-executive member by notifying the Secretary of State.

(3) The Secretary of State may remove a person from office as a non-executive member on any of the following grounds—

(a) absence from BBTS's meetings for a continuous period of more than three months without BBTS's permission,

(b) inability or unfitness to carry out the functions of the office, or

(c) such other grounds as the Secretary of State considers appropriate.

(4) A person ceases to be a non-executive member of BBTS upon becoming a member of BBTS's staff.

Payment of non-executive members

7 (1) BBTS must pay its non-executive members such remuneration as the Secretary of State may determine.

(2) BBTS must pay, or make provision for paying, to or in respect of a person who is or has been a non-executive member of BBTS, such sums as the Secretary of State may determine in respect of allowances or expenses.

(3) Where a person ceases to be a non-executive member of BBTS, BBTS must pay the person compensation of such amount as the Secretary of State may determine if the Secretary of State determines that the person should be compensated because of special circumstances.

Staffing

8 (1) Subject to paragraph 3, BBTS may—

(a) appoint employees, and

(b) make such other arrangements for the staffing of BBTS as it considers appropriate, including arrangements for persons to be seconded to BBTS.

(2) The terms on which executive members are, by virtue of paragraph 3, to become, or continue to be—

(a) employees of BBTS, or

(b) persons seconded to BBTS under sub-paragraph (1)(b),

are to be determined in accordance with this paragraph.

(3) The terms of employment of other employees are to be determined in accordance with this paragraph.

(4) BBTS must pay its employees such remuneration as may be determined in accordance with this paragraph.

(5) BBTS must pay, or may provision for paying,—

(a) to or in respect of an executive member of BBTS, such sums in respect of pensions or gratuities relating to service as an executive member as may be determined in accordance with this paragraph, and

(b) to or in respect of a person who is a member of BBTS's staff, such sums in respect of allowances or expenses as may be determined in accordance with this paragraph.

(6) BBTS may pay, or make provision for paying,—

(a) to or in respect of an employee of BBTS, such sums in respect of pensions or gratuities, other than those mentioned in sub-paragraph 5(a), as may be determined in accordance with this paragraph, and

(b) to or in respect of a person who has been an employee of BBTS, such sums in respect of allowances or expenses as may be determined in accordance with this paragraph.

(7) A matter is determined in accordance with this paragraph if—

(a) in the case of a matter which relates to this first Chief Executive Officer, it is determined by the Secretary of State;

(b) in the case of a matter which relates to any other executive member, it is determined by the chair with the consent of the Secretary of State, after consulting the other non-executive members;

(c) in the case of a matter which relates to any other member of BBTS's staff, it is determined by BBTS with the consent of the Secretary of State.

Committees and sub-committees

9 (1) BBTS may establish committees.

(2) A committee established by BBTS may establish sub-committees.

(3) A committee or sub-committee may consist of or include persons who are neither members of BBTS nor members of BBTS's staff.

(4) BBTS may pay such allowance and expenses as BBTS may determine with the consent of the Secretary of State to any person who—

(a) is a member of a committee or sub-committee, but

(b) is not a member of BBTS or a member of BBTS's staff.

Procedure

10 (1) BBTS may determine its own procedure and the procedure of any committee or sub-committee.

(2) The quorum for a meeting of BBTS is half the number of its members.

11 The Secretary of State may by regulations make provisions about the procedures to be adopted for dealing with conflicts of interest of members of BBTS or members of a committee or sub-committee.

12 The validity of proceedings of BBTS, or of a committee or sub-committee of BBTS, is not affected by a vacancy or defective appointment.

Delegation of functions by BBTS

13 (1) BBTS may delegate any of its functions to—

(a) a member of BBTS,

(b) a member of BBTS's staff authorised for that purpose, or

(c) a committee or sub-committee.

(2) A function is delegated under this paragraph to the extent and on the terms that BBTS determines.

Accounts and audit

14 (1) BBTS must—

(a) keep proper accounts and proper records in relation to them, and

(b) prepare a statement of accounts in respect of each financial year.

(2) Each statement of accounts must comply with any directions given by the Secretary of State as to—

(a) its content and form;

(b) the methods and principles to be applied in preparing it.

(3) BBTS must send a copy of each statement of accounts to the Secretary of State and the Comptroller and Auditor General as soon as practicable after the end of the financial year to which the statement relates.

(4) The Comptroller and Auditor General must—

(a) examine, certify and report on each statement of accounts, and

(b) send a copy of each report and certified statement to the Secretary of State.

(5) The Secretary of State must lay before Parliament a copy of each such report and certified statement.

Annual report

15 (1) BBTS must prepare a report on the exercise of its functions during each financial year.

(2) The reporting relating to a financial year must be prepared as soon as practicable after the end of the financial year.

(3) BBTS must send the report to the Secretary of State.

(4) The Secretary of State must lay the report before Parliament.

Seal and evidence

16 (1) The application of BBTS's seal must be authenticated by the signature of—

(a) a member of BBTS, or

(b) another person authorised for that purpose by BBTS.

(2) A document purporting to be duly executed under BBTS's deal or signed on its behalf—

(a) is to be received in evidence, and

(b) is to be taken to be executed or signed in that way, unless the contrary is shown.

(3) But this paragraph does not apply in relation to any document which is, or is to be, signed in accordance with the law of Scotland.

Supplementary powers

17 (1) BBTS may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(2) In particular, BBTS may—

(a) borrow money,

(b) acquire and dispose of land,

(c) accept gifts,

(d) form and participate in partnerships and joint ventures, and

(e) form companies.

Interpretation

18 (1) In this Schedule—

(1) references to members of BBTS's staff are to persons who—

(a) are employees of BBTS, or

(b) have been seconded to it under paragraph 8(1)(b);

(2) "financial year" means—

(a) the period beginning with the date on which BBTS is established and ending with the second 31 March following that date, and

(b) each successive period of 12 months.

Schedule 2 - Compulsory Purchase

Compulsory purchase of land: England and Wales

1 (1) The Secretary of State may authorise BBTS to purchase compulsorily any land in England and Wales which is required by BBTS—

(a) for, or in connection with, the performance of BBTS's functions, or

(b) as to which it can be reasonably foreseen that it will be so required.

(2) This power to purchase land compulsorily includes power to acquire an easement or other right over the land by creation of a new right.

(3) The Acquisition of Land Act 1981 applies to any compulsory purchase under this paragraph.

(4) The provisions of the Town and Country Planning Act 1990 specified in sub-paragraph (5) have effect in relation to land acquired compulsorily by BBTS under this paragraph as they have effect in relation to land acquired compulsorily by statutory undertakers.

(5) Those provisions are—

(a) sections 238 to 240 (use and development of consecrated land and burial ground);

(b) section 241 (use and development of land for open spaces); and

(c) sections 271 to 274 (extinguishment of rights of way, and rights as to apparatus, of statutory undertakers).

Compulsory purchase of land: Scotland

2 (1) Subject to sub-paragraph (2), the Secretary of State may authorise BBTS to purchase compulsorily any land in Scotland which is required by BBTS—

(a) for, or in connection with, the performance of BBTS's functions, or

(b) as to which it can reasonably be foreseen that it will be so required.

(2) This power to purchase land compulsorily includes power to acquire a servitude or other right over land by the creation of a new right.

(3) The Land Compensation Reform (Scotland) Act 2022 applies to any compulsory purchase under this paragraph.

(4) The provisions of the Town and Country Planning (Scotland) Act 1997 specified in sub-paragraph (5) have effect in relation to land acquired compulsorily by BBTS under this paragraph as they have effect in relation to land acquired compulsorily by statutory undertakers.

(5) Those provisions are—

(a) section 197 (provision as to churches and burial grounds);

(b) section 198 (use and development of land for open spaces); and

(c) sections 224 to 227 (extinguishment of rights of way, and rights as to apparatus, of statutory undertakers).

Compulsory purchase of land: Northern Ireland

3 (1) Where BBTS proposes to acquire, otherwise than by agreement, any land in Northern Ireland required by BBTS—

(a) for, or in connection with, the performance of BBTS's functions, or

(b) as to which it can be reasonably foreseen that it will be so required,

BBTS may apply to the Secretary of State for an order vesting that land in BBTS.

(2) On such an application the Secretary of State has the power to make such an order.

(3) This power to acquire land compulsorily includes power to acquire an easement or other right over land by the creation of a new right.

(4) The following provisions—

(a) Schedule 6 to the Local Government Act (Northern Ireland) 1972 (acquisition of land by vesting order), and

(b) Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972 (provisions as to inquiries),

have the effect for the purposes of the acquisition of land by means of a vesting order under this paragraph as they have effect for the purposes of that Act and that Order but subject to the modifications set out in sub-paragraph (5).

(5) Those modifications are—

(a) for any reference to the Department substitute a reference to the Secretary of State;

(b) for any reference to the Act or Order in question substitute a reference to this Act;

(c) for any reference in Schedule 6 to the Local Government Act (Northern Ireland) 1971 to a council substitute a reference to BBTS;

(d) in paragraph 6(2) of that Schedule, for the words from “the fund” onwards substitute “funds of BBTS (in this Schedule referred to as “the compensation fund”) and shall be discharged by payments made by BBTS”; and

(e) in paragraph 12(2) of that Schedule for “the clerk of the council” substitute “such person as may be designated for the purposes of this Schedule by BBTS”.

(6) The enactments for the time being in force relating to the assessment of compensation in respect of land vested in a district council by an order made under Schedule 6 to the Local Government (Northern Ireland) 1972 are to apply, subject to any necessary modifications, in relation to land vested in BBTS by an order made under this paragraph.

(7) In this paragraph, “land” has the meaning assigned to it by section 45(1)(a) of the Interpretation Act (Northern Ireland) 1954.

Compulsory purchase of land: general restrictions

3A (1) BBTS must not compulsorily purchase any land or right under paragraphs 1, 2 or 3 unless it is reasonably satisfied that it is necessary to acquire the land or right to carry out its functions.

(2) In determining whether it is necessary to acquire the land or right, BBTS must consider whether there are any alternatives to acquisition of the land or right that would be more proportionate.

(3) Where the creation of new rights or acquisition of existing rights would be sufficient to enable BBTS to carry out its functions, it must not compulsorily acquire the land itself.

Entry on land for exploratory purposes: England and Wales

4 (1) A person—

(a) nominated by BBTS, and

(b) duly authorised in writing by the Secretary of State, may, at any reasonable time, enter upon and survey land in England and Wales for the purpose of ascertaining whether the land would be suitable for use by BBTS for, or in connection with, the performance of BBTS's functions.

(2) This paragraph does not apply in relation to land covered by buildings or used as a garden or pleasure ground.

(3) Sections 324(8) and 325(1) to (5), (8) and (9) of the Town and Country Planning Act 1990 (supplementary provisions relating to powers of entry) have effect in relation to the power conferred by this paragraph—

(a) as they have effect in relation to the powers conferred by section 324 of that Act; but

(b) subject to the modifications set out in sub-paragraph (4).

(4) There modification are—

(a) in section 324(8) (power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals) omit "or the presence of minerals therein"; and

(b) in section 325(1) (24 hours' notice to be given of an intended entry upon occupied land) for "24 hours" substitute "28 days".

(5) Where, in an exercise of the power conferred by this paragraph, any damage is caused to land or to chattels, BBTS must—

(a) make good the damage; or

(b) pay compensation in respect of the damage to every person interested in the land or chattels.

(6) Where, in consequence of an exercise of the power conferred by this paragraph, a person is disturbed in their enjoyment of land or chattels, BBTS must pay that person compensation in respect of the disturbance.

(7) Section 118 of the Town and Country Planning Act 1990 (determination of disputes as to compensation) applies to any question of disputed compensation under this paragraph as it applies to such questions under Part 4 of that Act.

Entry on land for exploratory purposes: Scotland

5 (1) A person—

(a) nominated by BBTS, and

(b) duly authorised in writing by the Secretary of State,

may, at any reasonable time, enter upon and survey any land in Scotland for the purpose of ascertaining whether the land would be suitable for use by BBTS for, or in connection with, the performance of BBTS's functions.

(2) This paragraph does not apply in relation to land covered by buildings or used as a garden or pleasure ground.

(3) Sections 269(8) and 270(1) to (5), (8) and (9) of the Town and Country Planning (Scotland) Act 1997 (supplementary provisions relating to powers of entry) have effect in relation to the power conferred by this paragraph—

(a) as they have effect in relation to the powers conferred by section 269 of that Act; but

(b) subject to the modifications set out in sub-paragraph (4).

(4) Those modification are—

(a) in section 269(6) (power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals), omit “or the presence of minerals therein”; and

(b) in section 270(1) (24 hours’ notice to be given of an intended entry upon occupied land) for “24 hours” substitute “28 days”.

(5) Where, in an exercise of power conferred by this paragraph, damage is caused to land or to corporeal moveables, BBTS must—

(a) make good the damage; or

(b) pay compensation in respect of the damage to every person interested in the land or corporeal moveables.

(6) Where, in consequence of an exercise of the power conferred by this paragraph, a person is disturbed in their enjoyment of any land or corporeal moveables, the code operator must pay that person compensation in respect of the disturbance.

(7) A dispute arising under this paragraph—

(a) as to the effect of damage, or

(b) as to the amount of compensation,

must be determined by arbitration by a single arbiter appointed by agreement between the parties or, in default of an agreement, by the Secretary of State.

Entry on land for exploratory purposes: Northern Ireland

8 (1) A person—

(a) nominated by BBTS, and

(b) duly authorised in writing by the Secretary of State,

may, at any reasonable time, enter upon and survey any land in Northern Ireland for the purpose of ascertaining whether the land would be suitable for use by BBTS for, or in connection with, the performance of BBTS’s functions.

(2) This paragraph does not apply in relation to land covered by buildings or used as a garden or pleasure ground.

(3) Subsections (2) to (5) and (8) of section 40 of the Land Development Values (Compensation) Act (Northern Ireland) 1965 (supplementary provisions relating to powers of entry) have effect in relation to the power of entry conferred by this paragraph—

(a) as they have effect in relation to the power conferred by that section; but

(b) subject to the modifications set out in sub-paragraph (4).

(4) Those modifications are—

(a) in section 40(2) (power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals) omit “or the presence of minerals therein”; and

(b) in section 40(3)(b) (three days’ notice to be given of an intended entry upon occupied land) for the word “three” substitute “28”.

(5) Where, in an exercise of the power conferred by this paragraph, damage is caused to land or to chattels, BBTS must—

(a) make good the damage; or

(b) pay compensation in respect of the damage to every person interested in the land or chattels.

(6) Where, in consequence of an exercise of the power conferred by this paragraph, a person is disturbed in their enjoyment of any land or chattels, BBTS must pay that person compensation in respect of the disturbance.

(7) Section 31 of the Land Development Values (Compensation) Act (Northern Ireland) 1965 (determination of disputes as to compensation) applies to any question of disputed compensation under this paragraph as it applies to such questions under Part 3 of that Act.

Acquisition of land by agreement

7 (1) For the purpose of acquisition by agreement by BBTS of land in England and Wales, the provisions of Part 1 of the Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 and 8 (time limits, notices to treat etc.) and section 31 (ecclesiastical property), apply as they apply for the purposes of that Act.

(2) For the purpose of acquisition by agreement by BBTS of land in Scotland, section 109(2) of the Town and Country Planning (Scotland) Act 1972 (incorporation of Lands Clauses Acts) applies, with any necessary modifications, for the purposes of this Act as it applies for the purposes of that Act.

(3) For the purpose of acquisition by agreement by BBTS of land in Northern Ireland, the Lands Clauses Acts, except for sections 127 to 132 (sale of superfluous land) and sections 150 and 151 (access to the special Act) of the Lands Clauses Consolidation Act 1845, apply as they apply for the purposes of those Acts.

Schedule 3 - Transfer Schemes

Transfer schemes

1 (1) The Secretary of State may make one or more property transfer schemes or staff transfer schemes.

(2) A “property transfer scheme” is a scheme for the transfer to BBTS or the Commission from a permitted transferor of any property, rights or liabilities, other than rights or liabilities under or in connection with a contract of employment.

(3) A “staff transfer scheme” is a scheme for the transfer to BBTS from a permitted transferor of any rights or liabilities under or in connection with a contract of employment.

(4) In this Schedule, a “permitted transferor” means the Secretary of State, NTN, or the Commission.

Supplementary

2 (1) The things that may be transferred under a property transfer scheme or a staff transfer scheme include—

(a) property, rights and liabilities that could not otherwise be transferred;

(b) property acquired, and rights and liabilities arising, after the making of the scheme; and

(c) criminal liabilities.

(2) A property transfer scheme or a staff transfer scheme may make supplementary, incidental, transitional or consequential provision and may, in particular—

(a) create rights, or impose liabilities, in relation to property or rights transferred;

(b) make provision about the continuing effect of things done by the permitted transferor in respect of anything transferred;

(c) make provision about the continuation of things (including legal proceedings) in the process of being done by, on behalf of, or in relation to, the permitted transferor in respect of anything transferred; and

(d) make provision for references to the permitted transferor in an instrument or other document in respect of anything transferred to be treated as references to the recipient.

(3) A property transfer scheme may make provision for the shared ownership or use of property.

(4) A staff transfer scheme must make provision which is no less favourable to employees as or similar to the TUPE regulations.

Interpretation

3 (1) For the purposes of this Schedule—

(a) an individual who holds employment in the civil service is to be treated as employed by virtue of a contract of employment, and

(b) the terms of the individual's employment in the civil service are to be regarded as constituting the terms of the contract of employment.

(2) In this Schedule—

(a) "civil service" means civil service of the State; and

(b) "TUPE regulations" means the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246).

Schedule 4 - Depreciated and Historical Infrastructure

1 - For the purposes of this Act, depreciated infrastructure means:

(1) Third Generation (3G) Cellular Towers,

(2) Single Line Phone Cables,

(3) infrastructure constructed between 1950 and 2000,

(4) fax cabling or other phone based transfer of data,

(5) landline phone services,

(6) dial-up internet connections, and

(7), non-internet based financial telecommunications.

2 - For the purposes of this Act, historic infrastructure means:

(1) telegraph wiring,

(2) telegraph operation,

(3) early switchboard phones,

(4) ship based wireless telegraphs,

(5) analog television and radio towers,

(6) first generation satellite communications devices,

(7) early network computing, and

(8) other telecommunications infrastructure built before the year 1950.

Schedule 5 - Standards of the emergency network

1 - BBTS must meet the following standards for the emergency network:

(1) Support a per capita target of 1 operator for every thousand people.

(2) Ability to connect to satellite communication.

(3) Free text messaging capability.

(4) In major urban centres of more than 300,000 people,

At least 35mbs of speed per operator without disruption and

Ability to connect to cellular towers of equivalent spec to the 5th generation tower.

(5) In minor urban areas of no less than 50,000 people

At least 30mbs of speed per operator without disruption and

Ability to connect to cellular towers of equivalence to the 4th gen specs.

(6) In rural areas not otherwise defined,

At least 25mbs of speed per operator without disruption and

Ability to connect to cellular towers of equivalence to the 4th gen specs.

Schedule 6 - Telecommunications Markets

1 - The following are to be the telecommunications markets for the purposes of the provisions regarding prevention of regional monopoly and reference historic counties.

Cornwall and Devon

The Southwest Counties, no further north than the northern border of Whiltshire and no further east than the eastern border of Hampshire

Surrey, Kent and Sussex

Greater London

The home counties west of London

The home counties east of London

Derbyshire, Rutland, Leicestershire, and Nottinghamshire

The remaining Midland counties of England

Yorkshire

Lancashire and Cheshire

Cumberland, Westmorland and Lancs

Northumberland and Durham

Every Welsh County south of and including Cardiganshire, and following the county borders to the English Border

The rest of Wales

The Scottish Border Counties and those on the south coast

The three Lothians, Pebbleshire and Selkirkshire

Stirlingshire and Dunbarton

Fife, Kinrossshire and Clackmannanshire

From coast to coast, the counties south of Inverness-shire

The rest of Scotland

Orkney and Shetland

Northern Ireland

Any remaining jurisdictions will be placed into the closest region listed above

This bill was written by /u/Phonexia2 and /u/model-kurimizumi on behalf of the Liberal Democrats and the 33rd government respectively, and is with much inspiration from the Sasketchewan Telecommunications Act, the Advanced Research and Invention Agency Act 2022, and the proposed Telecommunications Bill from /u/Sephronar.

Referenced Legislation

Sasketchewan Telecommunications Act

Telecommunications Infrastructure Nationalisation Act

Competition Act 1998