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Require disclosure of caller line identification by non-domestic callers; to require Ofcom to consider applications for exemption from such disclosure; to provide that telephone providers may not make a charge for providing caller line identification; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment of the Privacy and Electronic Communications (EC Directive) Regulations 2003

- (1) The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426) (“the Regulations”) are amended as follows.
- (2) In regulation 2(1), between the definitions of “the Directive” and “electronic communications network”, insert—
““domestic caller” means any subscriber or user, other than a non-domestic caller, who uses a public electronic communications service for the purpose of making a call;” 5
- (3) In regulation 2(1), between the definitions of “location data” and “OFCOM”, insert—
““non-domestic caller” means—
(a) a corporate subscriber that uses a public electronic communications service for the purpose of making calls; or
(b) any other subscriber or user who uses a public electronic communications service for the purpose of making unsolicited calls for direct marketing purposes;” 10 15
- (4) In regulation 10(1), after the words “to outgoing calls” insert the words “made by a domestic caller”.

(5) After regulation 10, insert –

“10A Provision of calling and connected line identification - outgoing calls

- (1) This regulation applies to outgoing calls made by a non-domestic caller.
 - (2) The provider of a public electronic communications service shall provide users originating a call by means of that service with a facility to enable the presentation of calling line identification and connected line identification to the recipient of the call. 5
 - (3) Non-domestic callers shall ensure that calling line identification and connected line identification is presented to the recipient of an outgoing call, unless the recipient makes use of a facility provided under regulation 11(2). 10
 - (4) Where OFCOM determines that there are reasonable grounds to exempt a non-domestic caller or group of non-domestic callers from the requirements in paragraph (3), it may issue a notification under this regulation. 15
 - (5) A notification under paragraph (4) is one which –
 - (a) states that the non-domestic caller or group of non-domestic callers is exempt from the requirements in paragraph (3);
 - (b) specifies the period during which the exemption applies; 20
 - (c) imposes any conditions on the exemption that OFCOM believes are appropriate.
 - (6) OFCOM must arrange for the publication of any notifications made under paragraph (4) in such form and manner as it considers appropriate. 25
 - (7) OFCOM must consider an application for a notification under paragraph (4) made by a non-domestic caller or group of non-domestic callers.
 - (8) OFCOM may prepare and issue guidance (including altered or replacement guidance) in relation to notifications under paragraph (4), including as to – 30
 - (a) factors that might affect whether a notification under paragraph (4) is or is not given; and
 - (b) the procedure that OFCOM will adopt in considering applications made under paragraph (7). 35
 - (9) OFCOM must arrange for the publication of any guidance issued under paragraph (8) in such form and manner as it considers appropriate.
 - (10) In this regulation “recipient” means a subscriber whose line is the called line or connected line with regard to an outgoing call made by a non-domestic caller.” 40
- (6) After regulation 11(1), insert –
- “(1A) The provider of a public electronic communications service shall provide subscribers to the service with a facility enabling the presentation of the calling line identification and connected line identification of incoming calls to the subscriber’s line. 45

(1B) The facility to be provided under paragraph (1A) shall be provided free of charge.”

- (7) In regulation 11(2), delete the words “Where a facility enabling the presentation of calling line identification is available”.
- (8) In regulation 11(3), delete the words— 5
- (a) “Where a facility enabling the presentation of calling line identification prior to the call being established is available”; and
- (b) “where the presentation of the calling line identification has been prevented by the calling user or subscriber”.
- (9) In regulation 11(4), delete the words “Where a facility enabling the presentation of connected line identification is available”. 10
- (10) In regulation 12, for the words “Where a provider of a public electronic communications service provides facilities for calling or connected line identification, he shall provide information to the public regarding the availability of such facilities” substitute the words “A provider of a public electronic communications service shall provide information to the public regarding the availability of calling or connected line identification facilities”. 15

2 Short title, commencement and extent

- (1) This Act may be cited as the Unsolicited Telephone Calls (Calling Line Identification) Act 2014. 20
- (2) The provisions of this Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument.
- (3) An order under subsection (2) may appoint different days for different purposes.
- (4) This Act has the same extent as the Regulations. 25

Unsolicited Telephone Calls (Caller Line Identification) Bill

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*Ordered to be brought in by Alun Cairns,
Mike Crockart, Steve Brine,
Fiona Bruce, Dr Julian Huppert,
Steve Rotheram, Bob Stewart,
Sir Andrew Stunell, Martin Vickers,
Mr Mike Weir and Simon Wright.*

*Ordered, by The House of Commons,
to be Printed, 6 November 2013.*

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