



House of Commons

Tuesday 13 May 2014

CONSIDERATION OF BILL

CONSUMER RIGHTS BILL, AS AMENDED

NOTE

The Amendments have been arranged in accordance with the Consumer Rights Bill (Programme (No. 2)) Motion to be proposed by Secretary Vince Cable.

NEW CLAUSES AND NEW SCHEDULES RELATING TO PUBLIC SERVICES, GUIDANCE OR ACCESS TO DATA

Independent advocacy: report

Stella Creasy
Stephen Doughty

NC1

To move the following Clause:—

- ‘(1) Within three months of Royal Assent of this Act the Secretary of State must publish a report detailing how—
- (a) better outcomes for consumers of public services; and
 - (b) more efficient decision-making processes,
- will be ensured.
- (2) A report under subsection (1) will consider—
- (a) how each public service provider will ensure a formalised approach to ensuring independent advocacy is available for consumers at an early stage in the decision-making process for the provision of public services;
 - (b) the nature of an independent advocate to participate in this process, and the definition of independence, including how this could be supported by the conduct of any service provider;
 - (c) the effect of a breach in a consumer’s statutory rights as set out by this Act when a direct commissioning contract is in place;
 - (d) what formal status any independent advice provided will have in relation to decision-making, in particular, in instances where a public service continues to act contrary to such information and formal legal redress is sought;

Consumer Rights Bill, *continued*

- (e) the role of the public sector ombudsman services in overseeing any such approach under paragraph (a);
 - (f) how a public service provider will report on their formalised approach under paragraph (a); and
 - (g) how the approach under paragraph (a) would ensure all consumers of services covered by this Act have access to a licensed alternative redress mechanism.
- (3) For the purposes of this section a public service is any provided to the consumer directly by—
- (a) a Government department;
 - (b) a local or public authority; or
 - (c) a trader acting on behalf of these organisations.
- (4) For the purposes of this section a person shall be a consumer of public services under a “direct commissioning contract” when they enter any—
- (a) agreement;
 - (b) contract;
 - (c) consumer notice; or
 - (d) proposed contract,
- for receiving a service which the person has a direct role in commissioning.’

Guidance for statutory regulators

Stella Creasy
Stephen Doughty

NC2

To move the following Clause:—

- (1) Within three months of Royal Assent of this Act, the Secretary of State shall publish guidance based on the work of the Implementation Group.
- (2) Guidance published under section (1) shall—
 - (a) detail how consumers should be informed of their rights and at what point this should happen;
 - (b) ensure that traders have the information they need regarding their responsibilities under this Act and other consumer rights legislation;
 - (c) define what may be a “reasonable time” for consumers to secure refunds, repairs or replacement, or repeat performance; and
 - (d) specify the sanctions available to enforcement agencies in cases where the guidance has not been followed.
- (3) Within six months of the publication of guidance under subsection (1), the Secretary of State shall issue a code of practice in relation to the exercise of any and all the functions set out in the guidance, subject to the provisions of subsections (5) to (7).
- (4) Any person exercising such a function must have regard to the code in determining any general policy or principles by reference to which the person exercises the function.
- (5) Where the Secretary of State proposes to issue a code of practice under subsection (3), he shall prepare a draft of the code, and shall lay the draft before Parliament.

Consumer Rights Bill, *continued*

- (6) Where the draft laid before Parliament under subsection (5) is approved by resolution of each House of Parliament, the Secretary of State shall issue the code.
- (7) A code issued under subsection (6) shall come into force on such date as the Secretary of State may by order made by statutory instrument appoint.’

Access to data

Stella Creasy
Stephen Doughty

NC3

To move the following Clause:—

‘Schedule [Access to data] has effect.’

Guidance based on the work of the implementation group

Tom Greatrex

NC4

To move the following Clause:—

- ‘(1) Within three months of Royal Assent of this Act, the Secretary of State shall publish guidance based on the work of the Implementation Group.
 - (2) Guidance published under subsection (1) shall—
 - (a) advise on the period that a trader may retain sums paid by the consumer for services not yet supplied by the trader, where it is the consumer who dissolves the contract;
 - (b) further to paragraph (a), advise on the terms under which traders should manage the interest on such sums and make provision for the return of this interest to the consumer; and
 - (c) advise on whether it should be permissible to charge for a guarantee where that guarantee does not offer any undertaking to the consumer additional to their rights as set out in this Act.’
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Independent consumer advice

Stella Creasy
Stephen Doughty

NC5

To move the following Clause:—

‘Within three months of this Act receiving Royal Assent, the Secretary of State shall produce guidance setting out requirements for all statutory regulators to report annually on the provision of independent advice which is free at the point

Consumer Rights Bill, *continued*

of delivery, and to make recommendations on ensuring consumers' rights are protected.'.

Powers of the Information Commissioner: nuisance calls

Yvonne Fovargue

NC10

To move the following Clause:—

- '(1) The Data Protection Act 1998 is amended as follows.
- (2) In section 40 (Enforcement Notices), leave out subsection (2).
- (3) In section 55A (Power of Commissioner to impose monetary penalty), leave out subsection (1)(b).'

Stella Creasy
Stephen Doughty

NS1

To move the following Schedule:—

‘ACCESS TO DATA

Information for consumers

- 1 The Secretary of State shall report to Parliament within six months of Royal Assent of this Act setting out how consumers will have access to the information they require in order to make informed assessments of prices, charges and fees.

Supply of customer data

- 2 A report under paragraph 1 shall include details of how the Government intends to—
 - (a) make regulations to require all regulated persons to provide customer data relating to transactions between the regulated person and the customer, as set out in section 89 (Supply of customer data) of the Enterprise and Regulatory Reform Act 2013;
 - (b) enable third parties to make requests for customer data under section 89(1)(b) of that Act; and
 - (c) ensure customer data is provided in a form which enables the customer or third party to assess whether the price they are paying for a service is reasonable, which should have regard to section 89(7) of the Enterprise and Regulatory Reform Act 2013.

Designation of regulated persons and regulatory bodies

- 3 A report under paragraph 1 shall—
 - (a) review which traders, including the activities of any government, or local or public authority, as defined by section 2 of this Act, shall be

Consumer Rights Bill, *continued*

considered a regulated person under section 89(2) of the Enterprise and Regulatory Reform Act 2013; and

- (b) identify a relevant regulatory body to undertake the duties set out in paragraph 4 of this Schedule.

Guidance for regulated persons

- 4 A report under paragraph 1 shall include details of how the Government intends to require regulators of services which are provided by regulated persons, as defined in section 89(2) of the Enterprise and Regulatory Reform Act 2013, to produce guidance on the implementation of section 89 of that Act.
- 5 Guidance produced for regulated persons under paragraph 4 shall include—
 - (a) how regulated persons should provide customer data;
 - (b) details on the ownership of customer data which shall include, but is not limited to—
 - (i) that customer data generated directly, at any point in the course of a contract, is owned by the customer;
 - (ii) that prior to any decision requiring the transmission of data in a format where the customer can be identified to a third party, direct consent of the customer as owner of the data must be secured; and
 - (iii) how regulated persons should recognise and publicise that such data is owned by the customer;
 - (c) how customers may consent to their data being shared with third parties under section 89(1)(b) of the Enterprise and Regulatory Reform Act 2013;
 - (d) specify sanctions for traders who are not able to confirm the consent of the customer to sharing their data;
 - (e) measures to limit the amount that may be charged for any such single request for data on behalf of multiple customers;
 - (f) how regulated persons, who hold data on customers on behalf of any government, local or public authority, can use this information to secure social and consumer benefits; and
 - (g) how regulated persons, who hold data on customers on behalf of any government, local or public authority, can contribute to a report under paragraph 7.

Access to information: public services

- 6 (1) The Secretary of State shall report to Parliament within six months of Royal Assent of this Act on how the Government intends to ensure that all consumers of public services, who have a direct role in commissioning them, are able to access information regarding any consumer contract or consumer notices which may reasonably be understood to apply to them.
- (2) A report under sub-paragraph (1) shall have particular regard to—
 - (a) the access to information that consumers of public services require; and
 - (b) how access to information can ensure greater transparency on the work of traders.
- (3) For the purposes of this paragraph, “public services” means the work of any government, local or public authority or traders offering services on their behalf.

Consumer Rights Bill, *continued**Access to information: annual report*

- 7 (1) The Secretary of State shall produce and submit to Parliament an annual report setting out an analysis of the cumulative costs and benefits of Government decisions relating to the rights of consumers and protection of their interests.
- (2) A report under sub-paragraph (1) shall in particular address the effect on—
- (a) household consumption;
 - (b) vulnerable households; and
 - (c) any other subjects as the Secretary of State decides.’.

*NEW CLAUSES AND NEW SCHEDULES RELATING TO CONSUMER CREDIT OR DEBT
MANAGEMENT*

Payday lenders levy

Stella Creasy
Stephen Doughty

NC6

To move the following Clause:—

‘The Secretary of State shall produce an annual report on the level at which a levy on lenders in the high cost consumer credit market should be set and bring forward measures to ensure—

- (a) provision of free debt advice for vulnerable consumers; and
- (b) provision of affordable alternative credit through credit unions.’.

Debt management plan regulation

Stella Creasy
Stephen Doughty

NC7

To move the following Clause:—

‘The Financial Conduct Authority shall bring forward recommendations within a year of the commencement of this Act regarding the practice of directly charging consumers fees or charges for the provision of debt management plans, including recommendations on the phasing out of such practices.’.

Consumer Rights Bill, *continued*

Credit broker fees

Yvonne Fovargue

NC9

To move the following Clause:—

- ‘(1) The Consumer Credit Act 1974 is amended as follows.
- (2) In section 160A (Credit intermediaries) after subsection (4) insert—
 - “(4A) Persons engaged in credit intermediary activity under this section or credit broking activity under section 145 shall not charge or take any fee from a debtor in respect of these activities until such time as an introduction results in the debtor entering into a relevant agreement.”’.

Practices of rent to own companies

Yvonne Fovargue

NC11

To move the following Clause:—

- ‘(1) This section applies to credit agreements and consumer hire agreements taken out in respect of household goods specified in rules by the Financial Conduct Authority.
- (2) The rules under subsection (1) shall—
 - (a) include a requirement on lenders to include in pre-contractual information adequate explanations and information allowing prospective customers to compare both the cash price of goods and the total cost of the credit agreement to a representative retail price for those goods;
 - (b) prohibit lenders from requiring customers to take out insurance sold or brokered by the lender as a condition of obtaining credit;
 - (c) set out specific steps lenders must take before taking action to enforce the agreement or recover possession of goods; and
 - (d) set out the steps lenders should take to check that the agreement is affordable and suitable for prospective consumers.’.

Consumer credit: bill of sale

Stella Creasy

NC23

To move the following Clause:—

- ‘(1) Where a person is a purchaser of goods subject to a bill of sale, made in connection with a regulated agreement under the Consumer Credit Act 1974, in good faith and without notice of the bill of sale, title to those goods shall pass to that person.

Consumer Rights Bill, *continued*

- (2) A creditor is not entitled to enforce a bill of sale made in connection with a regulated agreement by recovering possession of the goods except through an order of the court.
- (3) If goods are recovered by the creditor in contravention to subsection (2)—
 - (a) the bill of sale will be treated as invalidly made; and
 - (b) the debtor shall be released from any outstanding liability under the regulated agreement.
- (4) If the creditor has disposed of goods taken in contravention of subsection (2) the debtor shall be compensated to the value of those goods.’.

*NEW CLAUSES AND NEW SCHEDULES RELATING TO PART 1; AMENDMENTS TO PART 1**Right to supply tickets to events of national significance*

Clive Efford
Stella Creasy
Mrs Sharon Hodgson

NC8

To move the following Clause:—

- ‘(1) The Secretary of State may by order made by statutory instrument designate an event to be of national significance.
- (2) Where an event has been so designated under subsection (1) the Secretary of State may grant permission for the organising body to impose additional terms and conditions on the sale of tickets for the event, including—
 - (a) the power to specify persons to act as official traders authorised to sell tickets for the event;
 - (b) the power to withdraw tickets advertised by a person who is not authorised as an official trader; and
 - (c) the power to recall unsold tickets from official traders.
- (3) Where an event has been so designated under subsection (1) it shall be an offence for any person other than an official trader to sell tickets for the event—
 - (a) in a public place or in the course of a business; and
 - (b) otherwise than in accordance with written authorisation from the organising body.
- (4) For the purposes of this section—

“ticket” means anything which is or purports to be a ticket for the designated event;

“selling” includes a reference to—

 - (a) offering to sell a ticket;
 - (b) exposing a ticket for sale;
 - (c) advertising that a ticket is available for purchase; and
 - (d) giving, or offering to give, a ticket to a person who pays or agrees to pay for some other goods or services.

“organising body” means a person specified by the Secretary of State as responsible for organising of the event.

Consumer Rights Bill, *continued*

- (5) A person shall (without prejudice to the generality of subsection (3)(a)) be treated as acting in the course of a business if he does anything as a result of which he makes a profit or aims to make a profit.
- (6) A person does not commit an offence under subsection (3) by advertising that a ticket is available for purchase if—
 - (a) the sale of the ticket if purchased would be in the course of a business only by reason of subsection (5); and
 - (b) the person does not know, and could not reasonably be expected to discover, that subsection (5) would apply to the sale.
- (7) A person does not commit an offence under subsection (3) (whether actual or inchoate) only by virtue of making facilities available in connection with electronic communication or the storage of electronic data.
- (8) Where a person who provides services for electronic communication or for the storage of electronic data discovers that they are being used in connection with the commission of an offence under subsection (3), the defence in subsection (7) does not apply in respect of continued provision of the services after the shortest time reasonably required to withdraw them.
- (9) A person guilty of an offence under subsection (3) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) Section 32(2)(b) of the Police and Criminal Evidence Act 1984 (c. 60) (power to search premises) shall, in its application to the offence under subsection (3) above, permit the searching of a vehicle which a constable reasonably thinks was used in connection with the offence.
- (11) Subsection (13) applies where a person in Scotland is arrested in connection with the commission of an offence under subsection (3).
- (12) For the purposes of recovering evidence relating to the offence, a constable in Scotland may without warrant enter and search—
 - (a) premises in which the person was when arrested or immediately before he was arrested; and
 - (b) a vehicle which the constable reasonably believes is being used or was used in connection with the offence.
- (13) Subsection (12) is without prejudice to any power of entry or search which is otherwise exercisable by a constable in Scotland.
- (14) A statutory instrument containing an order under subsection (1) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.’.

Right to full refund: ticketed events

Philip Davies

NC12

To move the following Clause:—

‘An event organiser must issue a full cash refund where their tickets are returned to them up to 24 hours before the start of the event.’.

Consumer Rights Bill, *continued*

Goods to be as described: meat products

Philip Davies
Philip Hollobone
Sir Gerald Howarth
Jim Fitzpatrick
Mr Andrew Turner

NC13

To move the following Clause:—

- ‘(1) All products containing halal and kosher meat shall be labelled as such at the point of sale by retail and food outlets.
- (2) A food outlet is anywhere where food is served to the public.’

Communications services: change of service provider

Philip Davies

NC14

To move the following Clause:—

- ‘(1) Section 3 of the Communications Act 2003 is amended as follows.
- (2) At the end of subsection (2)(b) insert “with a switching process that is led by the receiving communications service provider”.’

Right to corrective action

Mark Durkan
Fiona O’Donnell
Mike Wood

NC15

To move the following Clause:—

- ‘(1) This section applies if either—
 - (a) the responsible economic actor has identified that goods supplied present a health and safety risk to the consumer; or
 - (b) the appropriate authority has identified that goods supplied present a risk to the public safety; and
 as a result, the product is subject to corrective action by either party (a “recall action”).
- (2) The consumer has the right to expect that the responsible economic actor for any goods supplied subject to a recall action must take all reasonable steps to inform all persons affected, or likely to be affected by the safety risks from the goods, within the shortest period of time practicable.
- (3) The consumer, if placed at risk by goods subject to a recall action, has the right to prompt and effective action by the economic actor of that product to ensure that—

Consumer Rights Bill, *continued*

- (a) the defect posing a safety risk to any persons affected or likely to be affected is eliminated;
 - (b) the actions required to achieve (a) do not cause significant inconvenience to the consumer; and
 - (c) all costs associated with the recall action are borne by the responsible economic actor.
- (4) The Secretary of State will periodically gather and make publicly available information relating to safety incidents caused by recalled goods, and estimates of how many such goods still remain unaccounted for.
- (5) The effectiveness of recall actions, and the procedures in place to achieve successful recalls, will be the subject of periodic review by the Secretary of State, with reference to public information on recalls in subsection (4) and any other relevant data.
- (6) The Secretary of State may create or designate a body to act as a consumer product safety and recall authority.
- (7) The Secretary of State may by regulations provide for the authority to—
- (a) act to protect the public from identifiable and unreasonable risks of injury, death or household risk from consumer products;
 - (b) review products, test products, or receive or commission reports from other competent persons;
 - (c) direct corrective action to be taken by relevant economic actors, regulators or authorities;
 - (d) ensure and direct forms of consumer registration, from purchase of products, with databases which will be conducive to optimal fulfilment of (a) and (c) above;
 - (e) require notification by economic actors, including manufacturers, brand suppliers or traders, of significant evidence of concern in respect of the consumer safety of relevant products; and
 - (f) provide for accessible, intelligible information and advice to be available to consumers and relevant economic actors in respect of product safety, corrective actions and other guidances relevant to the authority’s work.
- (8) For the purposes of subsections (4), (5), (6) and (7), the Secretary of State must consult with—
- (a) market regulators;
 - (b) relevant authorities; and
 - (c) any other bodies he thinks appropriate.
- (9) For the purposes of this section “economic actor” means—
- (a) a “trader” as defined in section 2(2); or
 - (b) a manufacturer of “goods” as defined in section 2(8).’

Member’s explanatory statement

This new clause would enable new provision to be made regarding recall actions where a level of consumer safety risk has been identified. It would allow the Secretary of State to review and add to arrangements for corrective action for the protection of consumer safety.

Consumer Rights Bill, *continued**Secondary ticketing platforms: product and seller information*

Stella Creasy
Stephen Doughty
Mrs Sharon Hodgson
Clive Efford

NC16

To move the following Clause:—

- (1) The Secretary of State shall issue guidance to all traders who operate as secondary ticketing platforms on the application of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013.
- (2) Guidance issued under section (1) shall include how secondary ticketing platforms must inform consumers of—
 - (a) the chosen identity of the seller;
 - (b) the country of residence of the seller;
 - (c) information provided by previous buyers on the reliability of the seller and the tickets he has sold;
 - (d) information on any complaints made against the seller for failing to supply tickets;
 - (e) information on any complaints made against the seller for supplying fraudulent or invalidated tickets; and
 - (f) information on all other accounts currently or previously held with the secondary ticketing platform linked to the seller by virtue of personal, financial and contact information provided by them.
- (3) Guidance issued under section (1) shall set out how information required under Part 2 of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 shall be—
 - (a) accurate; and
 - (b) prominently displayed before a buyer is able to purchase.
- (4) Guidance issued under section (1) shall set out how secondary ticketing platforms must disclose clearly if the seller of the ticket is—
 - (a) the secondary ticketing platform themselves;
 - (b) individuals employed by the secondary ticketing platform;
 - (c) other companies linked to employees, directors or shareholders of the secondary ticketing platform;
 - (d) the event organiser or an agent acting on their behalf; or
 - (e) any other party connected to the event organiser of the event.
- (5) Guidance issued under section (1) shall set out the status of tickets as unique goods with distinct characteristics which would affect—
 - (a) the enjoyment of the good by the consumer;
 - (b) the use of the good by the consumer; or
 - (c) the inherent value of the good in questions.
- (6) Where a ticket is sold through a secondary ticketing platform, guidance issued under section (1) shall set out how the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 apply to tickets as unique goods, including—
 - (a) how sellers must provide all relevant information about the ticket including but not limited to the face value of the ticket and a designated seat or ticket number;
 - (b) how secondary ticketing platforms will publish all the information about a ticket provided by the seller in a prominent and clear way; and

Consumer Rights Bill, *continued*

- (c) what sanctions will apply for failing to provide this information under the regulations.’.
-

Secondary ticketing platforms: fraudulent tickets

Stella Creasy
 Stephen Doughty
 Mrs Sharon Hodgson

NC17

To move the following Clause:—

- ‘(1) Where a secondary ticketing platform becomes aware that sellers using their service have acquired tickets through illegal methods, or are selling fraudulent tickets, they have a duty to report this to the relevant law enforcement agency immediately.
 - (2) A secondary ticketing platform must meet any lawful requests for information on sellers made by law enforcement agencies or courts.
 - (3) Where a law enforcement agency has notified a secondary ticketing platform that a ticket advertised through their service is, or is suspected to be, fraudulent, the secondary ticketing platform must remove that ticket and suspend the seller’s activities immediately.’.
-

Secondary ticketing platforms: seller profiles

Mrs Sharon Hodgson
 Mike Weatherley
 Clive Efford
 Kerry McCarthy
 John Robertson
 Ian Mearns

Nick Smith

NC18

To move the following Clause:—

- ‘(1) Secondary ticketing platforms must provide a profile of information on sellers using their service.
- (2) Profile information provided under subsection (1) must include, but is not limited to—
 - (a) the name of the seller;
 - (b) the country of residence of the seller;
 - (c) if the seller is a company or business, its registered number, if any;
 - (d) if the seller is a company or business, its registered office or address for service;
 - (e) a list of all current and past inventory sold or offered for sale by the seller;

Consumer Rights Bill, *continued*

- (f) information on all other accounts currently or previously held with the secondary ticketing platform linked to the seller by virtue of personal, financial and contact information provided by him;
 - (g) information provided by previous buyers of the reliability of the seller and the tickets he has sold;
 - (h) information on any complaints made against the seller for failing to supply tickets, and the resolution of those complaints;
 - (i) the VAT registration number of the seller, if applicable; and
 - (j) information on any complaints made against the seller for supplying fraudulent or invalidated tickets, and the resolution of those complaints.
- (3) Information provided under subsection (1) must be—
- (a) accurate; and
 - (b) prominently displayed before a buyer is able to complete their purchase.
- (4) Secondary ticketing platforms must disclose clearly and prominently where the seller of the ticket is—
- (a) the secondary ticketing platform themselves;
 - (b) individuals employed by the secondary ticketing platform;
 - (c) other companies linked to employees, directors or shareholders of the secondary ticketing platform;
 - (d) the event organiser or an agent acting on their behalf; or
 - (e) any other party connected to the organisation of the event.
- (5) Where a seller offers for sale more than 20 tickets to the same event, the secondary ticketing platform must take reasonable steps to verify the validity of the tickets.’

Secondary ticketing platforms: ticket information

Mrs Sharon Hodgson
 Mike Weatherley
 Clive Efford
 Kerry McCarthy
 John Robertson
 Ian Mearns

Nick Smith

NC19

To move the following Clause:—

- ‘(1) Where a ticket is sold through a secondary ticketing platform—
- (a) the seller must provide all relevant information about the ticket; and
 - (b) the secondary ticketing platform must publish all the information about a ticket provided by the seller in a prominent and clear way.
- (2) Information to be requested by the secondary ticketing platform and provided by the seller for the purposes of subsection (1) should include, but is not limited to—
- (a) the face value of the ticket;
 - (b) any age or other restrictions on the user of the ticket; and
 - (c) the designated block, row, seat or ticket number, where applicable.

Consumer Rights Bill, *continued*

- (3) Where tickets are being resold in contravention of the terms and conditions agreed to by the original purchaser, this must be stated prominently by the secondary ticketing platform at every stage of the purchasing process.
- (4) Information provided by virtue of this section must be—
 - (a) accurate; and
 - (b) prominently displayed before a buyer is able to complete their purchase.’

Secondary ticketing platforms: compensation

Mrs Sharon Hodgson
 Mike Weatherley
 Clive Efford
 Kerry McCarthy
 John Robertson
 Ian Mearns

Nick Smith

NC20

To move the following Clause:—

- ‘(1) Secondary ticketing platforms must reimburse reasonable costs to a buyer where a ticket sold through their service is fraudulent or invalidated.
 - (2) For the purposes of subsection (1), reasonable costs must include, but are not limited to—
 - (a) the price paid for the ticket by the buyer, inclusive of all service and delivery charges;
 - (b) all travel expenses incurred by the buyer in travelling from their place of residence to the location of the event for which they had purchased the ticket; and
 - (c) any accommodation expenses incurred by the buyer for the sole purpose of attending the event for which they had purchased the ticket.
 - (3) For the purposes of subsection (1), reasonable costs should be defined as a total amount not exceeding twice the total purchase price of the ticket or tickets in question, including all additional fees and taxes paid.
 - (4) Claims made by a buyer against a secondary ticketing platform under this section must be proven by receipts or other documentary proof.
 - (5) The secondary ticketing platform must settle any claims under this section within 40 working days, other than where a suspected fraud or abuse related to the transaction in question is the subject of an ongoing investigation by the relevant statutory authority.
 - (6) Secondary ticketing platforms are permitted to take all necessary action to recover any monies paid out to consumers under this section from the seller of the ticket.’
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Consumer Rights Bill, *continued*
Secondary ticketing platforms: definitions

Mrs Sharon Hodgson
 Mike Weatherley
 Clive Efford
 Kerry McCarthy
 John Robertson
 Ian Mearns

Nick Smith

NC21

To move the following Clause:—

- (1) A “secondary ticketing platform” means a person or company operating an internet-based facility for the resale of tickets to events including in the United Kingdom, regardless of the country in which the owner of the service is registered.
- (2) A “ticket” means anything which purports to be a ticket, including any item, tangible or intangible, which grants the holder entry to an event.
- (3) An “event” means any sporting, music or cultural activity taking place at a specified time and place for which tickets are issued and required for entry or attendance.
- (4) An “event organiser” means the person or persons responsible for organising and holding an event and receiving the revenue from the event.
- (5) A “fraudulent ticket” means a forged or duplicated ticket.
- (6) An “invalidated ticket” means a ticket which has been cancelled by the event organiser, or an agent acting on their behalf, after being issued.’.

Prohibition of fees in contracts for services: letting of residential accommodation

Hilary Benn [R]
 Emma Reynolds
 Stella Creasy
 Caroline Lucas

NC22

To move the following Clause:—

- (1) The provisions in this section apply to a contract for a trader to supply a service in connection with the letting of a residential premises.
- (2) Subject to the provisions of this section, any person who demands or accepts payment of any sum of money from a person (“P”) for services in connection with a contract for the letting of residential premises shall be guilty of an offence.
- (3) For the purposes of subsection (2), P is any person—
 - (a) who seeks to enter a contract to let residential accommodation, or
 - (b) who has a tenancy of, or other right or permission to occupy, residential premises.
- (4) For the purposes of subsection (2)—
 “letting” shall include any service provided in connection with the advertisement or marketing of residential accommodation or with the grant or renewal of a tenancy;

Consumer Rights Bill, *continued*

- “services shall —
- (a) include, and are not limited to—
 - (i) the registration of persons seeking accommodation,
 - (ii) the selection of prospective occupiers, and
 - (iii) any work associated with the production or completion of written agreements or other relevant documents.
 - (b) not include credit checks of person seeking accommodation.
- (5) Where a person unlawfully demands or accepts payment under this section in the course of his employment, the employer or principal of that person shall also be guilty of an offence.
- (6) A person shall not be guilty of an offence under this section by reason of his demanding or accepting payment of rent or a tenancy deposit within the meaning of section 212(8) of the Housing Act 2004.
- (7) A person shall not be guilty of an offence under this section by reason of his demanding or accepting a holding deposit.
- (8) A “holding deposit” for the purposes of subsection (7) is—
- (a) a sum of money demanded of or accepted from a person, in good faith for the purpose of giving priority to that person in relation to the letting of a specific property, which is to be credited towards the tenancy deposit or rent upon the grant of the tenancy of that property, and
 - (b) not greater than two weeks rent for the accommodation in question.
- (9) Costs incurred by persons seeking accommodation for the undertaking of credit checks shall be reimbursed upon the signing of a tenancy agreement.
- (10) In this section, any reference to the grant or renewal of a tenancy shall include the grant or renewal or continuance of a lease or licence of, or other right or permission to occupy, residential premises.
- (11) In this section “rent” shall include any occupation charge under a licence.’

Stella Creasy
Stephen Doughty

6

Clause 2, page 2, line 15, at end insert—

- ‘(3A) The Secretary of State may by order made by statutory instrument provide that those who represent businesses with fewer than 10 employees and are purchasing goods or services for use within their commercial activities will be considered consumers.’

Secretary Vince Cable

9

Clause 20, page 11, line 39, at end insert—

- ‘(13A) A refund under this section must be given without undue delay, and in any event within 14 days beginning with the day on which the trader agrees that the consumer is entitled to a refund.
- (13B) If the consumer paid money under the contract, the trader must give the refund using the same means of payment as the consumer used, unless the consumer expressly agrees otherwise.

Consumer Rights Bill, continued

(13C) The trader must not impose any fee on the consumer in respect of the refund.’.

Member’s explanatory statement

This amendment and amendments 10, 11, 12 and 15 require a trader to provide any refund due to the consumer without undue delay and at the latest within 14 days. They also provide that the refund must be in the same form as the original payment unless the consumer agrees otherwise and that no fee may be charged.

Secretary Vince Cable

10

Clause 24, page 14, line 42, leave out ‘(11)’ and insert ‘(13C)’.

Member’s explanatory statement

The explanatory statement for amendment 9 also applies to this amendment.

Secretary Vince Cable

11

Clause 44, page 27, line 45, at end insert—

- ‘(4) A refund under this section must be given without undue delay, and in any event within 14 days beginning with the day on which the trader agrees that the consumer is entitled to a refund.
- (5) The trader must give the refund using the same means of payment as the consumer used to pay for the digital content, unless the consumer expressly agrees otherwise.
- (6) The trader must not impose any fee on the consumer in respect of the refund.’.

Member’s explanatory statement

The explanatory statement for amendment 9 also applies to this amendment.

Secretary Vince Cable

12

Clause 45, page 28, line 8, at end insert—

- ‘(3) A refund must be given without undue delay, and in any event within 14 days beginning with the day on which the trader agrees that the consumer is entitled to a refund.
- (4) The trader must give the refund using the same means of payment as the consumer used to pay for the digital content, unless the consumer expressly agrees otherwise.
- (5) The trader must not impose any fee on the consumer in respect of the refund.’.

Member’s explanatory statement

The explanatory statement for amendment 9 also applies to this amendment.

Consumer Rights Bill, *continued*

Secretary Vince Cable

13

Clause 46, page 28, line 31, at end insert—

‘(4A) A compensation payment under this section must be made without undue delay, and in any event within 14 days beginning with the day on which the trader agrees that the consumer is entitled to the payment.

(4B) The trader must not impose any fee on the consumer in respect of the payment.’.

Member’s explanatory statement

This amendment requires that compensation for damage caused by digital content to other digital content or hardware must be provided by the trader to the consumer without undue delay and at the latest within 14 days. It also provides that no fee can be charged for this payment.

Secretary Vince Cable

14

Clause 48, page 30, line 3, leave out subsection (7) and insert—

‘(7) No order may be made under subsection (5) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, each House of Parliament.’.

Member’s explanatory statement

Clause 48(5) gives the Secretary of State power to remove specified services from the application of Chapter 4 of Part 1 by order made by statutory instrument. This amendment changes the Parliamentary procedure for such statutory instruments from the negative resolution procedure to the affirmative resolution procedure.

Stella Creasy
Stephen Doughty

5

Clause 48, page 30, line 3, leave out from ‘(5)’ to ‘resolution’ and insert ‘may not be made unless a draft has been laid before and approved by’.

Secretary Vince Cable

15

Clause 56, page 32, line 43, at end insert—

‘(4) A refund under this section must be given without undue delay, and in any event within 14 days beginning with the day on which the trader agrees that the consumer is entitled to a refund.

(5) The trader must give the refund using the same means of payment as the consumer used to pay for the service, unless the consumer expressly agrees otherwise.

(6) The trader must not impose any fee on the consumer in respect of the refund.’.

Member’s explanatory statement

The explanatory statement for amendment 9 also applies to this amendment.

Consumer Rights Bill, *continued*

Hilary Benn [R]
Emma Reynolds
Stella Creasy

20

Clause **84**, page **43**, line **14**, at end insert—

‘(2A) Section [*Prohibition of fees in contracts for services: letting of residential accommodation*] extends only to England.’.

Stella Creasy
Stephen Doughty

1

Schedule **2**, page **50**, line **9**, at end insert—

‘1A A term which requires a consumer to pay a charge for, or be liable for, an element of a good or service that another party has also been charged for in the course of the same transaction.’.

Stella Creasy
Stephen Doughty

2

Schedule **2**, page **50**, line **15**, at end insert—

‘2A A term which relies upon any bill of sale, as defined in section 3 (Construction of Act) of the Bills of Sale Act (1878) Amendment Act 1882, to reduce the level of consumer protection in relation to contracts concerning consumer credit.’.

Stella Creasy
Stephen Doughty

3

Schedule **2**, page **50**, line **18**, at end insert—

‘3A A term that directly causes financial detriment to the consumer such that it can reasonably be seen to alter the capacity of the consumer to pay the costs of the contract, where the contract is for a financial service.’.

Stella Creasy
Stephen Doughty

4

Schedule **2**, page **52**, line **2**, at end insert—

‘20A A term which either—
(a) requires or encourages a consumer to contract third party services without informing them of their right to seek independent advice; or
(b) seeks to limit a consumer’s access to independent advice regarding third party contracts where there is a potential conflict of interest for the third party involved.’.

Philip Davies

19

Schedule **2**, page **52**, line **2**, at the end insert—

Consumer Rights Bill, *continued*

- ‘20A A term which has the object or effect of permitting a trader block, restrict or otherwise hinder the access of a consumer to any lawful electronic communications network or electronic communications service on the basis of an unreasonable or unusual definition of “internet access”, “data”, “web access” or similar word or phrase.
Nothing in this prohibition shall affect filters for the purpose of child protection.
Electronic communications network or electronic communication service shall have the same meaning as in the Communications Act 2003.’.

Secretary Vince Cable

16

Schedule 5, page 67, line 11, at end insert—

‘A local weights and measures authority in Great Britain or the Department of Enterprise, Trade and Investment in Northern Ireland	Section 35ZA of the Registered Designs Act 1949’
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Member’s explanatory statement

This amendment inserts a reference to section 35ZA of the Registered Designs Act 1949 into the table in paragraph 11 of Schedule 5 so that it falls within the enforcer’s legislation within the meaning of paragraph 9(1)(b) of the same Schedule. It also lists the relevant domestic enforcers of this provision.

Stella Creasy
Stephen Doughty

7

Schedule 5, page 74, line 39, leave out sub-paragraphs (3) to (9).

Stella Creasy
Stephen Doughty

8

Schedule 5, page 75, line 38, leave out sub-paragraph (11).

Secretary Vince Cable

17

Schedule 6, page 88, line 27, at end insert—

‘Registered Designs Act 1949 (c. 88)

- A1 (1) Section 35ZB of the Registered Designs Act 1949 (enforcement) is amended as follows.
(2) Omit subsection (1).
(3) Before subsection (2) insert—

Consumer Rights Bill, continued

- “(1A) For the investigatory powers available to a local weights and measures authority or the Department of Enterprise, Trade and Investment in Northern Ireland for the purposes of the enforcement of section 35ZA, see Schedule 5 to the Consumer Rights Act 2014.”.

Member’s explanatory statement

This amendment makes a consequential amendment to section 35ZB of the Registered Designs Act 1948 in Schedule 6 by replacing reference to the investigatory powers contained in the Trade Descriptions Act 1968, which are being repealed by the Consumer Rights Bill, with those contained in Schedule 5 to the Bill.

Secretary Vince Cable

18

Schedule 6, page 97, line 33, leave out ‘local weights and measures authority’ and insert ‘person’.

Member’s explanatory statement

This amendment modifies the consequential amendment to the Fireworks Act 2003 in Schedule 6 by replacing the words “local weights and measures authority” with “person” so that it is consistent with the consequential amendment to the Consumer Protection Act 1987 also in this Schedule.

ORDER OF THE HOUSE [28 JANUARY 2014]

That the following provisions shall apply to the Consumer Rights Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 13th March 2014.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of the proceedings.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion four hours after the commencement of proceedings on Consideration.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.
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Consumer Rights Bill, *continued*

CONSUMER RIGHTS BILL (PROGRAMME (NO. 2))

Secretary Vince Cable

That the Order of 28 January 2014 (Consumer Rights Bill (Programme)) be varied as follows:

1. Paragraphs 4 and 5 of the Order shall be omitted.
2. Proceedings on Consideration and Third Reading shall be taken in two days in accordance with the following provisions of this Order.
3. Proceedings on Consideration shall be taken on the days shown in the first column of the following Table and in the order so shown.
4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

First day

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses and new Schedules relating to public services, guidance or access to data	Two hours after the commencement of proceedings on Consideration on the first day
New Clauses and new Schedules relating to consumer credit or debt management; new Clauses and new Schedules relating to Part 1; amendments to Part 1	The moment of interruption on the first day

Second day

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses and new Schedules relating to Parts 2 or 3; amendments to Parts 2 or 3; remaining new Clauses and new Schedules; remaining proceedings on Consideration	Two hours after the commencement of proceedings on Consideration on the second day

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings on Consideration on the second day.