



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Thursday 13 October 2016**

*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*

*Amendments tabled since the last publication: 56-91, NC1-NC12*

### **PUBLIC BILL COMMITTEE**

### **DIGITAL ECONOMY BILL**

#### **NOTE**

**This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [11 October 2016].**

Calum Kerr

★ Clause 1, page 1, line 14, after “the” insert “upload and download”

56

Louise Haigh  
Kevin Brennan

★ Clause 1, page 1, line 15, after “services” insert “and mobile network coverage”

83

Calum Kerr

★ Clause 1, page 2, line 4, at end insert—

“(4A) In subsection (4) after “OFCOM” insert “, the devolved administrations in Scotland, Wales and Northern Ireland,”

57

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**Digital Economy Bill, *continued***

Calum Kerr

58

- ★ Clause 1, page 2, line 13, leave out “The Secretary of State may” and insert “Within 12 months of this Act coming into force, the Secretary of State shall”

Calum Kerr

59

- ★ Clause 1, page 2, line 16, at end insert—  
 “(1A) The report shall consider the comparative costs of introducing the universal service order in rural and urban areas, and identify measures to ensure costs in rural areas are not disproportionately higher than in urban areas.”

Louise Haigh  
 Kevin Brennan

82

- ★ Clause 1, page 2, line 21, at end insert—

**“73A Universal service order: annual report**

- (1) The Secretary of State must lay before each House of Parliament an annual report about the implementation of the universal service order for all areas pursuant to the provisions of this Act.
- (2) The annual report must include information on—
  - (a) the number of premises that have been supplied with the minimum download speed as specified in the USO secondary legislation
  - (b) the number of premises that have been required to cover some of the cost of connection,
  - (c) of the premises in (b) the average cost of connection per premises covered by residents, disaggregated by local authority area,
  - (d) the number of premises that have chosen not to be connected via the universal service order after being provided with an estimate, and
  - (e) the amount of time on average it takes to provide an estimate and connect a premise, disaggregated by local authority area.
- (3) The annual report must be laid before each House of Parliament as soon as practicable after 31 March each year.”

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 Calum Kerr

60

- ★ Clause 3, page 2, line 35, at end insert—  
 “(db) require a communications provider to allow an end-user to terminate a contract on repeatedly failing to meet a specific standard or obligation;”

Louise Haigh  
 Kevin Brennan

84

- ★ Clause 3, page 2, line 35, after “obligation”, add “within reasonable timescales”  
 insert”
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**Digital Economy Bill, continued**

Matt Hancock

12

Schedule 1, page 82, line 29, leave out “and keep”

**Member’s explanatory statement**

*The code will deal with cases where apparatus has already been installed on land. Amendments 12, 13 and 14 therefore provide for installing apparatus and keeping apparatus on land to be treated separately, and for rights described in sub-paragraphs (c), (ca) and (d) to be described consistently with this.*

Matt Hancock

13

Schedule 1, page 82, line 30, at end insert—

“(aa) to keep installed electronic communications apparatus which is on, under or over the land,”

**Member’s explanatory statement**

*The code will deal with cases where apparatus has already been installed on land. Amendments 12, 13 and 14 therefore provide for installing apparatus and keeping apparatus on land to be treated separately, and for rights described in sub-paragraphs (c), (ca) and (d) to be described consistently with this.*

Matt Hancock

14

Schedule 1, page 83, line 2, leave out from “installation” to end of line 4 and insert “of electronic communications apparatus on, under or over the land or elsewhere;

(ca) to carry out any works on the land for or in connection with the maintenance, adjustment, alteration, repair, upgrading or operation of electronic communications apparatus which is on, under or over the land or elsewhere,”

**Member’s explanatory statement**

*The code will deal with cases where apparatus has already been installed on land. Amendments 12, 13 and 14 therefore provide for installing apparatus and keeping apparatus on land to be treated separately, and for rights described in sub-paragraphs (c), (ca) and (d) to be described consistently with this.*

Matt Hancock

15

Schedule 1, page 86, line 26, leave out “The reference in sub-paragraph (2)” and insert “A reference in this code”

**Member’s explanatory statement**

*This applies the extended meaning of “means of access to or from land” across the code. It is consequential on amendment 24.*

Matt Hancock

16

Schedule 1, page 95, line 2, after “36” insert “or as mentioned in paragraph 38A(1)”

**Member’s explanatory statement**

*This is consequential on amendment 37.*

Matt Hancock

17

Schedule 1, page 95, line 10, leave out “or” and insert “and”

**Member’s explanatory statement**

*This is consequential on amendment 36.*

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**Digital Economy Bill, continued**

- Matt Hancock 18
- Schedule 1, page 102, line 1, leave out “with an interest in land”  
*Member’s explanatory statement*  
*This is consequential on amendment 37.*
- Matt Hancock 19
- Schedule 1, page 102, line 3, at end insert “or the restoration of land,”  
*Member’s explanatory statement*  
*This is consequential on amendment 38.*
- Matt Hancock 20
- Schedule 1, page 102, line 6, after “removal” insert “of apparatus or restoration of land”  
*Member’s explanatory statement*  
*This is consequential on amendment 38.*
- Matt Hancock 21
- Schedule 1, page 102, line 14, after “never” insert “since the coming into force of this code”  
*Member’s explanatory statement*  
*This provides for a condition for having a right to require removal of apparatus to be met if the only right there has been to keep the apparatus on the land was a right that came to an end under the code that Schedule 1 to the Bill replaces, or that ceased under that code to be binding on the landowner.*
- Matt Hancock 22
- Schedule 1, page 102, line 24, at end insert “, or  
 ( ) where the right was granted by a lease to which Part 5 of this code does not apply.”  
*Member’s explanatory statement*  
*Part 5 of the code (termination of agreements creating code rights) does not apply to certain leases governed by landlord and tenant law. The amendment provides for the ending of code rights under such a lease and under Part 5 to be treated in the same way for the purposes of rights to require removal of apparatus.*
- Matt Hancock 23
- Schedule 1, page 103, line 17, at end insert—  
 “( ) This paragraph does not affect rights to require the removal of apparatus under another enactment (see paragraph 38A).”  
*Member’s explanatory statement*  
*This is consequential on amendment 37.*

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**Digital Economy Bill, continued**

Matt Hancock

24

Schedule 1, page 103, line 17, at end insert—

*“When does a landowner or occupier of neighbouring land have the right to require removal of electronic communications apparatus?”*

- 36A (1) A landowner or occupier of any land (“neighbouring land”) has the right to require the removal of electronic communications apparatus on, under or over other land if both of the following conditions are met.
- (2) The first condition is that the exercise by an operator in relation to the apparatus of a right mentioned in paragraph 13(1) interferes with or obstructs a means of access to or from the neighbouring land.
- (3) The second condition is that the landowner or occupier of the neighbouring land is not bound by a code right within paragraph 3(f) entitling an operator to cause the interference or obstruction.
- (4) A landowner of neighbouring land who is not the occupier of the land does not meet the second condition if—
- (a) the land is occupied by a person who—
    - (i) conferred a code right (which is in force) entitling an operator to cause the interference or obstruction, or
    - (ii) is otherwise bound by such a right, and
  - (b) that code right was not conferred in breach of a covenant enforceable by the landowner.
- (5) In the application of sub-paragraph (4)(b) to Scotland the reference to a covenant enforceable by the landowner is to be read as a reference to a contractual term which is so enforceable.”

***Member’s explanatory statement***

*New paragraph 36A makes provision for a landowner or occupier of neighbouring land to have a right to require removal of apparatus that obstructs or interferes with a means of access to that land.*

Matt Hancock

25

Schedule 1, page 103, line 27, at end insert—

“(1A) A landowner or occupier of neighbouring land may by notice require an operator to disclose whether—

- (a) the operator owns electronic communications apparatus on, under or over land that forms (or, but for the apparatus, would form) a means of access to the neighbouring land, or uses such apparatus for the purposes of the operator’s network, or
- (b) the operator has the benefit of a code right entitling the operator to keep electronic communications apparatus on, under or over land that forms (or, but for the apparatus, would form) a means of access to the neighbouring land.”

***Member’s explanatory statement***

*This is consequential on amendment 24. Paragraph 37(1A) provides for a landowner or occupier of neighbouring land to have the rights in paragraph 37 to require an operator to disclose whether it owns apparatus or has code rights relevant to the neighbouring land.*

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**Digital Economy Bill, *continued***

- Matt Hancock 26  
 Schedule 1, page 103, line 33, after “(1)” insert “or (1A)”  
*Member’s explanatory statement*  
*This is consequential on amendment 25.*
- Matt Hancock 27  
 Schedule 1, page 103, line 34, after “landowner” insert “or occupier”  
*Member’s explanatory statement*  
*This is consequential on amendment 25.*
- Matt Hancock 28  
 Schedule 1, page 103, line 37, after “landowner” insert “or occupier”  
*Member’s explanatory statement*  
*This is consequential on amendment 25.*
- Matt Hancock 29  
 Schedule 1, page 103, line 38, after “landowner” insert “or occupier”  
*Member’s explanatory statement*  
*This is consequential on amendment 25.*
- Matt Hancock 30  
 Schedule 1, page 103, line 47, after “landowner” insert “or occupier”  
*Member’s explanatory statement*  
*This is consequential on amendment 25.*
- Matt Hancock 31  
 Schedule 1, page 104, line 2, leave out from beginning to “requiring” in line 9 and  
 insert—  
 “(1) The right of a landowner or occupier to require the removal of electronic  
 communications apparatus on, under or over land, under paragraph 36 or 36A,  
 is exercisable only in accordance with this paragraph.  
 (2) The landowner or occupier may give a notice to the operator whose apparatus  
 it is”  
*Member’s explanatory statement*  
*The amendment clarifies that a landowner or occupier can require removal of electronic  
 communications apparatus only in accordance with the procedure set out in paragraph 38.*
- Matt Hancock 32  
 Schedule 1, page 104, line 23, after “landowner” insert “or occupier”  
*Member’s explanatory statement*  
*This is consequential on amendment 24.*
- Matt Hancock 33  
 Schedule 1, page 104, line 33, after “landowner” insert “or occupier”  
*Member’s explanatory statement*  
*This is consequential on amendment 24.*

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**Digital Economy Bill, continued**

- Matt Hancock 34
- Schedule 1, page 104, line 40, after “landowner” insert “or occupier”  
*Member’s explanatory statement*  
*This is consequential on amendment 24.*
- Matt Hancock 35
- Schedule 1, page 104, line 41, after “landowner” insert “or occupier”  
*Member’s explanatory statement*  
*This is consequential on amendment 24.*
- Matt Hancock 36
- Schedule 1, page 104, line 42, at end insert—  
 “( ) On an application under sub-paragraph (6) or (7) the court may not make an order in relation to apparatus if an application under paragraph 19(3) has been made in relation to the apparatus and has not been determined.”  
*Member’s explanatory statement*  
*This provides that the court cannot order removal of apparatus under Part 6 of the code if there is an outstanding application under paragraph 19 (to keep the apparatus installed) that has not been determined.*
- Matt Hancock 37
- Schedule 1, page 104, line 42, at end insert—  
*“How are other rights to require removal of apparatus enforced?”*
- 38A (1) The right of a person (a “third party”) under an enactment other than this code, or otherwise than under an enactment, to require the removal of electronic communications apparatus on, under or over land is exercisable only in accordance with this paragraph.
- (2) The third party may give a notice to the operator whose apparatus it is, requiring the operator—
- (a) to remove the apparatus, and
  - (b) to restore the land to its condition before the apparatus was placed on, under or over the land.
- (3) The notice must—
- (a) comply with paragraph 85 (notices given by persons other than operators), and
  - (b) specify the period within which the operator must complete the works.
- (4) The period specified under sub-paragraph (3) must be a reasonable one.
- (5) Within the period of 28 days beginning with the day on which notice under sub-paragraph (2) is given, the operator may give the third party notice (“counter-notice”)—
- (a) stating that the third party is not entitled to require the removal of the apparatus, or
  - (b) specifying the steps which the operator proposes to take for the purpose of securing a right as against the third party to keep the apparatus on the land.
- (6) If the operator does not give counter-notice within that period, the third party is entitled to enforce the removal of the apparatus.

**Digital Economy Bill, continued**

- (7) If the operator gives the third party counter-notice within that period, the third party may enforce the removal of the apparatus only in pursuance of an order of the court that the third party is entitled to enforce the removal of the apparatus.
- (8) If the counter-notice specifies steps under paragraph (5)(b), the court may make an order under sub-paragraph (7) only if it is satisfied—
  - (a) that the operator is not intending to take those steps or is being unreasonably dilatory in taking them; or
  - (b) that taking those steps has not secured, or will not secure, for the operator as against the third party any right to keep the apparatus installed on, under or over the land or to re-install it if it is removed.
- (9) Where the third party is entitled to enforce the removal of the apparatus, under sub-paragraph (6) or under an order under sub-paragraph (7), the third party may make an application to the court for—
  - (a) an order under paragraph 39(1) (order requiring operator to remove apparatus etc), or
  - (b) an order under paragraph 39(2) (order enabling third party to sell apparatus etc).
- (10) If the court makes an order under paragraph 39(1), but the operator does not comply with the agreement imposed on the operator and the third party by virtue of paragraph 39(5), the third party may make an application to the court for an order under paragraph 39(2).
- (11) An order made on an application under this paragraph need not include provision within paragraph 39(1)(b) or (2)(d) unless the court thinks it appropriate.
- (12) Sub-paragraph (9) is without prejudice to any other method available to the third party for enforcing the removal of the apparatus.

*How does paragraph 38A apply if a person is entitled to require apparatus to be altered in consequence of street works?*

- 38B
- (1) This paragraph applies where the third party's right in relation to which paragraph 38A applies is a right to require the alteration of the apparatus in consequence of the stopping up, closure, change or diversion of a street or road or the extinguishment or alteration of a public right of way.
  - (2) The removal of the apparatus in pursuance of paragraph 38A constitutes compliance with a requirement to make any other alteration.
  - (3) A counter-notice under paragraph 38A(5) may state (in addition to, or instead of, any of the matters mentioned in paragraph 38A(5)(b)) that the operator requires the third party to reimburse the operator in respect of any expenses incurred by the operator in or in connection with the making of any alteration in compliance with the requirements of the third party.
  - (4) An order made under paragraph 38A on an application by the third party in respect of a counter-notice containing a statement under sub-paragraph (3) must, unless the court otherwise thinks fit, require the third party to reimburse the operator in respect of the expenses referred to in the statement.
  - (5) Paragraph 39(2)(b) to (e) do not apply.
  - (6) In this paragraph—
    - “road” means a road in Scotland;
    - “street” means a street in England and Wales or Northern Ireland.”

**Member's explanatory statement**

*New paragraphs 38A and 38B provide for a right to require removal of electronic communications apparatus to be available to not only to a person with an interest in land (see paragraph 36(1)) but*



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**Digital Economy Bill, continued**

*also to a “third party” whose right to require removal of apparatus arises pursuant to an enactment, or on some other legal basis.*

Matt Hancock

38

Schedule 1, page 104, line 42, at end insert—

*“When can a separate application for restoration of land be made?”*

38C (1) This paragraph applies if—

- (a) the condition of the land has been affected by the exercise of a code right, and
  - (b) restoration of the land to its condition before the code right was exercised does not involve the removal of electronic communications apparatus from any land.
- (2) The occupier of the land, the owner of the freehold estate in the land or the lessee of the land (“the relevant person”) has the right to require the operator to restore the land if the relevant person is not for the time being bound by the code right.
- This is subject to sub-paragraph (3).
- (3) The relevant person does not have that right if—
- (a) the land is occupied by a person who—
    - (i) conferred a code right (which is in force) entitling the operator to affect the condition of the land in the same way as the right mentioned in sub-paragraph (1), or
    - (ii) is otherwise bound by such a right, and
  - (b) that code right was not conferred in breach of a covenant enforceable by the relevant person.
- (4) In the application of sub-paragraph (3)(b) to Scotland the reference to a covenant enforceable by the relevant person is to be read as a reference to a contractual term which is so enforceable.
- (5) A person who has the right conferred by this paragraph may give a notice to the operator requiring the operator to restore the land to its condition before the code right was exercised.
- (6) The notice must—
- (a) comply with paragraph 85 (notices given by persons other than operators), and
  - (b) specify the period within which the operator must complete the works.
- (7) The period specified under sub-paragraph (6) must be a reasonable one.
- (8) Sub-paragraph (9) applies if, within the period of 28 days beginning with the day on which the notice was given, the landowner and the operator do not reach agreement on any of the following matters—
- (a) that the operator will restore the land to its condition before the code right was exercised;
  - (b) the time at which or period within which the land will be restored.
- (9) The landowner may make an application to the court for—
- (a) an order under paragraph 39(1A) (order requiring operator to restore land), or
  - (b) an order under paragraph 39(2A) (order enabling landowner to recover cost of restoring land).
- (10) If the court makes an order under paragraph 39(1A), but the operator does not comply with the agreement imposed on the operator and the landowner by

**Digital Economy Bill, continued**

virtue of paragraph 39(5), the landowner may make an application to the court for an order under paragraph 39(2A).

- (11) In the application of sub-paragraph (2) to Scotland the reference to a person who is the owner of the freehold estate in the land is to be read as a reference to a person who is the owner of the land.”

**Member’s explanatory statement**

*New paragraph 38C makes provision about restoration of land where restoration does not involve the removal of apparatus.*

Matt Hancock

39

Schedule 1, page 105, line 2, at end insert—

- “(1A) An order under this sub-paragraph is an order that the operator must, within the period specified in the order, restore the land to its condition before the code right was exercised.”

**Member’s explanatory statement**

*This is consequential on amendment 38.*

Matt Hancock

40

Schedule 1, page 105, line 3, after “landowner” insert “, occupier or third party”

**Member’s explanatory statement**

*This is consequential on amendments 24 and 37.*

Matt Hancock

41

Schedule 1, page 105, line 15, after “landowner” insert “, occupier or third party”

**Member’s explanatory statement**

*This is consequential on amendments 24 and 37.*

Matt Hancock

42

Schedule 1, page 105, line 15, at end insert—

- “(1A) An order under this sub-paragraph is an order that the landowner may recover from the operator the costs of restoring the land to its condition before the code right was exercised.”

**Member’s explanatory statement**

*This is consequential on amendment 38.*

Matt Hancock

44

Schedule 1, page 105, line 15, after “(1)” insert “or (1A)”

**Member’s explanatory statement**

*This is consequential on amendment 38.*

Matt Hancock

43

Schedule 1, page 105, line 16, after “paragraph” insert “on an application under paragraph 38”

**Member’s explanatory statement**

*This is consequential on amendments 24 and 37.*

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**Digital Economy Bill, continued**

Matt Hancock

45

Schedule 1, page 105, line 25, after “landowner” insert “, occupier or third party”  
**Member’s explanatory statement**  
*This is consequential on amendments 24 and 37.*

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Matt Hancock

46

Schedule 2, page 138, line 17, leave out “under paragraph 2(1)” and insert “for the purposes of paragraph 2 or 3”  
**Member’s explanatory statement**  
*This provides that the subsisting agreements covered by the transitional provisions in Schedule 2 include agreements under paragraph 3(1) of the existing code (agreement to confer a right to obstruct access) as well as paragraph 2(1).*

Matt Hancock

47

Schedule 2, page 138, line 28, at end insert—  
“(2) A person who is bound by a right by virtue of paragraph 2(4) of the existing code in consequence of a subsisting agreement is, after the new code comes into force, treated as bound pursuant to Part 2 of the new code.”  
**Member’s explanatory statement**  
*This provides that a person who was bound by a right pursuant to a subsisting agreement (see paragraph 2(4) of the existing code) continues to be treated as bound by that agreement, under the provisions of Part 2 of the new code (see paragraph 10 of the new code).*

Matt Hancock

48

Schedule 2, page 138, line 31, after “are” insert “— (a)”  
**Member’s explanatory statement**  
*Amendments 48, 49 and 50 are consequential on amendment 46 and provide for references in the new code to a “code right” in relation to a subsisting agreement to have the corresponding meaning depending on whether the agreement was for the purposes of paragraphs 2(1) or (3(1) of the existing code.*

Matt Hancock

49

Schedule 2, page 138, line 31, leave out “the agreement” and insert “an agreement for the purposes of paragraph 2 of the existing code”  
**Member’s explanatory statement**  
*Amendments 48, 49 and 50 are consequential on amendment 46 and provide for references in the new code to a “code right” in relation to a subsisting agreement to have the corresponding meaning depending on whether the agreement was for the purposes of paragraphs 2(1) or (3(1) of the existing code.*

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**Digital Economy Bill, continued**

Matt Hancock

50

Schedule 2, page 138, line 33, at end insert—

- “(b) in relation to land to which an agreement for the purposes of paragraph 3 of the existing code relates, a right to do the things mentioned in that paragraph.”

**Member’s explanatory statement**

*Amendments 48, 49 and 50 are consequential on amendment 46 and provide for references in the new code to a “code right” in relation to a subsisting agreement to have the corresponding meaning depending on whether the agreement was for the purposes of paragraphs 2(1) or (3(1) of the existing code.*

Matt Hancock

51

Schedule 2, page 139, line 11, leave out sub-paragraph (1) and insert—

- “5A (1) This paragraph applies in relation to a subsisting agreement, in place of paragraph 28(2) to (4) of the new code.
- (2) Part 5 of the new code (termination and modification of agreements) does not apply to a subsisting agreement that is a lease of land in England and Wales, if—
- (a) it is a lease to which Part 2 of the Landlord and Tenant Act 1954 applies, and
- (b) there is no agreement under section 38A of that Act (agreements to exclude provisions of Part 2) in relation the tenancy.
- (3) Part 5 of the new code does not apply to a subsisting agreement that is a lease of land in England and Wales, if—
- (a) the primary purpose of the lease is not to grant code rights (the rights referred to in paragraph 3 of this Schedule), and
- (b) there is an agreement under section 38A of the 1954 Act in relation the tenancy.
- (4) Part 5 of the new code does not apply to a subsisting agreement that is a lease of land in Northern Ireland, if it is a lease to which the Business Tenancies (Northern Ireland) Order 1996 (SI 1996/725 (NI 5)) applies.
- 6 (1) Subject to paragraph 5A, Part 5 of the new code applies to a subsisting agreement with the following modifications.”

**Member’s explanatory statement**

*The amendment provides for the interaction of landlord and tenant law and Part 5 of the new code (termination and modification of agreements) in the case of subsisting agreements (see paragraph 1(4) of Schedule 2).*

Matt Hancock

52

Schedule 2, page 140, line 17, leave out “the following provisions of this paragraph” and insert “sub-paragraph (3)”

**Member’s explanatory statement**

*This is consequential on amendment 53.*

Matt Hancock

53

Schedule 2, page 140, line 21, leave out sub-paragraphs (4) to (10)

**Member’s explanatory statement**

*This relates to applications under paragraph 5(1) of the existing code (power of court to dispense with need for required agreement). The effect of the amendment is that, if an application has been*

**Digital Economy Bill, continued**

*made to the court before the new code comes into force, the procedures under the existing code apply, but any resultant order takes effect as an order made under the new code.*

Matt Hancock

54

Schedule 2, page 142, line 7, leave out paragraphs 19 to 22 and insert—

“19A(1) This paragraph applies where before the repeal of the existing code comes into force a person has given notice under paragraph 21(2) of that code requiring the removal of apparatus.

(2) The repeal does not affect the operation of paragraph 21 in relation to anything done or that may be done under that paragraph following the giving of the notice.

(3) For the purposes of applying that paragraph after the repeal comes into force, steps specified in a counter-notice under sub-paragraph (4)(b) of that paragraph as steps which the operator proposes to take under the existing code are to be read as including any corresponding steps that the operator could take under the new code or by virtue of this Schedule.”

**Member’s explanatory statement**

*The amendment replaces transitional provisions for requiring the removal of apparatus. It provides for paragraph 21 of the existing code to continue to apply if a notice under that paragraph has been given, but treats an operator seeking rights to keep the apparatus installed as seeking rights also under the new code or transitional provisions.*

Matt Hancock

55

Page 143, line 27, leave out Schedule 3

**Member’s explanatory statement**

*Schedule 3 is replaced by new Schedule NSI*

Matt Hancock

1

Clause 5, page 3, line 23, leave out “or transitory” and insert “, transitory or saving”

**Member’s explanatory statement**

*The amendment adds power to make saving provision in connection with the coming into force of the new electronic communications code.*

Calum Kerr

61

★ Clause 6, page 3, after line 35, add—

“(1A) Prior to the introduction of regulations made under subsection (1), the Secretary of State must consult—

(a) Scottish Ministers if the regulations, or any part of the regulations, extend to Scotland;

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**Digital Economy Bill, continued**

- (b) Welsh Ministers if the regulations, or any part of the regulations, extend to Wales; and
- (c) Northern Ireland Ministers if the regulations, or any part of the regulations, extend to Northern Ireland.”

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Matt Hancock

Clause 8, page 8, line 16, leave out “imposed” and insert “specified”.

2

**Member’s explanatory statement**

*This amendment reflects the fact that a notification under new section 53E of the Wireless Telegraphy Act 2006 will specify a penalty rather than imposing it.*

Matt Hancock

Clause 8, page 8, line 19, at end insert—

3

“( ) The amount of any other penalty specified under this section is to be such amount, not exceeding 10% of the relevant amount of gross revenue, as OFCOM think—

(a) appropriate, and

(b) proportionate to the contravention in respect of which it is imposed.”

**Member’s explanatory statement**

*This amendment ensures that the penalty based on the relevant amount of gross revenue applies only where the daily default penalty specified under new section 53F(4) of the Wireless Telegraphy Act 2006 does not apply.*

Matt Hancock

Clause 8, page 9, line 21, leave out subsection (1).

4

**Member’s explanatory statement**

*This amendment is consequential on amendment 3.*

Matt Hancock

Clause 8, page 9, line 25, leave out “this section” and insert “section 53F”.

5

**Member’s explanatory statement**

*This amendment is consequential on amendments 3 and 4.*

Matt Hancock

Clause 8, page 12, line 21, after “penalty” insert “specified”.

6

**Member’s explanatory statement**

*This amendment brings new section 53L(5) of the Wireless Telegraphy Act 2006 into line with new section 53F(5) of that Act.*

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**Digital Economy Bill, continued**

Matt Hancock

7

Clause 10, page 16, line 7, at end insert—

“( ) In Schedule 8 to that Act (decisions not subject to appeal), at the end of paragraph 44 insert “for a relevant multiplex contravention”.

**Member’s explanatory statement**

*This allows an appeal to the Competition Appeal Tribunal against a penalty imposed by OFCOM under section 42 of the Wireless Telegraphy Act 2006 for a breach of a wireless telegraphy licence, except where the breach relates only to broadcast content (in which case, as at present, an appeal to the Tribunal will not be possible).*

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Matt Hancock

8

Clause 14, page 17, line 10, leave out “and (8)”

**Member’s explanatory statement**

*This is consequential on amendment 11.*

Matt Hancock

9

Clause 14, page 17, line 18, leave out “Subsections (3A) and (3B)” and insert “Section 41(7) and subsection (3B) above”

**Member’s explanatory statement**

*Subsection (3C), inserted in section 107 of the Wireless Telegraphy Act 2006 by the clause, lists enactments displaced by the time limits mentioned in subsections (3A) and (3B). Subsection (3A) merely refers to section 41(7), and the amendment substitutes a direct reference to that provision for the reference to subsection (3A).*

Matt Hancock

10

Clause 14, page 17, line 26, at end insert—

“(3D) In relation to proceedings in Scotland, subsection (3) of section 136 of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced for the purposes of that section) applies also for the purposes of section 41(7) and subsection (3B) above.””

**Member’s explanatory statement**

*The amendment adds provision about when proceedings in Scotland are deemed to be commenced for the purposes of the time limits in section 41(7) and new subsection (3B) of section 107 of the Wireless Telegraphy Act 2006.*

Matt Hancock

11

Clause 14, page 17, line 31, at end insert—

“( ) for subsection (8) substitute—

“(8) For further provision about prosecutions see section 107.””

**Member’s explanatory statement**

*Existing section 41(8) of the Wireless Telegraphy Act 2006 applies to section 41(7) and is superseded by section 107(3C) inserted by the clause (see amendment 9). Amendment 10 also*

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**Digital Economy Bill, continued**

*inserts provision applying to section 41(7) into section 107. Amendment 11 therefore substitutes a subsection referring the reader to section 107.*

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Claire Perry

65

- ★ Clause 15, page 18, line 15, at end insert—

“(d) how persons can make a report to the age-verification regulator about pornographic material available on the internet on a commercial basis that is not complying with subsection (1).”

***Member’s explanatory statement***

*This amendment places a requirement on the age-verification regulator to provide guidance as to how persons can report non-compliant pornography websites to the age-verification regulator.*

Louise Haigh  
Kevin Brennan

85

- ★ Clause 15, page 18, line 20, leave out subsection (5)(a).

Claire Perry

66

- ★ Clause 15, page 18, line 24, at end insert “or an internet service provider.”

***Member’s explanatory statement***

*This amendment and amendment 67 ensure that the requirement to implement age verification does not fall on ISPs but commercial sites or applications offering pornographic material; and defines internet service providers.*

Louise Haigh  
Kevin Brennan

87

- ★ Clause 15, page 18, line 25, leave out subsection 6.

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Claire Perry

68

- ★ Clause 20, page 21, line 5, at beginning insert “If the person in contravention of section 15(1) is resident in the United Kingdom,”

***Member’s explanatory statement***

*This amendment and amendments 69, 70, 71, 72, 73 and 74 place a requirement on the age-verification regulator to impose fines where a UK person has contravened clause 15(1) unless the contravention has ceased; or to issue an enforcement notice to person outside of the UK who has contravened clause 15(1).*

Claire Perry

69

- ★ Clause 20, page 21, line 5, leave out “may” and insert “must”

***Member’s explanatory statement***

*See the explanatory statement for amendment 68.*



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**Digital Economy Bill, continued**

- Claire Perry 70
- ★ Clause 20, page 21, line 7, after “15(1)”, insert “, unless subsection (5) applies”  
*Member’s explanatory statement*  
*See the explanatory statement for amendment 68.*
- Claire Perry 71
- ★ Clause 20, page 21, line 10, at beginning insert “If the person in contravention of section 15(1) is not resident in the United Kingdom,”  
*Member’s explanatory statement*  
*See the explanatory statement for amendment 68.*
- Claire Perry 72
- ★ Clause 20, page 21, line 10, leave out “may” and insert “must”  
*Member’s explanatory statement*  
*See the explanatory statement for amendment 68.*
- Claire Perry 73
- ★ Clause 20, page 21, line 16, leave out subsection (4)  
*Member’s explanatory statement*  
*See the explanatory statement for amendment 68.*
- Louise Haigh  
Kevin Brennan 86
- ★ Clause 20, page 21, line 40, leave out paragraph (b) and insert—  
“(b) “during the initial determination period fix the date for ending the contravention of section 15(1) as the initial enforcement date.”
- Louise Haigh  
Kevin Brennan 88
- ★ Clause 20, page 21, line 40, at end insert—  
“(c) after the initial determination period fix a period of one week for ending the contravention of section 15(1).”
- Claire Perry 74
- ★ Clause 20, page 21, line 42, leave out “may” and insert “must”  
*Member’s explanatory statement*  
*See the explanatory statement for amendment 68.*
- Calum Kerr 62
- ★ Clause 20, page 22, line 13, at end insert—  
“(14) Within 12 months of this Act coming into force, the Secretary of State shall commission a review of the effectiveness of the enforcement of sections 15 and 19 and shall lay the report of the review before each House of Parliament.”

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**Digital Economy Bill, *continued***

Louise Haigh  
Kevin Brennan

89

- ★ Clause 20, page 22, line 13, at end insert—  
 “(14) In this section, “initial determination period” means a period of 12 months from the date of the passing of this Act to the initial enforcement date.”

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Claire Perry

75

- ★ Clause 22, page 23, line 28, at end insert; “and  
 (c) the person has been the subject of a enforcement notice under section 20(2) and the contravention has not ceased.”

Claire Perry

76

- ★ Clause 22, page 23, line 29, leave out “may” and insert “must”  
*Member’s explanatory statement*  
*This amendment places a requirement on the age-verification regulator to give notice to payment or ancillary service providers that a person has contravened clause 15(1) or is making prohibited material available on the internet to persons in the United Kingdom.*

Louise Haigh  
Kevin Brennan

90

- ★ Clause 22, page 23, line 29, leave out “or ancillary service provider” and insert “, ancillary service provider, or internet service provider.”.

Claire Perry

77

- ★ Clause 22, page 24, line 23, at end insert “or  
 (c) an internet service provider.”  
*Member’s explanatory statement*  
*This amendment and amendment 78 ensure that the definition of an ancillary service provider would include ISPs; and defines internet service providers.*

Louise Haigh  
Kevin Brennan

91

- ★ Clause 22, page 24, line 23, at end insert—  
 “(6A) In this section an “ancillary service provider” includes, but is not limited to, domain name registrars, social media platforms, internet service providers, and search engines.”

Claire Perry

79

- ★ Clause 22, page 24, line 24, leave out “may” and insert “must”  
*Member’s explanatory statement*  
*This amendment places a requirement on the age-verification regulator to issue guidance about*

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**Digital Economy Bill, continued**

*the services that it determines are enabling or facilitating the making available of pornographic or prohibited content.*

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Claire Perry

80

- ★ Clause 23, page 25, line 1, at end insert—

“(3) The age-verification regulator must consult with any persons it considers appropriate, about the option to restrict the use of its powers to large pornography websites only.”

***Member’s explanatory statement***

*This amendment requires the age-verification regulator to consult on whether, in the exercising of its function, it should restrict its powers to large pornography websites only.*

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Claire Perry

67

- ★ Clause 25, page 26, line 2, at end insert—

““internet service provider” has the same meaning as in section 124N of the Communications Act 2003 (interpretation);”.

***Member’s explanatory statement***

*See the explanatory statement for amendment 66.*

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Claire Perry

78

- ★ Clause 25, page 26, line 2, at end insert—

““internet service provider” has the same meaning as in section 124N of the Communications Act 2003 (interpretation);”.

***Member’s explanatory statement***

*See the explanatory statement for amendment 77.*

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Nigel Adams

63

- ★ Clause 28, page 27, leave out subsections (3) to (5)

***Member’s explanatory statement***

*This amendment, together with Amendment 64, are probing amendments to identify a timeframe for the repeal of section 73 of the Copyright, Design and Patents Act 1988 as it is not clear when the repeal will come into force. The amendments would mean that repeal of section 73 of the CPDA would come into force as soon as the Bill receives Royal Assent.*

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**Digital Economy Bill, continued**

Nigel Adams

64

- ★ Clause 82, page 80, line 2, at end insert—  
“(a) section 28;”

**Member’s explanatory statement**

*This amendment, together with Amendment 63, are probing amendments to identify a timeframe for the repeal of section 73 of the Copyright, Design and Patents Act 1988 as it is not clear when the repeal will come into force. The amendments would mean that repeal of section 73 of the CPDA would come into force as soon as the Bill receives Royal Assent.*

Claire Perry

81

- ★ Clause 82, page 80, line 18, at end insert—

“(4A) Part 3 will come into force at the end of the period of one year beginning on the day on which the Act is passed.”

**Member’s explanatory statement**

*This amendment ensures that Part 3 will be implemented by ensuring the Part comes into effect a year to the day the Act is passed, rather than on the day the Secretary of State determines through regulations.*

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**NEW CLAUSES**

Calum Kerr

NC1

- ★ To move the following Clause—

**“Strategic review of sharing telecommunications infrastructure**

- (1) Within six months of this Act coming into force, the Secretary of State shall commission a strategic review of the sharing of telecommunications infrastructure and shall lay the report of the review before each House of Parliament.
- (2) The review under subsection (1) shall consider measures to maximise the sharing of telecommunications infrastructure by telecommunications service providers.”

Calum Kerr

NC2

- ★ To move the following Clause—

**“Ability of end-user to cancel telephone contract in event of lack of signal at residence**

A telecommunications service provider must allow an end-user to cancel a contract relating to a hand-held mobile telephone if, at any point during the

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**Digital Economy Bill, continued**

contract term, the mobile telephones is consistently unable to obtain a signal when located at the end-user's main residence.”

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Nigel Adams

NC3

★ To move the following Clause—

**“Power to provide for a code of practice related to copyright infringement**

- (1) The Secretary of State may by regulations make provision for a search engine to be required to adopt a code of practice concerning copyright infringement that complies with criteria specified in the regulations.
- (2) The regulations may provide that if a search engine fails to adopt such a code of practice, any code of practice that is approved for the purposes of that search engine by the Secretary of State, or by a person designated by the Secretary of State, has effect as a code of practice adopted by the search engine.
- (3) The Secretary of State may by regulations make provision—
  - (a) for the investigation and determination of disputes about a search engine's compliance with its code of practice,
  - (b) for the appointment of a regulator to review and report to the Secretary of State on—
    - (i) the codes of practice adopted by search engines, and
    - (ii) compliance with the codes of practice;
  - (c) for the consequences of a failure by a specified search engine to adopt or comply with a code of practice including financial penalties or other sanctions.
- (4) Regulations made under this section—
  - (a) may make provision that applies only in respect of search engines of a particular description, or only in respect of activities of a particular description;
  - (b) may make incidental, supplementary or consequential provision;
  - (c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

***Member's explanatory statement***

*This would amend the Bill to present an opportunity for the Government to fulfil its manifesto commitment to reduce copyright infringement and ensure search engines do not link to the worst-offending sites. There is an absence of a specific provision in the Bill to achieve this.*

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**Digital Economy Bill, *continued***

Nigel Adams

NC4

★ To move the following Clause—

**“Offence to use digital ticket purchasing software to purchase excessive number of tickets**

- (1) A person commits an offence if he or she utilizes digital ticket purchasing software to purchase tickets over and above the number permitted in the condition of sale.
- (2) A person commits an offence if he or she knowingly resells or offers to resell a ticket that the person knows was obtained using digital ticket purchasing software and was not obtained for their own use or the use of their invitees, employees, or agents.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to—
  - (a) imprisonment for a period not exceeding 51 weeks,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (4) In this section—
  - (a) “digital ticket purchasing software” means any machine, device, computer programme or computer software that, on its own or with human assistance, bypasses security measures or access control systems on a retail ticket purchasing platform that assist in implementing a limit on the number of tickets that can be purchased, to purchase tickets.
  - (b) “retail ticket purchasing platform” shall mean a retail ticket purchasing website, application, phone system, or other technology platform used to sell tickets.”

***Member’s explanatory statement***

*This New Clause creates an offence to use digital ticket purchasing software to purchase tickets for an event over and above the number permitted in the condition of sale. It also creates an offence to knowingly resell tickets using such software.*

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Thangam Debbonaire

NC5

★ To move the following Clause—

**“Internet pornography: requirement to prevent publication of material involving persons subject to force etc**

- (1) It is an offence for a person to makes available on the internet pornographic material on a commercial basis to persons in the United Kingdom if they know or ought to know that the production of the pornographic material involved exploited persons.
- (2) For the purposes of this section, exploited persons are persons who have been induced or encouraged to appear in the pornographic material as a result of exploitative conduct.
- (3) Exploitative conduct means, but is not limited to—
  - (a) the use of force, threats (whether or not relating to violence) or any other form of coercion, or
  - (b) any form of deception.

**Digital Economy Bill, continued**

- (4) It is irrelevant where in the world the exploitative conduct takes place.
- (5) For the purposes of this section, making pornographic material available on the internet on a commercial basis has the same meaning as section 15(2).
- (6) A person guilty of an offence under subsection (1) shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.”

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Claire Perry

NC6

- ★ To move the following Clause—

**“Requirement to cease services to non-complying persons**

- (1) Where the age-verification regulator has given notice to a payment-services provider or ancillary service provider under section 22(1), the payment-services provider or ancillary service provider must cease the service provided to the person making pornographic material available in the United Kingdom.
- (2) A payment-services provider or ancillary service provider who fails to comply with a requirement imposed by subsection (1) commits an offence, subject to subsection (3).
- (3) No offence is committed under subsection (2) if the payment-services provider or ancillary service provider took all reasonable steps and exercised all due diligence to ensure that the requirement would be complied with.
- (4) A payment-services provider or ancillary service provider guilty of an offence under subsection (2) is liable, on summary conviction, to a fine.
- (5) In this section “payment-services provider” and “ancillary service provider” have the same meaning as in section 22.”

***Member’s explanatory statement***

*This new clause requires payment and ancillary services to block payments or cease services made to pornography websites that do not offer age-verification if they have received a notice of non-compliance under section 22(1). This provision would only apply to websites outside of the UK. This would enhance the enforcement mechanisms that are available under the Bill.*

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Claire Perry

NC7

- ★ To move the following Clause—

**“On-demand programme services: requirement to prevent persons under the age of 18 accessing pornographic material with an 18 classification certificate**

Section 368E of the Communication Act 2003 (harmful material) is amended as follows—

- (a) in subsection (5)—

- (i) after subsection (a) insert—

“(aa) a video work in respect of which the video works authority has issued an 18 classification certificate, and that it is reasonable to assume

**Digital Economy Bill, *continued***

from its nature was produced solely or principally for the purposes of sexual arousal,”;

(ii) after subsection (b) insert—

“(ba) material that was included in a video work to which paragraph (aa) applies, if it is reasonable to assume from the nature of the material—

(i) that it was produced solely or principally for the purposes of sexual arousal, and

(ii) that its inclusion was among the reasons why the certificate was an 18 certificate,

“(bb) any other material if it is reasonable to assume from its nature—

(i) that it was produced solely or principally for the purposes of sexual arousal, and

(ii) that any classification certificate issued for a video work including it would be an 18 certificate.”

(b) in subsection (7) after “section” insert—

““18 certificate” means a classification certificate which—

(a) contains, pursuant to section 7(2)(b) of the Video Recordings Act 1984, a statement that the video work is suitable for viewing only by persons who have attained the age of 18 and that no video recording containing that work is to be supplied to any person who has not attained that age, and

(b) does not contain the statement mentioned in section 7(2)(c) of that Act that no video recording containing the video work is to be supplied other than in a licensed sex shop;”

***Member’s explanatory statement***

*This new clause requires the extension of measures for UK based video on demand programming to protect children from 18 material as well as R18 material.*

Claire Perry

NC8

★ To move the following Clause—

**“Duty to provide a service that excludes adult-only content**

(1) This section applies to internet service providers who supply an internet access service to subscribers.

(2) For the purposes of subsection (1), “subscribers” includes—

(a) domestic subscribers;

(b) schools; and

(c) organisations that allow a person to use an internet access service in a public place.

For the purposes of the conditions in subsections (3) and (4), if the subscriber is a school or organisation a responsible person within the school or organisation shall be regarded as the subscriber.



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**Digital Economy Bill, *continued***

- (3) A provider to whom subsection (1) applies must provide to subscribers an internet access service which excludes adult-only content unless all of the conditions listed in subsection (4) have been fulfilled.
- (4) The conditions are—
  - (a) the subscriber “opts in” to subscribe to a service that includes online adult-only content;
  - (b) the subscriber is aged 18 or over; and
  - (c) the provider of the service has an age verification scheme which meets the standards set out by OFCOM in subsection (4) and which has been used to confirm that the subscriber is aged 18 or over before a user is able to access adult-only content.
- (5) It shall be the duty of OFCOM, to set, and from time to time to review and revise, standards for the—
  - (a) filtering of adult content in line with the standards set out in Section 319 of the Communications Act 2003;
  - (b) age verification policies to be used under subsection (4) before an user is able to access adult content; and
  - (c) filtering of content by age or subject category by providers of internet access services.
- (6) The standards set out by OFCOM under subsection (5) must be contained in one of more codes.
- (7) Before setting standards under subsection (5), OFCOM must publish, in such a manner as they think fit, a draft of the proposed code containing those standards.
- (8) After publishing the draft code and before setting the standards, OFCOM must consult relevant persons and organisations.
- (9) It shall be the duty of OFCOM to establish procedures for the handling and resolution of complaints in a timely manner about the observance of standards set under subsection (5), including complaints about incorrect filtering of content.
- (10) OFCOM may designate any body corporate to carry out its duties under this section in whole or in part.
- (11) OFCOM may not designate a body under subsection (10) unless, as respects that designation, they are satisfied that the body—
  - (a) is a fit and proper body to be designated;
  - (b) has consented to being designated;
  - (c) has access to financial resources that are adequate to ensure the effective performance of its functions under this section; and
  - (d) is sufficiently independent of providers of internet access services.
- (12) It shall be a defence to any claims, whether civil or criminal, for a provider to whom subsection (1) applies to prove that at the relevant time they were—
  - (a) following the standards and code set out in subsection (5); and
  - (b) acting in good faith.
- (13) Nothing in this section prevents any providers to whom subsection (1) applies from providing additional levels of filtering of content.
- (14) In this section—
  - “adult-only content” means material that contains offensive and harmful material from which persons under the age of 18 are protected;
  - “age verification scheme” is a scheme to establish the age of the subscriber;
  - “internet access service” and “internet service provider” have the same meaning as in section 124N of the Communications Act 2003 (interpretation);

**Digital Economy Bill, continued**

“material from which persons under the age of 18 are protected” means material specified in the OFCOM standards under section 2;

“OFCOM” has the same meaning as in Part 1 of the Communications Act 2003;

“offensive and harmful material” has the same meaning as in section 3 of the Communications Act 2003 (general duties of OFCOM); and

“subscriber” means a person who receives the service under an agreement between the person and the provider of the service.”

**Member’s explanatory statement**

*This new clause places a statutory requirement on internet service providers to limit access to adult content by persons under 18. It would give Ofcom a role in determining the age verification scheme and how material should be filtered. It would ensure that ISPs were able to continue providing family friendly filtering once the net neutrality rules come into force in December 2016.*

Louise Haigh  
Kevin Brennan

NC9

★ To move the following Clause—

**“Review of broadband delivery UK**

- (1) The Secretary of State shall commission an independent evaluation of the delivery of superfast broadband by Broadband Delivery UK.
- (2) The evaluation under subsection (1) shall consider—
  - (a) The financial impact on customers of a single provider delivering superfast broadband;
  - (b) Value-for-money for the taxpayer, and
  - (c) Competition in the delivery of superfast broadband.
- (3) The Secretary of State shall lay the report of the review before each House of Parliament by 1 July 2018.”

Louise Haigh  
Kevin Brennan

NC10

★ To move the following Clause—

**“Procurement process**

- (1) The Secretary of State must ensure an open procurement process is held in respect of the allocation of the universal service order.
- (2) (2)The Secretary of State must appoint a body to undertake an alternative dispute resolution role to arbitrate in instances of disagreement over designation.”

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**Digital Economy Bill, continued**

Louise Haigh  
Kevin Brennan

NC11

★ To move the following Clause—

**“Power to make regulations about blocking injunctions preventing access to locations on the internet**

- (1) (1)The Secretary of State may by regulations make provision about the granting by a court of a blocking injunction in respect of a location on the internet which the court is satisfied has been, is being or is likely to be used for or in connection with an activity that is contravening, or has contravened, section 15(1) of this Act.
- (2) “Blocking injunction” means an injunction that requires an internet service provider to prevent its service being used to gain access to a location on the internet.
- (3) Regulations introduced under subsection (1) above may, in particular—
  - (a) make provision about the type of locations against which a blocking injunction should be granted;
  - (b) make provision about the circumstances in which an application can be made for a blocking injunction;
  - (c) outline the type of circumstances in which the court will grant a blocking injunction;
  - (d) specify the type of evidence, and other factors, which the court must take into account in determining whether or not to grant a blocking injunction;
  - (e) (e)make provision about the notice, and type of notice, including the form and means, by which a person must receive notice of an application for a blocking injunction made against them; and
  - (f) make provision about any other such matters as the Secretary of State considers are necessary in relation to the granting of a blocking injunction by the court.
- (4) Regulations under this subsection must be made by statutory instrument.
- (5) (5)A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In this Part—
 

“Internet service provider” has the same meaning as in section 16 of the Digital Economy Act 2010.

In the application of this Part to Scotland  
“injunction” means interdict.”

***Member’s explanatory statement***

*This new Clause empowers the Secretary of State to introduce regulations in relation to the granting of a backstop blocking injunction by a court. The injunction would require an internet service provider to prevent access to a site or sites which do not comply with the age-verification requirements. This would only be used where the other enforcement powers (principally fines) had not been effective in ensuring that sites put in place effective age-verification.*

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**Digital Economy Bill, continued**

Louise Haigh  
Kevin Brennan

NC12

★ To move the following Clause—

**“Code of practice by age verification regulator**

- (1) The age verification regulator must issue a code of practice giving practical guidance as to the requirements of any provision under this Part of the Act.
- (2) The following persons must, in exercising their functions under this Part and in the design and delivery of their products and services, adhere to the code of practice, and ensure that the safety and wellbeing of children is paramount—
  - (a) relevant persons;
  - (b) internet service providers;
  - (c) ancillary service providers;
  - (d) payment-service providers; and
  - (e) any such other persons to whom the code of practice applies.
- (3) Any code of practice issued by the age verification regulator under subsection (1) above must include standards in relation to the following—
  - (a) how content is managed on a service, including the control of access to online content that is inappropriate for children, and the support provided by the service for child safety protection tools and solutions;
  - (b) the assistance available for parents to limit their child’s exposure to potentially inappropriate content and contact;
  - (c) how the persons specified in subsection (2) above shall deal with abuse and misuse, including the provision of clear and simple processes for the reporting and moderation of content or conduct which may be illegal, harmful, offensive or inappropriate, and for the review of such reports;
  - (d) the action which must be taken in response to child sexual abuse content or illegal contact, including but not limited to, the co-operation with the appropriate law enforcement authorities;
  - (e) the action to be taken by the persons specified in subsection (2) above to comply with existing data protection and advertising rules and privacy rights that address the specific needs and requirements of children; and
  - (f) the provision of appropriate information, and the undertaking of relevant activities, to raise awareness of the safer use of connected devices and online services in order to safeguard children, and to promote their health and wellbeing.
- (4) The age verification regulator may from time to time revise and re-issue the code of practice.
- (5) Before issuing or reissuing the code of practice the age verification regulator must consult—
  - (a) the Relevant Minister;
  - (b) the Information Commissioner;
  - (c) the Scottish Ministers;
  - (d) the Welsh Ministers;
  - (e) the Northern Ireland Executive Committee;
  - (f) the persons specified in subsection (2) above;
  - (g) children;
  - (h) organisations and agencies working for and on behalf of children; and
  - (i) such other persons as the age verification regulator considers appropriate.

**Digital Economy Bill, continued**

- (6) As soon as is reasonably practicable after issuing or reissuing the code of practice the age verification regulator must lay a copy of it before—
- (a) Parliament,
  - (b) the Scottish Parliament,
  - (c) the National Assembly for Wales, and
  - (d) the Northern Ireland Assembly.
- (7) The age verification regulator must—
- (a) publish any code of practice issued under subsection (1) above; and
  - (b) when it revises such a code, publish—
    - (i) a notice to that effect, and
    - (ii) a copy of the revised code; and
  - (c) when it withdraws such a code, publish a notice to that effect.
- (8) The Secretary of State may by regulations make consequential provision in connection with the effective enforcement of the minimum standards in subsection (3).
- (9) Regulations under subsection (8)—
- (a) must be made by statutory instrument;
  - (b) may amend, repeal, revoke or otherwise modify the application of this Act;
  - (c) may make different provision for different purposes;
  - (d) may include incidental, supplementary, consequential, transitional, transitory or saving provision.
- (10) A statutory instrument containing regulations under subsection (8) (whether alone or with other provisions) which amend, repeal or modify the application of primary legislation may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (11) In this Part—
- “ancillary service provider” has the meaning given by section 22(6);
- “child” means an individual who is less than 18 years old.
- “Information Commissioner” has the meaning given by section 18 of the Freedom of Information Act 2000
- “Internet service provider” has the same meaning as in section 16 of the Digital Economy Act 2010.
- “Northern Ireland Executive Committee” has the meaning given by section 20 of the Northern Ireland Act 1998
- “payment-service providers” has the meaning given by section 22(5)
- “relevant Minister” has the meaning given by section 47(1)
- “relevant persons” has the meaning given by section 19(3)
- “Scottish Ministers” has the meaning given by section 44(2) of the Scotland Act 1998
- “Welsh Ministers” has the meaning given by section 45 of the Government of Wales Act 2006.”

**Member’s explanatory statement**

*This new Clause gives the power to the age verification regulator to introduce a code of practice for internet content providers. The code of practice would be based on existing industry and regulatory minimum standards (such as the BBFC classification system) and require providers to ensure that the safety and wellbeing of children is paramount in the design and delivery of their products and services.*

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**Digital Economy Bill, continued***NEW SCHEDULE*

Matt Hancock

NS1

To move the following Schedule—

## “SCHEDULE

## ELECTRONIC COMMUNICATIONS CODE: CONSEQUENTIAL AMENDMENTS

## PART 1

## GENERAL PROVISION

*Interpretation*

## 1 In this Part—

“the commencement date” means the day on which Schedule 3A to the Communications Act 2003 comes into force;

“enactment” includes—

- (a) an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978,
- (b) an enactment comprised in, or in an instrument made under, a Measure or Act of the National Assembly for Wales,
- (c) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament, and
- (d) an enactment comprised in, or in an instrument made under, Northern Ireland legislation;

“the existing code” means Schedule 2 to the Telecommunications Act 1984;

“the new code” means Schedule 3A to the Communications Act 2003.

*References to the code or provisions of the code*

- 2 (1) In any enactment passed or made before the commencement date, unless the context requires otherwise—
  - (a) a reference to the existing code is to be read as a reference to the new code;
  - (b) a reference to a provision of the existing code listed in column 1 of the table is to be read as a reference to the provision of the new code in the corresponding entry in column 2.
- (2) This paragraph does not affect the amendments made by Part 2 of this Schedule or the power to make amendments by regulations under section 6.
- (3) This paragraph does not affect section 17(2) of the Interpretation Act 1978 (effect of repeal and re-enactment) in relation to any reference to a provision of the existing code not listed in the table.

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**Digital Economy Bill, *continued***

Table

<i>Existing code</i>	<i>New code</i>
Paragraph 9	Part 8
Paragraph 21	Part 6
Paragraph 23	Part 10
Paragraph 29	Paragraph 17

*References to a conduit system*

- 3 In any enactment passed or made before the commencement date, unless the context requires otherwise—
- (a) a reference to a conduit system, where it is defined by reference to the existing code, is to be read as a reference to an infrastructure system as defined by paragraph 7(1) of the new code, and;
  - (b) a reference to provision of such a system is to be read in accordance with paragraph 7(2) of the new code (reference to provision includes establishing or maintaining).

## PART 2

## AMENDMENTS OF PARTICULAR ENACTMENTS

*Landlord and Tenant Act 1954 (c. 56)*

- 4 In section 43 of the Landlord and Tenant Act 1954 (tenancies to which provisions on security of tenure for business etc tenants do not apply) after subsection (3) insert—
- “(4) This Part does not apply to a tenancy—
- (a) the primary purpose of which is to grant code rights within the meaning of Schedule 3A to the Communications Act 2003 (the electronic communications code), and
  - (b) which is granted after that Schedule comes into force.”

*Opencast Coal Act 1958 (c. 69)*

- 5 (1) Section 45 of the Opencast Coal Act 1958 (provisions as to telegraphic lines) is amended as follows.
- (2) In subsection (2) for “paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.
- (3) In section (4) for “Paragraph 1(2) of the electronic communications code” substitute “Paragraph 103(2) of the electronic communications code”.

*Land Drainage (Scotland) Act 1958 (c. 24)*

- 6 In section 17 of the Land Drainage Act (Scotland) Act 1958 (application of paragraph 23 of the code) for “Paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.

**Digital Economy Bill, continued***Pipe-lines Act 1962 (c. 58)*

- 7 In section 40(2) of the Pipe-lines Act 1962 (avoidance of interference with lines) for “Paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.

*Harbours Act 1964 (c. 40)*

- 8 In section 53 of the Harbours Act 1964 (application of paragraph 23 of the code) for “Paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.

*Fair Trading Act 1973 (c. 41)*

- 9 In section 137(3)(f) of the Fair Trading Act 1973 (general interpretation: services covered) for “paragraph 29 of Schedule 2 to the Telecommunications Act 1984” substitute “paragraph 17 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.

*Highways Act 1980 (c. 66)*

- 10 The Highways Act 1980 is amended as follows.
- 11 In section 177(12) (restriction of construction over highways: application of paragraph 23 of code) for “paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.
- 12 (1) Section 334 (savings relating to electronic communications apparatus) is amended as follows.
- (2) In subsection (8) for “Paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.
- (3) In subsection (9) for “the said paragraph 23” substitute “Part 10 of the electronic communications code”.
- (4) In subsection (11)—
- (a) for “Sub-paragraph (8) of paragraph 23” substitute “Paragraph 68”;
- (b) for “that paragraph” substitute “Part 10 of the code”.
- (5) In subsection (12) for “1(2)” substitute “103(2)”.
- (6) In subsection (13) for “Paragraph 21 of the electronic communications code (restriction on removal of electronic communications apparatus)” substitute “Part 6 of the electronic communications code (rights to require removal of electronic communications apparatus)”.

*Roads (Scotland) Act 1984 (c. 54)*

- 13 The Roads (Scotland) Act 1984 is amended as follows.
- 14 (1) Section 50 (planting of trees etc by roads authority) is amended as follows.
- (2) In subsection (3) for “Paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.
- (3) In subsection (4)—
- (a) for “sub-paragraph (8) of paragraph 23” substitute “Paragraph 68”
- (b) for “that paragraph” substitute “Part 10 of the code”.



**Digital Economy Bill, continued**

- 15 (1) Section 75 (bridges over and tunnels under navigable waterways) is amended as follows.
- (2) In subsection (9) for “Paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.
- (3) In subsection (10)—
- (a) for “sub-paragraph (8) of paragraph 23” substitute “paragraph 68”
- (b) for “that paragraph” substitute “Part 10 of the code”.
- 16 (1) Section 132 (saving for operators of telecommunications code systems) is amended as follows.
- (2) In the heading for “telecommunications code systems” substitute “electronic communications code networks”.
- (3) In subsection (4) for “paragraph 1(2) of the electronic communications code” substitute “paragraph 103(2) of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.
- (4) In subsection (5) for “Paragraph 21 of the electronic communications code (restriction on removal of electronic communications apparatus)” substitute “Part 6 of the electronic communications code (rights to require removal of electronic communications apparatus)”.

*Housing Act 1985 (c. 68)*

- 17 Section 298 of the Housing Act 1985 (telecommunications apparatus) is amended as follows.
- 18 For the heading substitute “Electronic communications apparatus”.
- 19 In subsection (2) for “paragraph 21 of the electronic communications code” substitute “Part 6 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.
- 20 In subsection (3) for “paragraph 23” substitute “Part 10”.

*Food and Environment Protection Act 1985 (c. 48)*

- 21 The Food and Environment Protection Act 1985 is amended as follows.
- 22 In section 8A (electronic communications apparatus: operations in tidal waters etc) for the words from “paragraph 11” to “1984” substitute “Part 9 of Schedule 3A of the Communications Act 2003 (the electronic communications code)”.
- 23 In section 9(8) (defence to operating without licence under Part 2)—
- (a) for “paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A of the Communications Act 2003 (the electronic communications code)”;
- (b) omit the words from “In this subsection” to the end.

*Airports Act 1986 (c. 31)*

- 24 The Airports Act 1986 is amended as follows.
- 25 (1) Section 62 (electronic communications apparatus) is amended as follows.
- (2) In subsection (1) for “Paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A of the Communications Act 2003 (the electronic communications code)”.
- (3) In subsection (4) for “Paragraph 23” substitute “Part 10”.
- (4) In subsection (5)—
- (a) for “Sub-Paragraph (8) of paragraph 23” substitute “Paragraph 68”;

**Digital Economy Bill, *continued***

- (b) for “that paragraph” substitute “Part 10 of the code”.
- (5) In subsection (6) for “1(2)” substitute “103(2)”
- (6) In subsection (7) for “Paragraph 21 of the electronic communications code (restriction on removal of apparatus)” substitute “Part 6 of the electronic communications code (rights to require removal of apparatus)”.

*Landlord and Tenant Act 1987 (c. 31)*

- 26 In section 4(2) of the Landlord and Tenant Act 1987 (disposals which are not relevant disposals for purposes of tenants’ right of first refusal) after paragraph (da) insert—
- “(db) the conferral of a code right under Schedule 3A to the Communications Act 2003 (the electronic communications code);”.

*Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22)*

- 27 In paragraph 4 of Schedule 4 to the Road Traffic (Driver Licensing and Information Systems) Act 1989 (application of paragraph 23 of code to licence holders) for “Paragraph 23 of Schedule 2 to the Telecommunications Act 1984” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.

*Electricity Act 1989 (c. 29)*

- 28 In paragraph 1(6) of Schedule 16 to the Electricity Act 1989 (application of paragraph 23) for “Paragraph 23 of Schedule 2 to the Telecommunications Act 1984” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.

*Town and Country Planning Act 1990 (c. 8)*

- 29 (1) Section 256 of the Town and Country Planning Act 1990 (electronic communications apparatus: orders by the Secretary of State) is amended as follows.
- (2) In subsection (5) for “Paragraph 1(2) of the electronic communications code” substitute “Paragraph 103(2) of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.
  - (3) In subsection (6) for “Paragraph 21 of the electronic communications code (restriction on removal of electronic communications apparatus)” substitute “Part 6 of the electronic communications code (rights to require removal of electronic communications apparatus)”.

*Water Industry Act 1991 (c. 56)*

- 30 In paragraph 4 of Schedule 13 to the Water Industry Act 1991—
- (a) for “paragraph 23” substitute “Part 10”;
  - (b) for “Schedule 2 to the Telecommunications Act 1984” substitute “Schedule 3A to the Communications Act 2003”;
  - (c) in the heading, for “telecommunication systems” substitute “electronic communications networks”.

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**Digital Economy Bill, continued***Water Resources Act 1991 (c. 57)*

- 31 In Schedule 22 to the Water Resources Act 1991 (protection of particular undertakings)—
- (a) in paragraph 5 for “Paragraph 23 of Schedule 2 to the Telecommunications Act 1984” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”;
  - (b) for the italic heading before paragraph 5 substitute “Protection for electronic communications networks”.

*Electricity (Northern Ireland) Order 1992 (S.I. 1992/231)*

- 32 In paragraph 3(2) of Schedule 4 to the Electricity (Northern Ireland) Order 1992 (application of paragraph 23) for “paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.

*Cardiff Bay Barrage Act 1993 (c. 42)*

- 33 In paragraph 16 of Schedule 2 to the Cardiff Bay Barrage Act 1993 (application of paragraph 23) for “Paragraph 23 of Schedule 2 to the Telecommunications Act 1984” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.

*Roads (Northern Ireland) Order 1993 (S.I. 1993/3160)*

- 34 (1) Schedule 9 to the Roads (Northern Ireland) Order 1993 (saving provisions) is amended as follows.
- (2) In paragraph 2(2) for “Paragraph 1(2) of the electronic communications code” substitute “Paragraph 103(2) of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.
  - (3) In paragraph 2(3) for “Paragraph 21 of the electronic communications code (restrictions on removal of apparatus)” substitute “Part 6 of the electronic communications code (rights to require removal of apparatus)”.
  - (4) In paragraph 3 for “Paragraph 23” substitute “Part 10”.

*Airports (Northern Ireland) Order 1994 (S.I. 1994/426)*

- 35 (1) Article 12 of the Airports (Northern Ireland) Order 1994 (provisions as to electronic communications apparatus) is amended as follows.
- (2) In paragraph (1) for “Paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.
  - (3) In paragraph (3A) for “Paragraph 23” substitute “Part 10”.
  - (4) In paragraph (4)—
    - (a) for “Sub-paragraph (8) of paragraph 23” substitute “Paragraph 68”;
    - (b) for “that paragraph” substitute “Part 10 of the code”.
  - (5) In paragraph (5) for “1(2)” substitute “103(2)”.
  - (6) In paragraph (6) for “Paragraph 21 of the electronic communications code (restriction on removal of apparatus)” substitute “Part 6 of the electronic communications code (rights to require removal of apparatus)”.
  - (7) Omit paragraph (7).

**Digital Economy Bill, continued***Landlord and Tenant (Covenants) Act 1995 (c. 30)*

36 In section 5 of the Landlord and Tenant (Covenants) Act 1995 (tenant released from covenants on assignment of tenancy), after subsection (4) insert—

“(5) This section is subject to paragraph 15(4) of Schedule 3A to the Communications Act 2003 (which places conditions on the release of an operator from liability under an agreement granting code rights under the electronic communications code).”

*Gas Act 1995 (c. 45)*

37 In paragraph 2(7) of Schedule 4 to the Gas Act 1995 (application of paragraph 23 to public gas transporters) for “Paragraph 23 of Schedule 2 to the Telecommunications Act 1984” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.

*Channel Tunnel Rail Link Act 1996 (c. 61)*

- 38 (1) Part 4 of Schedule 15 to the Channel Tunnel Rail Link Act 1996 (protection of telecommunications operators) is amended as follows.
- (2) For the heading substitute “Protection of electronic communications code operators”.
- (3) In paragraph 2(1) for “Paragraph 21 of the electronic communications code” substitute “Part 6 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.
- (4) In paragraph 2(2) for “Paragraph 23” substitute “Part 10”.
- (5) In paragraph 3 for “paragraph 9” substitute “Part 8”.
- (6) In paragraph 4(1) for “paragraph 23” substitute “Part 10”.

*Gas (Northern Ireland) Order 1996 (S.I. 1996/275)*

- 39 (1) Schedule 3 to the Gas (Northern Ireland) Order 1996 (other powers etc of licence holders) is amended as follows.
- (2) In paragraph 1(1) omit the following definitions—
- (a) “public telecommunications operator”;
- (b) “telecommunication apparatus” and “electronic communications network”;
- (c) “telecommunications code”.
- (3) In paragraph 3(2) for “paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.

*Business Tenancies (Northern Ireland) Order 1996 (SI 1996/725 (NI 5))*

40 In Article 4(1) of the Business Tenancies (Northern Ireland) Order 1996 (tenancies to which the Order does not apply) after paragraph (k) insert—

“(l) a tenancy the primary purpose of which is to grant code rights within the meaning of Schedule 3A to the Communications Act 2003 (the electronic communications code), where the tenancy is granted after that Schedule comes into force.”

*Town and Country Planning (Scotland) Act 1997 (c. 8)*

- 41 (1) Section 212 of the Town and Country Planning (Scotland) Act 1997 (electronic communications apparatus) is amended as follows.

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**Digital Economy Bill, continued**

- (2) In subsection (7) for “Paragraph 1(2) of the electronic communications code” substitute “Paragraph 103(2) of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.
- (3) In subsection (8) for “Paragraph 21 of the electronic communications code (restriction on removal of electronic communications apparatus)” substitute “Part 6 of the electronic communications code (rights to require removal of apparatus)”.

*Enterprise Act 2002 (c. 40)*

- 42 The Enterprise Act 2002 is amended as follows.
- 43 In section 128(5) (mergers: references to supply of services) for the words from “(within” to the end substitute “(within the meaning of paragraph 17 of Schedule 3A to the Communications Act 2003 (the electronic communications code)) for sharing the use of electronic communications apparatus.”
- 44 In section 234(5) (enforcement of consumer legislation: references to supply of services) for the words from “(within” to the end substitute “(within the meaning of paragraph 17 of Schedule 3A to the Communications Act 2003 (the electronic communications code)) for sharing the use of electronic communications apparatus.”

*Communications Act 2003 (c. 21)*

- 45 The Communications Act 2003 is amended as follows.
- 46 (1) Section 394 (service of notifications and other documents) is amended as follows.
- (2) In subsection (2) omit paragraph (d).
  - (3) After subsection (10) insert—

“(11) In its application to Schedule 3A this section is subject to paragraph 87 of that Schedule.”
- 47 (1) Section 402 (power of Secretary of State to make orders and regulations) is amended as follows.
- (2) In subsection (2) after paragraph (a) insert—

“(aa) regulations under paragraph 91 of Schedule 3A which amend, repeal or modify the application of primary legislation,”.
  - (3) After subsection (2) insert—

“(2A) A statutory instrument containing (whether alone or with other provisions) regulations under paragraph 91 of Schedule 3A which amend, repeal or modify the application of primary legislation, may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
  - (4) After subsection (3) insert—

“(4) In this section “primary legislation” means—

    - (a) an Act of Parliament,
    - (b) a Measure or Act of the National Assembly for Wales,
    - (c) an Act of the Scottish Parliament, or
    - (d) Northern Ireland legislation.”
- 48 Schedule 3 is repealed.

**Digital Economy Bill, continued***Land Reform (Scotland) Act 2003 (asp 2)*

- 49 (1) Schedule 1 to the Land Reform (Scotland) Act 2003 (path orders) is amended as follows.
- (2) In paragraph 12 for “Paragraph 1(2) of the electronic communications code” substitute “Paragraph 103(2) of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.
- (3) In paragraph 13 for “Paragraph 21 of that code (restriction on removal of apparatus)” substitute “Part 6 of the electronic communications code (rights to require removal of apparatus)”.

*Housing and Regeneration Act 2008 (c. 17)*

- 50 The Housing and Regeneration Act 2008 is amended as follows.
- 51 In section 2(3) (objects of the Homes and Communities Agency: interpretation) in paragraph (a) of the definition of “infrastructure” for “telecommunications” substitute “electronic communications”.
- 52 In section 57(1) (interpretation of Part 1) omit the definition of “conduit system” and insert in the appropriate place—
- ““infrastructure system” has the meaning given by paragraph 7(1) of Schedule 3A to the Communications Act 2003 (the electronic communications code), and a reference to providing such a system is to be read in accordance with paragraph 7(2) of the code (reference to provision includes establishing or maintaining).”.
- 53 In the table in section 58 (index of defined expressions in Part 1) omit the entry for “conduit system (and providing such a system)” and insert in the appropriate place—

“Infrastructure system (and providing such a system)	Section 57(1)”.
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*Crossrail Act 2008 (c. 18)*

- 54 (1) Part 4 of Schedule 17 to the Crossrail Act 2008 (protective provisions) is amended as follows.
- (2) In paragraph 1(2) for the definition of “electronic communications code” substitute—
- ““electronic communications code” means the code set out in Schedule 3A to the Communications Act 2003;”.
- (3) In paragraph 2(1) for “paragraph 23” substitute “Part 10”.
- (4) In paragraph 2(2) for “Paragraphs 21 and 23” substitute “Parts 6 and 10”.
- (5) In paragraph 3 for “paragraph 9” substitute “Part 8”.
- (6) In paragraph 4(1) for “paragraph 23” substitute “Part 10”.

*Marine (Scotland) Act 2010 (asp 5)*

- 55 The Marine (Scotland) Act 2010 is amended as follows.
- 56 In section 36(1) (electronic communications apparatus) for the words from “paragraph 11” to “apparatus” substitute “Part 9 of Schedule 3A to the Communications Act 2003 (the electronic communications code) (works in connection with electronic communications apparatus).”.
- 57 (1) Section 41 (defence to offences: electronic communications: emergency works) is amended as follows.

**Digital Economy Bill, continued**

- (2) In subsection (1) for “paragraph 23 of the electronic communications code” substitute “Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)”.

- (3) Omit subsection (2).”

**Member’s explanatory statement**

*The new Schedule replaces Schedule 3 to the Bill and contains the amendments in that Schedule with other amendments consequential on the replacement of the electronic communications code.*

## ORDER OF THE HOUSE [13 SEPTEMBER 2016]

That the following provisions shall apply to the Digital Economy 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 27 October 2016.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Proceedings on Consideration and up to and including Third Reading*

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including 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.

## ORDER OF THE COMMITTEE [11 OCTOBER 2016]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25am on Tuesday 11 October) meet—
- (a) at 2.00pm on Tuesday 11 October;
  - (b) at 11.30am on Thursday 13 October;
  - (c) at 9.25am and 2.00pm on Tuesday 18 October;
  - (d) at 11.30am and 2.00pm on Thursday 20 October;
  - (e) at 9.25am and 2.00 pm on Tuesday 25 October;
  - (f) at 11.30am and 2.00pm on Thursday 27 October;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

**Digital Economy Bill, *continued*****TABLE**

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 11 October	Until no later than 10.00am	BT/EE TalkTalk Three
Tuesday 11 October	Until no later than 10.30am	Sky Virgin Vodafone
Tuesday 11 October	Until no later than 11.00am	Which? Countryside Alliance
Tuesday 11 October	Until no later than 11.25am	Open Data Institute The Co-operative Group
Tuesday 11 October	Until no later than 2.45pm	The British Board of Film Classification NSPCC
Tuesday 11 October	Until no later than 3.00pm	Dr Edgar Whitley, London School of Economics Wireless Infrastructure Group
Tuesday 11 October	Until no later than 4.00pm	Big Brother Watch Open Rights Group
Tuesday 11 October	Until no later than 4.30pm	ProjectsbyIF Open Corporates TUC
Tuesday 11 October	Until no later than 5.00pm	Professor Sir Charles Bean, London School of Economics The Royal Statistical Society
Thursday 13 October	Until no later than 12.00pm	StepChange Citizens Advice Dr Jerry Fishenden
Thursday 13 October	Until no later than 12.30pm	OFCOM
Thursday 13 October	Until no later than 1.00pm	The Information Commissioner's Office

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 4; Schedules 1 to 3; Clauses 5 to 84; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00pm on Thursday 27 October.