



# House of Commons

**Tuesday 1 November 2016**

## **PUBLIC BILL COMMITTEE PROCEEDINGS**

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### **DIGITAL ECONOMY BILL**

*[FIRST TO TWELFTH SITTINGS]*

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#### **GLOSSARY**

*This document shows the fate of each clause, schedule, amendment and new clause.*

*The following terms are used:*

*Agreed to:* agreed without a vote.

*Agreed to on division:* agreed following a vote.

*Negatived:* rejected without a vote.

*Negatived on division:* rejected following a vote.

*Not called:* debated in a group of amendments, but not put to a decision.

*Not moved:* not debated or put to a decision.

*Withdrawn after debate:* moved and debated but then withdrawn, so not put to a decision.

*Not selected:* not chosen for debate by the Chair.

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Matt Hancock

*Agreed to*

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.

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Digital Economy Bill, *continued*

Matt Hancock

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

*Agreed to*

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Matt Hancock

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

*Agreed to*

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Matt Hancock

That the Order of the Committee of 11 October be amended as follows: in paragraph (1)(c), leave out the words “and 2.00 pm”.

*Agreed to*

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Matt Hancock

That the Order of the Committee of 11 October be amended as follows—  
(1) In paragraph (1), after sub-paragraph (f) insert—

“(g) at 9.25 am on Tuesday 1 November;”.

(2) In paragraph (4), for “5.00 pm on Thursday 27 October” substitute “11.25 am on Tuesday 1 November”.

*Agreed to*

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*The following witnesses gave oral evidence:*

*StepChange*

*Citizens Advice*

*Dr Jerry Fishenden*

*OFCOM*

*The Information Commissioner’s Office*

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**Digital Economy Bill, *continued***

Calum Kerr

*Withdrawn* 56

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

Louise Haigh  
Kevin Brennan

*Not called* 83

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

Calum Kerr

*Negated on division* 57

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,”

Calum Kerr

*Withdrawn* 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

*Not called* 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

*Negated on division* 82

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

**“72B 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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Digital Economy Bill, *continued*

*Clauses 1 and 2 agreed to.*

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Calum Kerr

*Negatived on division 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

*Not called 84*

Clause 3, page 2, line 35, after “obligation”, add “within reasonable timescales” insert”

*Clause agreed to.*

*Clause 4 agreed to.*

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Matt Hancock

*Agreed to 12*

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

Matt Hancock

*Agreed to 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,”

Matt Hancock

*Agreed to 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,”

Matt Hancock

*Agreed to 15*

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

**Digital Economy Bill, *continued***

Matt Hancock

Schedule 1, page 95, line 2, after “36” insert “or as mentioned in paragraph 38A(1)” *Agreed to 16*

Matt Hancock

Schedule 1, page 95, line 10, leave out “or” and insert “and” *Agreed to 17*

Matt Hancock

Schedule 1, page 102, line 1, leave out “with an interest in land” *Agreed to 18*

Matt Hancock

Schedule 1, page 102, line 3, at end insert “or the restoration of land,” *Agreed to 19*

Matt Hancock

Schedule 1, page 102, line 6, after “removal” insert “of apparatus or restoration of land” *Agreed to 20*

Matt Hancock

Schedule 1, page 102, line 14, after “never” insert “since the coming into force of this code” *Agreed to 21*

Matt Hancock

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.” *Agreed to 22*

Matt Hancock

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).” *Agreed to 23*

Matt Hancock

Schedule 1, page 103, line 17, at end insert— *Agreed to 24*

*“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.

**Digital Economy Bill, continued**

- (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.”

Matt Hancock

*Agreed to* 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.”

Matt Hancock

*Agreed to* 26

Schedule 1, page 103, line 33, after “(1)” insert “or (1A)”

Matt Hancock

*Agreed to* 27

Schedule 1, page 103, line 34, after “landowner” insert “or occupier”

Matt Hancock

*Agreed to* 28

Schedule 1, page 103, line 37, after “landowner” insert “or occupier”

Matt Hancock

*Agreed to* 29

Schedule 1, page 103, line 38, after “landowner” insert “or occupier”

Matt Hancock

*Agreed to* 30

Schedule 1, page 103, line 47, after “landowner” insert “or occupier”

**Digital Economy Bill, *continued***

Matt Hancock

- Agreed to* 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”

Matt Hancock

- Agreed to* 32
- Schedule 1, page 104, line 23, after “landowner” insert “or occupier”

Matt Hancock

- Agreed to* 33
- Schedule 1, page 104, line 33, after “landowner” insert “or occupier”

Matt Hancock

- Agreed to* 34
- Schedule 1, page 104, line 40, after “landowner” insert “or occupier”

Matt Hancock

- Agreed to* 35
- Schedule 1, page 104, line 41, after “landowner” insert “or occupier”

Matt Hancock

- Agreed to* 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.”

Matt Hancock

- Agreed to* 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.



**Digital Economy Bill, continued**

- (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.
- (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)

**Digital Economy Bill, continued**

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.”

Matt Hancock

*Agreed to* **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

**Digital Economy Bill, continued**

- (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 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.”

Matt Hancock

*Agreed to* 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.”

Matt Hancock

*Agreed to* 40

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

Matt Hancock

*Agreed to* 41

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

Matt Hancock

*Agreed to* 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.”

Matt Hancock

*Agreed to* 43

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

Matt Hancock

*Agreed to* 44

Schedule 1, page 105, line 24, after “(1)” insert “or (1A)”

Matt Hancock

*Agreed to* 45

Schedule 1, page 105, line 25, after “landowner” insert “, occupier or third party”

*Schedule, as amended, agreed to.*

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**Digital Economy Bill, *continued***

Matt Hancock

Schedule 2, page 138, line 17, leave out “under paragraph 2(1)” and insert “for the purposes of paragraph 2 or 3” *Agreed to 46*

Matt Hancock

Schedule 2, page 138, line 28, at end insert— *Agreed to 47*  
“(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.”

Matt Hancock

Schedule 2, page 138, line 31, after “are” insert “— (a)” *Agreed to 48*

Matt Hancock

Schedule 2, page 138, line 31, leave out “the agreement” and insert “an agreement for the purposes of paragraph 2 of the existing code” *Agreed to 49*

Matt Hancock

Schedule 2, page 138, line 33, at end insert— *Agreed to 50*  
“(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.”

Matt Hancock

Schedule 2, page 139, line 11, leave out sub-paragraph (1) and insert— *Agreed to 51*  
“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.”

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**Digital Economy Bill, continued**

Matt Hancock

Schedule 2, page 140, line 17, leave out “the following provisions of this paragraph” and insert “sub-paragraph (3)” *Agreed to 52*

Matt Hancock

Schedule 2, page 140, line 21, leave out sub-paragraphs (4) to (10) *Agreed to 53*

Matt Hancock

Schedule 2, page 142, line 7, leave out paragraphs 19 to 22 and insert— *Agreed to 54*  
“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.”

*Schedule, as amended, agreed to.*

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Matt Hancock

Page 143, line 27, leave out Schedule 3 *Not selected 55*

*Schedule 3 negatived.*

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Matt Hancock

Clause 5, page 3, line 23, leave out “or transitory” and insert “, transitory or saving” *Agreed to 1*

*Clause, as amended, agreed to.*

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**Digital Economy Bill, *continued***

Calum Kerr

*Withdrawn* 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;
- (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.”

*Clause agreed to.*

*Clause 7 agreed to.*

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Matt Hancock

*Agreed to* 2

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

Matt Hancock

*Agreed to* 3

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

“( ) 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.”

Matt Hancock

*Agreed to* 4

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

Matt Hancock

*Agreed to* 5

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

Matt Hancock

*Agreed to* 6

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

*Clause, as amended, agreed to.*

*Clause 9 agreed to.*

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**Digital Economy Bill, continued**

Matt Hancock

*Agreed to 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”.

*Clause, as amended, agreed to.*

*Clauses 11 to 13 agreed to.*

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Matt Hancock

*Agreed to 8*

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

Matt Hancock

*Agreed to 9*

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

Matt Hancock

*Agreed to 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.”

Matt Hancock

*Agreed to 11*

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

“( ) for subsection (8) substitute—

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

*Clause, as amended, agreed to.*

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Claire Perry

*Withdrawn 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).”

Louise Haigh  
Kevin Brennan*Withdrawn 85*

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

**Digital Economy Bill, *continued***

Claire Perry

Clause 15, page 18, line 24, at end insert “or an internet service provider.” *Withdrawn* 66

Louise Haigh  
Kevin Brennan

Clause 15, page 18, line 25, leave out subsection 6. *Not called* 87

*Clause agreed to.*

*Clauses 16 to 19 agreed to.*

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Claire Perry

Clause 20, page 21, line 5, at beginning insert “If the person in contravention of section 15(1) is resident in the United Kingdom,” *Withdrawn* 68

Claire Perry

Clause 20, page 21, line 5, leave out “may” and insert “must” *Not called* 69

Claire Perry

Clause 20, page 21, line 7, after “15(1)”, insert “, unless subsection (5) applies” *Not called* 70

Claire Perry

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,” *Not called* 71

Claire Perry

Clause 20, page 21, line 10, leave out “may” and insert “must” *Not called* 72

Claire Perry

Clause 20, page 21, line 16, leave out subsection (4) *Not called* 73

Louise Haigh  
Kevin Brennan

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.” *Withdrawn* 86



**Digital Economy Bill, continued**

Louise Haigh  
Kevin Brennan

*Not called* 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

*Not called* 74

Clause 20, page 21, line 42, leave out “may” and insert “must”

Calum Kerr

*Negatived on division* 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.”

Louise Haigh  
Kevin Brennan

*Not called* 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.”

*Clause agreed to.*

*Clause 21 agreed to.*

Claire Perry

*Withdrawn* 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

*Not called* 76

Clause 22, page 23, line 29, leave out “may” and insert “must”

Louise Haigh  
Kevin Brennan

*Not called* 90

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

**Digital Economy Bill, *continued***

Claire Perry

*Not called* 77

Clause 22, page 24, line 23, at end insert “or  
(c) an internet service provider.”

Louise Haigh  
Kevin Brennan

*Not called* 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.”

*Clause agreed to.*

Claire Perry

*Not called* 79

Clause 22, page 24, line 24, leave out “may” and insert “must”

*Clause agreed to.*

---

Claire Perry

*Withdrawn* 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.”

*Clause agreed to on division.*

*Clause 24 agreed to.*

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Claire Perry

*Not called* 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);”.

*Clause agreed to.*

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**Digital Economy Bill, *continued***

Kevin Brennan  
Louise Haigh

*Withdrawn* 92

Clause 26, page 26, line 18, leave out “, or will expose the owner of the copyright to the risk of loss.”

Kevin Brennan  
Louise Haigh

*Not called* 93

Clause 26, page 26, line 35, leave out “, or expose the owner of the rights to the risk of loss.”

*Clause agreed to.*

*Clause 27 agreed to.*

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Nigel Adams

*Withdrawn* 63

Clause 28, page 27, line 31, leave out subsections (3) to (5)

Kevin Brennan  
Louise Haigh

*Not called* 189

Clause 28, page 27, line 36, at end insert—

“(6) The Secretary of State shall—

- (a) produce a report on the implication of the repeal of section 73 of the Copyright, Designs and Patent Act 1988, and
- (b) undertake a comprehensive consultation on the future of television content distribution and public service broadcasters.”

*Clause agreed to.*

---

Louise Haigh  
Kevin Brennan

*Withdrawn* 98

Clause 29, page 28, line 25, leave out “had regard to” and insert “complied with”

*Clause agreed to.*

---

**Digital Economy Bill, continued**

Matt Hancock

*Agreed to 108*

- Clause 30, page 29, line 21, at end insert “, or  
 ( ) the making of grants (by any person) under section 15 of the Social Security Act 1990 in accordance with regulations under that section made by the Scottish Ministers or the Welsh Ministers.”

Louise Haigh  
Kevin Brennan*Not called 100*

- Clause 30, page 29, line 33, leave out “had regard to” and insert “complied with”

*Clause, as amended, agreed to.*

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*Clause 31 agreed to.*Louise Haigh  
Kevin Brennan*Not called 99*

- Clause 32, page 30, line 13, at end insert—
- “(1A) In determining whether to make regulations under section 29, 30 or 31 the appropriate national authority must ensure that—
- (a) the sharing of information authorised by the regulations is minimised to what is strictly necessary,
  - (b) the conduct authorised by the regulations to achieve the “specified objective” is proportionate to what is sought to be achieved by that conduct,
  - (c) a Privacy Impact Assessment compliant with the relevant code of practice of the Information Commissioner’s Office has taken place and been made publicly available,
  - (d) the proposed measures have been subject to public consultation for a minimum of 12 weeks, and responses have been given conscientious consideration.
- (1B) As soon as is reasonably practicable after the end of three years beginning with the day on which the regulations come into force, the relevant Minister must review its operation for the purposes of deciding whether these should be amended or repealed.
- (1C) Before carrying out the review the relevant Minister must publish the criteria by reference to which that determination will be made.
- (1D) In carrying out the review the relevant Minister must consult—
- (a) the Information Commissioner, and
  - (b) open the review to public consultation for a minimum of 12 weeks, and demonstrate that responses have been given conscientious consideration.”

Matt Hancock

*Agreed to 109*

- Clause 32, page 30, line 18, at end insert—
- “(ba) for the prevention or detection of crime or the prevention of anti-social behaviour,”

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**Digital Economy Bill, *continued***

Matt Hancock

Clause 32, page 30, line 19, leave out “(whether or not in the United Kingdom)” *Agreed to* 110

Matt Hancock

Clause 32, page 30, line 21, leave out “and whether or not in the United Kingdom” *Agreed to* 111

Matt Hancock

Clause 32, page 30, line 28, at end insert— *Agreed to* 112  
“( ) In subsection (2)(ba) “anti-social behaviour” has the same meaning as in Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (see section 2 of that Act).”

Louise Haigh  
Kevin Brennan

Clause 32, page 30, line 33, at end insert— *Not called* 96  
“(3A) A particular person identified in personal information disclosed under sections 29, 30 or 31 is able to request to a specified person under subsection 29(1) that the personal information is modified and corrected if necessary.”

Louise Haigh  
Kevin Brennan

Clause 32, page 30, line 34, leave out “(including a body corporate)” and insert “, a group of persons, a private company or a publicly traded company irrespective of their size and revenue, but” *Not called* 95

*Clause, as amended, agreed to.*

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Louise Haigh  
Kevin Brennan

Clause 33, page 31, line 19, leave out “or permitted” *Negatived on division* 101

Matt Hancock

Clause 33, page 31, line 24, at end insert— *Agreed to* 113  
“(da) for the prevention or detection of crime or the prevention of anti-social behaviour,”

Louise Haigh  
Kevin Brennan

Clause 33, page 31, line 25, leave out “made” and insert “necessary” *Not called* 102

**Digital Economy Bill, *continued***

Matt Hancock

Clause 33, page 31, line 25, leave out “(whether or not in the United Kingdom)” *Agreed to 114*

Louise Haigh  
Kevin Brennan

Clause 33, page 31, line 27, leave out “made” and insert “necessary” *Not called 103*

Matt Hancock

Clause 33, page 31, line 28, leave out “and whether or not in the United Kingdom” *Agreed to 115*

Louise Haigh  
Kevin Brennan

Clause 33, page 31, line 30, leave out “made” and insert “necessary” *Not called 104*

Matt Hancock

Clause 33, page 31, line 35, at end insert— *Agreed to 116*  
“( ) In subsection (2)(da) “anti-social behaviour” has the same meaning as in Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (see section 2 of that Act).”

Matt Hancock

Clause 33, page 31, line 36, leave out subsections (3) and (4) insert— *Agreed to 117*  
“( ) A person commits an offence if—  
(a) the person discloses personal information in contravention of subsection (1), and  
(b) at the time that the person makes the disclosure, the person knows that the disclosure contravenes that subsection or is reckless as to whether the disclosure does so.”

*Clause, as amended, agreed to.*

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*Clause 34 agreed to.*

Matt Hancock

Clause 35, page 32, line 30, at end insert— *Agreed to 118*  
“( ) The code of practice must be consistent with the code of practice issued under section 52B (data-sharing code) of the Data Protection Act 1998 (as altered or replaced from time to time).”

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**Digital Economy Bill, continued**

Louise Haigh  
Kevin Brennan

*Not called* 105

Clause 35, page 32, line 31, leave out “have regard to” and insert “comply with”

Louise Haigh  
Kevin Brennan

*Withdrawn* 106

Clause 35, page 32, line 42, at end insert—  
“(a) the public for a minimum of 12 weeks, and the relevant Minister, must demonstrate that responses have been given conscientious consideration, and”

*Clause, as amended, agreed to.*

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*Clauses 36 and 37 agreed to.*

Louise Haigh  
Kevin Brennan

*Withdrawn* 107

Clause 38, page 36, line 12, leave out from “that” to end of subsection and insert—  
“(a) the authority or civil registration official to whom it is disclosed (the “recipient”) requires the information to enable the recipient to exercise one or more of the recipient’s functions and,  
(b) the data subjects whose information is being disclosed have given valid consent under data protection legislation.”

Louise Haigh  
Kevin Brennan

*Negated on division* 97

Clause 38, page 36, line 15, at end insert—  
“(2A) An authority or civil registration official requiring the information must specify the reasons for requiring the information to be disclosed.  
(2AA) Information disclosed under this section shall not be shared with any other public or private body beyond those specified in subsection (1).”

Matt Hancock

*Agreed to* 119

Clause 38, page 37, line 35, at end insert—  
“( ) The code of practice must be consistent with the code of practice issued under section 52B (data-sharing code) of the Data Protection Act 1998 (as altered or replaced from time to time).”

*Clause, as amended, agreed to.*

*Clause 39 agreed to.*

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**Digital Economy Bill, *continued***

Louise Haigh  
Kevin Brennan

*Withdrawn* 190

Clause 40, page 39, line 21, leave out “have regard, in particular, to” and insert “must comply with”

*Clause agreed to.*

---

Matt Hancock

*Agreed to* 120

Clause 41, page 40, line 5, at end insert—  
“(ba) for the prevention or detection of crime or the prevention of anti-social behaviour,”

Matt Hancock

*Agreed to* 121

Clause 41, page 40, line 6, leave out “(whether or not in the United Kingdom)”

Matt Hancock

*Agreed to* 122

Clause 41, page 40, line 8, leave out “and whether or not in the United Kingdom”

Matt Hancock

*Agreed to* 123

Clause 41, page 40, line 11, at end insert—  
“( ) In subsection (2)(ba) “anti-social behaviour” has the same meaning as in Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (see section 2 of that Act).”

*Clause, as amended, agreed to.*

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Matt Hancock

*Agreed to* 124

Clause 42, page 41, line 4, at end insert—  
“(da) for the prevention or detection of crime or the prevention of anti-social behaviour,”

Matt Hancock

*Agreed to* 125

Clause 42, page 41, line 5, leave out “(whether or not in the United Kingdom)”

Matt Hancock

*Agreed to* 126

Clause 42, page 41, line 8, leave out “and whether or not in the United Kingdom”



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**Digital Economy Bill, continued**

Matt Hancock

*Agreed to 127*

Clause 42, page 41, line 12, at end insert—

- “( ) In subsection (2)(da) “anti-social behaviour” has the same meaning as in Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (see section 2 of that Act).”

Matt Hancock

*Agreed to 128*

Clause 42, page 41, line 13, leave out subsections (3) and (4) insert—

- “( ) A person commits an offence if—
- (a) the person discloses personal information in contravention of subsection (1), and
  - (b) at the time that the person makes the disclosure, the person knows that the disclosure contravenes that subsection or is reckless as to whether the disclosure does so.”

*Clause, as amended, agreed to.*

*Clause 43 agreed to.*

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Matt Hancock*Agreed to 129*

Clause 44, page 42, line 7, at end insert—

- “( ) The code of practice must be consistent with the code of practice issued under section 52B (data-sharing code) of the Data Protection Act 1998 (as altered or replaced from time to time).”

Louise Haigh  
Kevin Brennan*Not called 191*

Clause 44, page 42, line 8, leave out “have regard to” and insert “comply with”

*Clause, as amended, agreed to.*

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Matt Hancock*Withdrawn 130*

Clause 45, page 43, line 10, at end insert—

- “( ) The relevant Minister may only make regulations under subsection (5)—
- (a) in a case where the regulations include provision relating to Scotland, with the consent of the Scottish Ministers;
  - (b) in a case where the regulations include provision relating to Wales, with the consent of the Welsh Ministers;
  - (c) in a case where the regulations include provision relating to Northern Ireland, with the consent of the Department of Finance in Northern Ireland.”

**Digital Economy Bill, *continued***

*Clause agreed to.*

*Clauses 46 to 48 agreed to.*

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Matt Hancock

*Agreed to 131*

Clause 49, page 46, line 43, at end insert—

“(ba) for the prevention or detection of crime or the prevention of anti-social behaviour.”

Matt Hancock

*Agreed to 132*

Clause 49, page 46, line 44, leave out “(whether or not in the United Kingdom)”

Matt Hancock

*Agreed to 133*

Clause 49, page 46, line 46, leave out “and whether or not in the United Kingdom”

Matt Hancock

*Agreed to 134*

Clause 49, page 47, line 6, at end insert—

“( ) In subsection (2)(ba) “anti-social behaviour” has the same meaning as in Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (see section 2 of that Act).”

*Clause, as amended, agreed to.*

---

Matt Hancock

*Agreed to 135*

Clause 50, page 47, line 44, at end insert—

“(da) for the prevention or detection of crime or the prevention of anti-social behaviour,”

Matt Hancock

*Agreed to 136*

Clause 50, page 48, line 1, leave out “(whether or not in the United Kingdom)”

Matt Hancock

*Agreed to 137*

Clause 50, page 48, line 4, leave out “and whether or not in the United Kingdom”

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**Digital Economy Bill, continued**

Matt Hancock

*Agreed to 138*

Clause 50, page 48, line 11, at end insert—

- “( ) In subsection (2)(da) “anti-social behaviour” has the same meaning as in Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (see section 2 of that Act).”

Matt Hancock

*Agreed to 139*

Clause 50, page 48, line 12, leave out subsections (3) and (4) insert—

- “( ) A person commits an offence if—
- (a) the person discloses personal information in contravention of subsection (1), and
  - (b) at the time that the person makes the disclosure, the person knows that the disclosure contravenes that subsection or is reckless as to whether the disclosure does so.”

*Clause, as amended, agreed to.*

*Clause 51 agreed to.*

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Matt Hancock*Agreed to 140*

Clause 52, page 49, line 7, at end insert—

- “( ) The code of practice must be consistent with the code of practice issued under section 52B (data-sharing code) of the Data Protection Act 1998 (as altered or replaced from time to time).”

Louise Haigh  
Kevin Brennan*Not called 192*

Clause 52, page 49, line 8, leave out “have regard to” and insert “comply with”

*Clause, as amended, agreed to.*

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Matt Hancock*Not called 141*

Clause 53, page 50, line 10, at end insert—

- “( ) The relevant Minister may only make regulations under subsection (5)—
- (a) in a case where the regulations include provision relating to Scotland, with the consent of the Scottish Ministers;
  - (b) in a case where the regulations include provision relating to Wales, with the consent of the Welsh Ministers;
  - (c) in a case where the regulations include provision relating to Northern Ireland, with the consent of the Department of Finance in Northern Ireland.”

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**Digital Economy Bill, *continued***

*Clause agreed to.*

*Clauses 54 and 55 agreed to.*

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Matt Hancock

*Agreed to 142*

Clause 56, page 52, line 23, at end insert—

“(3A) For the purposes of the first condition the information may be processed by—

- (a) the public authority,
- (b) a person other than the public authority, or
- (c) both the public authority and a person other than the public authority,

(subject to the following provisions of this Part).

(3B) Personal information may be disclosed for the purpose of processing it for disclosure under subsection (1)—

- (a) by a public authority to a person involved in processing the information for that purpose;
- (b) by one such person to another such person.”

Matt Hancock

*Agreed to 143*

Clause 56, page 52, line 31, after “person”, insert “, other than the public authority,”

Matt Hancock

*Agreed to 144*

Clause 56, page 52, line 32, leave out “this section” and insert “subsection (1)”

Matt Hancock

*Agreed to 145*

Clause 56, page 52, line 35, at end insert—

“( ) the public authority, if the public authority is involved in processing the information for disclosure under subsection (1);”

Matt Hancock

*Agreed to 146*

Clause 56, page 52, line 37, leave out “this section” and insert “subsection (1)”

Matt Hancock

*Agreed to 147*

Clause 56, page 52, line 38, leave out “this section” and insert “subsection (1)”

Matt Hancock

*Agreed to 148*

Clause 56, page 52, line 41, leave out “this section” and insert “subsection (1)”

Matt Hancock

*Agreed to 149*

Clause 56, page 53, line 1, leave out subsection (9)

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**Digital Economy Bill, continued**

*Clause, as amended, agreed to.*

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Matt Hancock

*Agreed to 150*

Clause 57, page 53, line 24, at end insert—

“( ) In its application to a public authority with functions relating to the provision of health services or adult social care, section 56 does not authorise the disclosure of information held by the authority in connection with such functions.”

Matt Hancock

*Agreed to 151*

Clause 57, page 53, line 28, leave out “56” and insert “56(1)”

*Clause, as amended, agreed to.*

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Matt Hancock

*Agreed to 152*

Clause 58, page 53, line 38, leave out “56(9)” and insert “56(3B)”

Matt Hancock

*Agreed to 153*

Clause 58, page 54, line 2, at end insert “(including section 56(3B))”

Matt Hancock

*Agreed to 154*

Clause 58, page 54, line 6, at end insert—

“(da) which is made for the prevention or detection of crime or the prevention of anti-social behaviour,”

Matt Hancock

*Agreed to 155*

Clause 58, page 54, line 7, leave out “(whether or not in the United Kingdom)”

Matt Hancock

*Agreed to 156*

Clause 58, page 54, line 10, leave out “and whether or not in the United Kingdom”

Matt Hancock

*Agreed to 157*

Clause 58, page 54, line 11, at end insert—

“( ) In subsection (3)(da) “anti-social behaviour” has the same meaning as in Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (see section 2 of that Act).”

**Digital Economy Bill, *continued***

Matt Hancock

*Agreed to* **158**

Clause **58**, page **54**, line **21**, leave out subsections (5) and (6) insert—

“( ) A person commits an offence if—

- (a) the person discloses personal information in contravention of subsection (2), and
- (b) at the time that the person makes the disclosure, the person knows that the disclosure contravenes that subsection or is reckless as to whether the disclosure does so.

Matt Hancock

*Agreed to* **159**

Clause **58**, page **54**, line **39**, leave out “56(9)” and insert “56(3B)”

*Clause, as amended, agreed to.*

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Matt Hancock

*Agreed to* **160**

Clause **59**, page **54**, line **43**, leave out “56(9)” and insert “56(3B)”

*Clause, as amended, agreed to.*

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Matt Hancock

*Agreed to* **161**

Clause **60**, page **55**, line **19**, at end insert—

“( ) The code of practice must be consistent with the code of practice issued under section 52B (data-sharing code) of the Data Protection Act 1998 (as altered or replaced from time to time).”

Louise Haigh  
Kevin Brennan

*Not called* **193**

Clause **60**, page **55**, line **20**, leave out “have regard to” and insert “comply with”

Matt Hancock

*Agreed to* **162**

Clause **60**, page **55**, line **24**, leave out “56” and insert “56(1)”

*Clause, as amended, agreed to.*

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Matt Hancock

*Agreed to* **163**

Clause **61**, page **56**, line **7**, leave out “56” and insert “subsection (1) of section 56”

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**Digital Economy Bill, *continued***

Matt Hancock

*Agreed to* **164**

Clause **61**, page **56**, line **9**, leave out “section” and insert “subsection”

Matt Hancock

*Agreed to* **165**

Clause **61**, page **56**, line **11**, leave out “section” and insert “subsection”

Matt Hancock

*Agreed to* **166**

Clause **61**, page **56**, line **23**, leave out “56” and insert “56(1)”

Matt Hancock

*Agreed to* **167**

Clause **61**, page **56**, line **38**, at end insert—

“(6A) The Statistics Board—

- (a) may from time to time revise conditions or grounds published under this section, and
- (b) if it does so, must publish the conditions or grounds as revised.

(6B) Subsection (6) applies in relation to the publication of conditions or grounds under subsection (6A) as it applies in relation to the publication of conditions or grounds under subsection (2).”

*Clause, as amended, agreed to.*

*Clause 62 agreed to.*

---

Matt Hancock

*Agreed to* **168**

Clause **63**, page **57**, line **18**, leave out subsection (2) and insert—

“(2) A person is not a public authority for the purposes of this Chapter if the person—

- (a) only has functions relating to the provision of health services,
- (b) only has functions relating to the provision of adult social care, or
- (c) only has functions within paragraph (a) and paragraph (b).

(2A) The following are to be disregarded in determining whether subsection (2) applies to a person—

- (a) any power (however expressed) to do things which are incidental to the carrying out of another function of that person;
- (b) any function which the person exercises or may exercise on behalf of another person.”

Matt Hancock

*Agreed to* **169**

Clause **63**, page **57**, line **21**, leave out “subsection (2)(a)” and insert “this Chapter”

Matt Hancock

*Agreed to* **170**

Clause **63**, page **57**, line **30**, leave out “subsection (2)(b)” and insert “this Chapter”

**Digital Economy Bill, continued**

*Clause, as amended, agreed to.*

*Clauses 64 to 66 agreed to.*

Matt Hancock

*Agreed to 171*

Clause 67, page 60, line 37, at end insert—

“( ) a subsidiary undertaking of the Bank of England within the meaning of the Companies Acts (see sections 1161 and 1162 of the Companies Act 2006),”

Matt Hancock

*Agreed to 172*

Clause 67, page 61, leave out lines 39 to 43 and insert “the public authority—

( ) is a part of the Scottish Administration, or

( ) is a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998).”

Matt Hancock

*Agreed to 173*

Clause 67, page 61, line 45, leave out from beginning to end of line 3 on page 62 and insert “the public authority is a Wales public authority as defined by section 157A of the Government of Wales Act 2006.”

Matt Hancock

*Agreed to 174*

Clause 67, page 62, line 13, at end insert—

“( ) Until the coming into force of section 12 of the Bank of England and Financial Services Act 2016 subsection (1)(b) has effect as if the words in brackets were omitted.”

Matt Hancock

*Agreed to 175*

Clause 67, page 62, line 41, leave out from “authority” to end of line 3 on page 63 and insert “which is a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998).”

Matt Hancock

*Agreed to 176*

Clause 67, page 63, line 5, leave out from “authority” to end of line 10 and insert “which is a Wales public authority as defined by section 157A of the Government of Wales Act 2006.”

Matt Hancock

*Agreed to 188*

Clause 67, page 65, line 3, at end insert—

“( ) The statement must be consistent with the code of practice issued under section 52B (data-sharing code) of the Data Protection Act 1998 (as altered or replaced from time to time).”



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**Digital Economy Bill, continued**

Louise Haigh  
Kevin Brennan

*Not called* **194**

Clause **67**, page **66**, line **15**, leave out “have regard to” and insert “comply with”

*Clause, as amended, agreed to.*

*Clauses 68 to 71 agreed to.*

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Matt Hancock

*Agreed to* **177**

Clause **72**, page **70**, line **15**, after “135”, insert “of the Communications Act 2003”.

*Clause, as amended, agreed to.*

*Clauses 73 to 75 agreed to.*

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Matt Hancock

*Agreed to* **178**

Clause **76**, page **74**, line **24**, at end insert—  
“( ) In subsection (4)(a) after “concession” insert “provided for by the regulations”.”

Matt Hancock

*Agreed to* **179**

Clause **76**, page **74**, line **26**, after “section” insert “or section 365A”

Matt Hancock

*Agreed to* **180**

Clause **76**, page **74**, leave out lines 28 and 29 and insert—

“(5A) Regulations under this section may not provide for a concession that requires the person to whom the TV licence is issued, or another person, to be of or above a specified age, unless—

(a) the age specified is below 65, and

(b) the requirement is not satisfied if the person concerned is 65 or over at the end of the month in which the licence is issued.

(5B) Subsection (5A) does not apply to—

(a) the concession provided for by regulation 3(d) of and Schedule 4 to the Communications (Television Licensing) Regulations 2004 (S.I. 2004/692) (accommodation for residential care), or

(b) a concession in substantially the same form.”

Matt Hancock

*Agreed to* **181**

Clause **76**, page **74**, line **33**, leave out from “apply” to end of line 39 and insert—

“(1A) Any concession under this section must include a requirement that the person to whom the TV licence is issued, or another person, is of or above a specified age,

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**Digital Economy Bill, *continued***

which must be 65 or higher, at or before the end of the month in which the licence is issued.

- (1B) A determination under this section—
- (a) may in particular provide for a concession to apply, subject to subsection (1A), in circumstances where a concession has ceased to have effect by virtue of section 365(5A), but
  - (b) may not provide for a concession to apply in the same circumstances as a concession within section 365(5B)."

*Clause, as amended, agreed to.*

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Louise Haigh  
Kevin Brennan

*Withdrawn 195*

Clause 77, page 75, line 22, leave out "direct marketing" and insert "any form of marketing, including direct marketing, or customer engagement"

Louise Haigh  
Kevin Brennan

*Not called 196*

Clause 77, page 75, line 27, leave out "direct marketing" and insert "marketing and customer engagement"

Louise Haigh  
Kevin Brennan

*Not called 197*

Clause 77, page 75, line 40, leave out subsection (4) and insert—

“(4) In this section—

“customer engagement” means the interactions initiated between a business and an individual or group of individuals for marketing and other business purposes;  
“direct marketing” means the processing and use of personal information for marketing purposes;

“marketing” means the business processes through which goods and services are moved from being concepts to things that customers and potential customers want.”

*Clause agreed to.*

*Clause 78 to 81 agreed to.*

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**Digital Economy Bill, continued**

Nigel Adams

*Not called* 64

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

Matt Hancock

*Agreed to* 182

Clause 82, page 80, line 3, at end insert—  
“( ) section (*Power to apply settlement finality regime to payment institutions*);”

Matt Hancock

*Agreed to* 183

Clause 82, page 80, line 14, leave out “section” and insert “sections (*Suspension of radio licences for inciting crime or disorder*) and”

Kevin Brennan

Louise Haigh

*Not called* 94

Clause 82, page 80, line 14, at end insert—  
“(h) section 28.”

Matt Hancock

*Agreed to* 184

Clause 82, page 80, line 14, at end insert—  
“( ) section (*Bank of England oversight of payment systems*) and Schedule (*Bank of England oversight of payment systems*).”

Claire Perry

*Not called* 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.”

Louise Haigh

Kevin Brennan

*Not called* 198

Clause 82, page 80, line 18, at end insert “and only after the codes of practice required under sections 35, 44, 52 and 60 have been approved by a resolution of each House of Parliament.”

*Clause, as amended, agreed to.*

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Matt Hancock

*Agreed to* 185

Clause 83, page 80, line 31, at end insert—  
“( ) Section (*Qualifications in information technology: payment of tuition fees*) extends to England and Wales only.”

*Clause, as amended, agreed to.*

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**Digital Economy Bill, continued**

Clause 84 agreed to.

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*NEW CLAUSES*

Matt Hancock

*Agreed to* **NC26**

To move the following Clause—

**“Qualifications in information technology: payment of tuition fees**

- (1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.
- (2) In section 88(1) (qualifications for persons aged 19 or over: payment of tuition fees), for “1(a) or (b)” substitute “1(a), (b) or (ba)”.
- (3) In paragraph 1 of Schedule 5 (qualifications for persons aged 19 or over), after paragraph (b) insert—
  - “(ba) a specified qualification in making use of information technology;”.
- (4) After paragraph 5 of that Schedule insert—

*“Power to specify qualification in information technology*

- 5A The level of attainment demonstrated by a specified qualification in making use of information technology must be the level which, in the opinion of the Secretary of State, is the minimum required in that respect by persons aged 19 or over in order to be able to operate effectively in day-to-day life.”

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Matt Hancock

*Agreed to* **NC27**

To move the following Clause—

**“Digital additional services: seriously harmful extrinsic material**

After section 24 of the Broadcasting Act 1996 (digital additional services) insert—

**“24A Duty to prevent access to seriously harmful extrinsic material**

- (1) In carrying out their functions, OFCOM must do all that they consider appropriate to prevent digital additional services from enabling members of the public to access seriously harmful extrinsic material.
- (2) “Seriously harmful extrinsic material”, in relation to a digital additional service, means material that—
  - (a) is not included in the service, and
  - (b) appears to OFCOM—
    - (i) to have the potential to cause serious harm, or

**Digital Economy Bill, continued**

- (ii) to be likely to encourage or incite the commission of crime or lead to disorder.””

Matt Hancock

*Agreed to* NC28

To move the following Clause—

**“Suspension of radio licences for inciting crime or disorder**

- (1) In Chapter 2 of Part 3 of the Broadcasting Act 1990 (sound broadcasting services), for section 111B (power to suspend licence to provide satellite service) substitute—

**“111B Suspension of licences for inciting crime or disorder**

- (1) OFCOM must serve a notice under subsection (2) on the holder of a licence granted under this Chapter if they are satisfied that—
- (a) the licence holder has included in the licensed service one or more programmes containing material likely to encourage or incite the commission of crime or to lead to disorder,
  - (b) in doing so the licence holder has failed to comply with a condition included in the licence in compliance with section 263 of the Communications Act 2003, and
  - (c) the failure would justify the revocation of the licence.
- (2) A notice under this subsection must—
- (a) state that OFCOM are satisfied as mentioned in subsection (1),
  - (b) specify the respects in which, in their opinion, the licence holder has failed to comply with the condition mentioned there,
  - (c) state that OFCOM may revoke the licence after the end of the period of 21 days beginning with the day on which the notice is served on the licence holder, and
  - (d) inform the licence holder of the right to make representations to OFCOM in that period about the matters that appear to OFCOM to provide grounds for revoking the licence.
- (3) The effect of a notice under subsection (2) is to suspend the licence from the time when the notice is served on the licence holder until either—
- (a) the revocation of the licence takes effect, or
  - (b) OFCOM decide not to revoke the licence.
- (4) If, after considering any representations made to them by the licence holder in the 21 day period mentioned in subsection (2)(c), OFCOM are satisfied that it is necessary in the public interest to revoke the licence, they must serve on the licence holder a notice revoking the licence.
- (5) The revocation of a licence by a notice under subsection (4) takes effect from whatever time is specified in the notice.
- (6) That time must not be earlier than the end of the period of 28 days beginning with the day on which the notice under subsection (4) is served on the licence holder.

**Digital Economy Bill, *continued***

- (7) Section 111 does not apply to the revocation of a licence under this section.”
- (2) In section 62(10) of the Broadcasting Act 1996 (application of sections 109 and 111 of the 1990 Act to digital sound programme services) for the words from “section 109” to “1990 Act” substitute “sections 109, 111 and 111B of the 1990 Act (enforcement)”.
- (3) In section 250(3) of the Communications Act 2003 (application of sections 109 to 111A of the 1990 Act to radio licensable content services) for “111A” substitute “111B”.

Matt Hancock

*Agreed to* NC29

To move the following Clause—

**“Power to apply settlement finality regime to payment institutions**

In Part 24 of the Financial Services and Markets Act 2000 (insolvency) after section 379 insert—

*“Settlement finality***“379A Power to apply settlement finality regime to payment institutions**

- (1) The Treasury may by regulations made by statutory instrument provide for the application to payment institutions, as participants in payment or securities settlement systems, of provision in subordinate legislation—
- (a) modifying the law of insolvency or related law in relation to such systems, or
  - (b) relating to the securing of rights and obligations.
- (2) “Payment institution” means—
- (a) an authorised payment institution or small payment institution within the meaning of the Payment Services Regulations 2009 (S.I. 2009/209), or
  - (b) a person whose head office, registered office or place of residence, as the case may be, is outside the United Kingdom and whose functions correspond to those of an institution within paragraph (a).
- (3) “Payment or securities settlement system” means arrangements between a number of participants for or in connection with the clearing or execution of instructions by participants relating to any of the following—
- (a) the placing of money at the disposal of a recipient;
  - (b) the assumption or discharge of a payment obligation;
  - (c) the transfer of the title to, or an interest in, securities.
- (4) “Subordinate legislation” has the same meaning as in the Interpretation Act 1978.
- (5) Regulations under this section may—
- (a) make consequential, supplemental or transitional provision;

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**Digital Economy Bill, *continued***

- (b) amend subordinate legislation.
- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”
- 

Matt Hancock

*Agreed to* NC30

To move the following Clause—

**“Bank of England oversight of payment systems**

Schedule (*Bank of England oversight of payment systems*) extends Part 5 of the Banking Act 2009 (Bank of England oversight of inter-bank payment systems) to other payment systems; and makes consequential provision.”

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Calum Kerr  
Drew Hendry

*Withdrawn* 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  
Drew Hendry

*Not called* 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 contract term, the mobile telephone is consistently unable to obtain a signal when located at the end-user’s main residence.”

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**Digital Economy Bill, continued**

Nigel Adams  
Kevin Brennan  
Louise Haigh

*Not called* 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.”

Thangam Debbonaire

*Withdrawn* 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 make 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.”

Claire Perry

*Not called* 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.”

Claire Perry

*Not called* 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 from its nature was produced solely or principally for the purposes of sexual arousal.”;

**Digital Economy Bill, continued**

- (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;”

Claire Perry

*Not called* 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.
- (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.

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**Digital Economy Bill, *continued***

- (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);
  - “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;

**Digital Economy Bill, continued**

“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.”

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Louise Haigh  
Kevin Brennan

*Not called* **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

*Not called* **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.”
- 

Louise Haigh  
Kevin Brennan

*Not called* **NC11**

To move the following Clause—

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

- (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

**Digital Economy Bill, continued**

- 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) 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) 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.”

Louise Haigh  
Kevin Brennan

*Not called* **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.

**Digital Economy Bill, *continued***

- (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.
- (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).

**Digital Economy Bill, continued**

- (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.”

Nigel Adams  
Kevin Brennan  
Louise Haigh

*Withdrawn* NC13

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, or could reasonably suspect, was obtained using digital ticket purchasing software and was acting in the course of a business.
- (3) For the purposes of subsection (2) a person shall be treated as acting in the course of a business if he or she does anything as a result of which he makes a profit or aims to make a profit.
- (4) 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.

**Digital Economy Bill, *continued***

- (5) 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.”
- (6) Subsections (1) and (2) shall apply in respect of anything done whether in the United Kingdom or elsewhere.”
- 

Kevin Brennan  
Louise Haigh

*Not called* NC14

To move the following Clause—

**“Digital broadcasting and protection of listed sporting events**

Within 12 months of this Act coming into force, the Secretary of State shall commission an evaluation of the impact of developments in digital broadcasting on the protection of listed sporting events for public service broadcasters, and shall lay the report of the evaluation before each House of Parliament.”

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Kevin Brennan  
Louise Haigh

*Withdrawn* NC15

To move the following Clause—

**“Storage of uploaded works**

- (1) The Electronic Commerce (EC Directive) Regulations 2002 is amended as follows.
  - (2) After Regulation 19 (a)(ii) insert—
    - “(iii) does not play an active role in the storage of information including by optimising the presentation of the uploaded works or promoting them.”
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**Digital Economy Bill, continued**

Kevin Brennan  
Louise Haigh

*Withdrawn* NC16

To move the following Clause—

**“E-book lending**

In section 43(2) of the Digital Economy Act 2010, leave out from “limited time” to “and loan.”

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Kevin Brennan  
Louise Haigh

*Not called* NC17

To move the following Clause—

**“PSB prominence**

- (1) The Communications Act 2003 is amended as follows.
  - (2) At the end of section 310(1) add “that satisfy the qualification criteria to be set by OFCOM in the code.”
  - (3) In section 310(2) leave out “OFCOM consider appropriate” and insert “required by OFCOM”.
  - (4) In section 310(4)(a) after “programmes” insert “, including on-demand programme services,”.
  - (5) In section 310(5)(a) after “service” insert “, including on-demand programme service,”.
  - (6) In section 310(8)(a) after “services” insert “, including on-demand programme services,”.
  - (7) In section 310(8)(b) after “services” insert “, including on-demand programme services.”
- 

Louise Haigh  
Kevin Brennan

*Not called* NC18

To move the following Clause—

**“Approval of Age-verification providers**

- (1) Age-verification providers must be approved by the age-verification regulator.
- (2) In this section an “age-verification provider” means a person who appears to the age-verification regulator to provide, in the course of a business, a service used by a person to ensure that pornographic material is not normally accessible by persons under the age of 18.
- (3) The age-verification regulator must publish a code of practice to be approved by the Secretary of State and laid before Parliament.
- (4) The code will include provisions to ensure that age-verification providers—
  - (a) perform a Data Protection Impact Assessment and make this publicly available,

**Digital Economy Bill, *continued***

- (b) take full and appropriate measures to ensure the accuracy, security and confidentiality of the data of their users,
  - (c) minimise the processing of personal information to that which is necessary for the purposes of age-verification,
  - (d) do not disclose the identity of individuals verifying their age to persons making pornography available on the internet,
  - (e) take full and appropriate measures to ensure that their services do not enable persons making pornography available on the internet to identify users of their sites or services across differing sites or services,
  - (f) do not create security risks for third parties or adversely impact security systems or cyber security,
  - (g) comply with a set standard of accuracy in verifying the age of users.
- (5) Age-verification Providers must comply with the code of practice.
- (6) To the extent that a term of a contract purports to prevent or restrict the doing of any act required to comply with the Code, that term is unenforceable.”

Louise Haigh  
Kevin Brennan

*Withdrawn* NC19

To move the following Clause—

**“Personal data breaches**

- (1) The Data Protection Act 1998 is amended as follows.
- (2) After section 24 insert—

**“24A Personal data breaches: notification to the Commissioner**

- (1) In this section, section 24B and section 24C, “personal data breach” means unauthorised or unlawful processing of personal data or accidental loss or destruction of, or damage to, personal data.
- (2) Subject to subsections (3), (4)(c) and (4)(d), if a personal data breach occurs, the data controller in respect of the personal data concerned in that breach shall, without undue delay, notify the breach to the Commissioner.
- (3) The notification referred to in subsection (2) is not required to the extent that the personal data concerned in the personal data breach are exempt from the seventh data protection principle.
- (4) The Secretary of State may by regulations—
  - (a) prescribe matters which a notification under subsection (2) must contain;
  - (b) prescribe the period within which, following detection of a personal data breach, a notification under subsection (2) must be given;
  - (c) provide that subsection (2) shall not apply to certain data controllers;
  - (d) provide that subsection (2) shall not apply to personal data breaches of a particular description or descriptions.

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**Digital Economy Bill, *continued*****24B Personal data breaches: notification to the data subject**

- (1) Subject to subsections (2), (3), (4), (6)(b) and (6)(c), if a personal data breach is likely to adversely affect the personal data or privacy of a data subject, the data controller in respect of the personal data concerned in that breach shall also, without undue delay, notify the breach to the data subject concerned, insofar as it is reasonably practicable to do so.
- (2) The notification referred to in subsection (1) is not required to the extent that the personal data concerned in the personal data breach are exempt from the seventh data protection principle.
- (3) The notification referred to in subsection (1) is not required to the extent that the personal data concerned in the personal data breach are exempt from section 7(1).
- (4) The notification referred to in subsection (1) is not required if the data controller has demonstrated, to the satisfaction of the Commissioner—
  - (a) that the data controller has implemented appropriate measures which render the data unintelligible to any person who is not authorised to access it, and
  - (b) that those measures were applied to the data concerned in that personal data breach.
- (5) If the data controller has not notified the data subject in compliance with subsection (1), the Commissioner may, having considered the likely adverse effects of the personal data breach, require the data controller to do so.
- (6) The Secretary of State may by regulations—
  - (a) prescribe matters which a notification under subsection (1) must contain;
  - (b) provide that subsection (1) shall not apply to certain data controllers;
  - (c) provide that subsection (1) shall not apply to personal data breaches of a particular description or descriptions.

**24C Personal data breaches: audit**

- (1) Data controllers shall maintain an inventory of personal data breaches comprising—
  - (a) the facts surrounding the breach,
  - (b) the effects of that breach, and
  - (c) remedial action takenwhich shall be sufficient to enable the Commissioner to verify compliance with the provisions of sections 24A and 24B. The inventory shall only include information necessary for this purpose.
- (2) The Commissioner may audit the compliance of data controllers with the provisions of sections 24A, 24B and 24C(1).
- (3) In section 40 (Enforcement notices)—
  - (a) in subsection (1)—
    - (i) after “data protection principles,” insert “or section 24A, 24B or 24C”;
    - (ii) for “principle or principles” substitute “principle, principles, section or sections”;

**Digital Economy Bill, *continued***

- (b) in subsection 6(a) after “principles” insert “or the section or sections”.
- (4) In section 41 (Cancellation of enforcement notice)—
- (a) in subsection (1) after “principles” insert “or the section or sections”;
- (b) in subsection (2) after “principles” insert “or the section or sections”.
- (5) In section 41A (Assessment notices)—
- (a) in subsection (1) after “data protection principles” insert “or section 24A, 24B or 24C”;
- (b) in subsection (10)(b) after “data protection principles” insert “or section 24A, 24B or 24C”.
- (6) In section 41C (Code of practice about assessment notices)—
- (a) in subsection (4)(a) after “principles” insert “and sections 24A, 24B and 24C”;
- (b) in subsection (4)(b) after “principles” insert “or sections”.
- (7) In section 43 (Information notices)—
- (a) in subsection 43(1)—
- (i) after “data protection principles” insert “or section 24A, 24B or 24C”;
- (ii) after “the principles” insert “or those sections”;
- (b) in subsection 43(2)(b) after “principles” insert “or section 24A, 24B or 24C”.
- (8) In section 55A (Power of Commissioner to impose monetary penalty)—
- (a) after subsection (1) insert—
- “(1A) The Commissioner may also serve a data controller with a monetary penalty notice if the Commissioner is satisfied that there has been a serious contravention of section 24A, 24B or 24C by the data controller.”;
- (b) in subsection (3A) after “subsection (1)” insert “or (1A)”;
- (c) in subsection (4) omit “determined by the Commissioner and”;
- (d) in subsection (5)—
- (i) after “The amount” insert “specified in a monetary penalty notice served under subsection (1) shall be”;
- (ii) after “Commissioner” insert “and”;
- (e) after subsection (5) insert—
- “(5A) The amount specified in a monetary penalty notice served under subsection (1A) shall be £1,000.
- (5B) The Secretary of State may by regulations amend subsection (5A) to change the amount specified therein.”
- (9) In section 55B (Monetary penalty notices: procedural rights)—
- (a) in subsection (3)(a) omit “and”;
- (b) after subsection (3)(a) insert—
- “(aa) specify the provision of this Act of which the Commissioner is satisfied there has been a serious contravention, and”;

**Digital Economy Bill, continued**

- (c) after subsection (3) insert—
- “(3A) A data controller may discharge liability for a monetary penalty in respect of a contravention of section 24A, 24B or 24C if he pays to the Commissioner the amount of £800 before the time within which the data controller may make representations to the Commissioner has expired.
- (3B) A notice of intent served in respect of a contravention of section 24A, 24B or 24C must include a statement informing the data controller of the opportunity to discharge liability for the monetary penalty.
- (3C) The Secretary of State may by regulations amend subsection (3A) to change the amount specified therein, save that the amount specified in subsection (3A) must be less than the amount specified in section 55A(5A).”;
- (d) in subsection (5) after “served” insert “under section 55A(1)”;
- (e) after subsection (5) insert—
- “(5A) A person on whom a monetary penalty notice is served under section 55A(1A) may appeal to the Tribunal against the issue of the monetary penalty notice.”
- (10) In section 55C(2)(b) (Guidance about monetary penalty notices) at the end insert “specified in a monetary penalty notice served under section 55A(1)”.
- (11) In section 67 (Orders, regulations and rules)—
- (a) in subsection (4)—
- (i) after “order” insert “or regulations”;
- (ii) after “section 22(1),” insert “section 24A(4)(c) or (d), 24B(6)(b) or (c),”;
- (b) in subsection (5)—
- (i) after subsection (c) insert “(ca) regulations under section 24A(4)(a) or (b) or section 24B(6)(a),”;
- (ii) for “(ca) regulations under section 55A(5) or (7) or 55B(3)(b),” substitute “(cb) regulations under section 55A(5), (5B) or (7) or 55B(3)(b) or (3C),”.
- (12) In section 71 (Index of defined expressions) after “personal data |section 1(1)” insert “personal data breach |section 24A(1)”.
- (13) In paragraph 1 of Schedule 9—
- (a) after paragraph 1(1)(a) insert—
- “(aa) that a data controller has contravened or is contravening any provision of section 24A, 24B or 24C, or”;
- (b) in paragraph 1(1B) after “principles” insert “or section 24A, 24B or 24C”;
- (c) in paragraph (3)(d)(ii) after “principles” insert “or section 24A, 24B or 24C”;
- (d) in paragraph (3)(f) after “principles” insert “or section 24A, 24B or 24C.””
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**Digital Economy Bill, continued**

Louise Haigh  
Kevin Brennan

*Not called* NC20

To move the following Clause—

**“Strategic review of mobile network coverage**

- (1) Within six months of this Act coming into force, the Secretary of State shall commission a strategic review of mobile network coverage and shall lay the report of the review before each House of Parliament.
- (2) The review under subsection (1) shall consider measures to ensure universal mobile network coverage for residences and businesses across all telecommunications providers.
- (3) The review under subsection (1) shall also consider measures to ensure savings made by telecommunication providers under sections (4), (5) and (6) of this Act are reinvested into expanding network coverage.”

Louise Haigh  
Kevin Brennan

*Withdrawn* NC21

To move the following Clause—

**“Code of practice: accessibility to on-demand audiovisual services for people with disabilities affecting hearing and/or sight**

- (1) The Secretary of State shall by regulations establish a code of practice for the augmentation of on-demand audiovisual programme services to require providers of such services to accompany designated output with designated levels of—
  - (a) subtitling,
  - (b) signing, or
  - (c) audio-description.
- (2) The code shall require minimum levels of provision of one or more type of audiovisual augmentation.
- (3) The code shall make provisions about the meeting of obligations established, including by allocating relevant responsibilities between—
  - (a) broadcasters,
  - (b) platform operators, and
  - (c) any other provider or purveyor of programmes or programme services.
- (4) The Secretary of State shall, before making regulations under subsection (1), conduct a public consultation to inform the Secretary of State’s determination of the elements of the code.
- (5) The Secretary of State may delegate such duties and powers conferred under this section to an appropriate designated authority or agency as the Secretary of State thinks appropriate.
- (6) For the purpose of subsection (1) a service is an on-demand audiovisual programme if it falls within the definition given in Section 368A (Meaning of “on-demand programme service”) of the Communications Act 2003 (as inserted by the Audiovisual Media Service Regulations 2009).”

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**Digital Economy Bill, continued**

Louise Haigh  
Kevin Brennan

*Withdrawn* NC24

To move the following Clause—

**“Employers in the digital economy**

Where a business provides a digital service in which they act as an intermediary between labour suppliers and consumers where that service retains significant control over the service providers the labour suppliers shall be defined as employees of that business, as defined in section 230 of the Employment Rights Act 1996.”

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Louise Haigh  
Kevin Brennan

*Withdrawn* NC31

To move the following Clause—

**“Review of information disclosure and data ownership**

- (1) The Secretary of State must commission an independent review of information disclosure and data ownership under Chapter 1 of Part 5 of this Act.
  - (2) In conducting the review, the designated independent reviewer must consult—
    - (a) specialists in data sharing,
    - (b) people and organisations who campaign for the rights of citizens to privacy and control regarding their personal information, and
    - (c) any other persons and organisations the review considers appropriate.
  - (3) The Secretary of State must lay a report of the review before each House of Parliament within six months of this Act coming into force.
  - (4) The Secretary of State may not make an order under section 82(4) bringing the provisions of Chapter 1 of Part 5 of this Act into force until each House of Parliament has passed a resolution approving the findings of the review mentioned in subsection (3).”
- 

Calum Kerr  
Drew Hendry

*Withdrawn* NC32

To move the following Clause—

**“OFCOM power to enforce structural separation of BT Openreach**

After section 49C of the Communications Act 2003 insert—

- “(49D) OFCOM has the power to enforce the structural separation of BT Openreach, should OFCOM consider this necessary.””
-

**Digital Economy Bill, continued**

Kevin Brennan  
Louise Haigh

*Not called* NC33

To move the following Clause—

**“Pre-loaded IPTV boxes**

- (1) The Copyright, Designs and Patents Act 1988 is amended as follows.
- (2) In section 107(1)(d)(ii) after “offers” insert “, advertises”.
- (3) After section 107(1)(d)(iv) insert—
  - “(v) installs, maintains or replaces, or
  - (vi) otherwise promotes by means of commercial communications, or”
- (4) In section 107(1)(e) after “article” insert “, device, product or component”.
- (5) In section 107(1)(e) after “work” insert “or which is, and which he knows or has reason to believe is, primarily designed, produced, adapted or otherwise used in a manner described in this section whether alone or in conjunction with another article, device, product, component, or service supplied by or with the knowledge of the same person for the purpose of enabling or facilitating the infringement of copyright”.

Calum Kerr  
Drew Hendry

*Not called* NC34

To move the following Clause—

**“Power of Information Commissioner to take action on unsolicited communications**

- (1) The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I.2003/2426) are amended as follows.
- (2) In Regulation 31(1), between “sections 55A to 55E” and “of the Data Protection Act 1998” insert “and section 61”.
- (3) In Schedule 1, after paragraph 8B insert—
 

“8C In subsections (1) and (3) of section 61—

  - (a) for “an offence under this Act” there shall be substituted “a contravention of the Privacy and Electronic Communications (EC Directive) Regulations 2000”;
  - (b) for “guilty of that offence” there shall be substituted “liable for that contravention”; and
  - (c) for “proceeded against and published accordingly” there shall be substituted “served with a notice, proceeded against of punished accordingly”.



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**Digital Economy Bill, continued**

Louise Haigh  
Kevin Brennan

*Not called* NC35

To move the following Clause—

**“Public register of data disclosures**

- (1) No disclosure by a public authority under Part 5 shall be lawful unless detailed by an entry in a public register.
- (2) Any entry made in a public register under subsection (1) shall be disclosed to another person only for the purposes set out in this Part.
- (3) Each entry in the register must contain, or include information on—
  - (a) the uniform resource locator of the entry,
  - (b) the purpose of the disclosure,
  - (c) the specific data to be disclosed,
  - (d) the data controllers and data processors involved in the sharing of the data,
  - (e) any exchange of letters between the data controllers on the disclosure,
  - (f) any other information deemed relevant.
- (4) In this section, “uniform resource locator” means a standardised naming convention for entries made in a public register.

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Louise Haigh  
Kevin Brennan

*Negated on division* NC36

To move the following Clause—

**“Bill caps for all mobile phone contracts**

- (1) A telecommunications service provider supplying a contract relating to a hand-held mobile telephone must, at the time of entering into such a contract, allow the end-user the opportunity to place a financial cap on the monthly bill under that contract.
- (2) A telecommunications service provider under subsection (1) must not begin to supply a contracted service to an end-user unless the end-user has either—
  - (a) requested the monthly cap be put in place and agreed the amount of that cap, or
  - (b) decided, on a durable medium, not to put a monthly cap in place.
- (3) The end-user should bear no cost for the supply of any service above the cap if the provider has—
  - (a) failed to impose a cap agreed under subsection (2)(a),
  - (b) introduce, or amend, a cap following the end-user’s instructions under subsection (2)(b), or
  - (c) removed the cap without the end-user’s instructions or has removed it without obtaining the consumer’s express consent on a durable medium under subsection (2).”

**Digital Economy Bill, *continued***

Louise Haigh  
Kevin Brennan

*Withdrawn* NC37

To move the following Clause—

**“Duty to provide free wifi on rail services**

- (1) The Railways Act 1993 is amended as follows.
- (2) After section 26 insert—

“(26D) In deciding whether to select the person who is to be the franchisee under a franchise agreement by means of an invitation to tender and whom so to select, the appropriate franchising authority must stipulate a requirement for franchisees to provide free wifi for passengers.”

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Louise Haigh  
Kevin Brennan

*Not called* NC38

To move the following Clause—

**“Responsibility for policy and funding of TV licence fee concessions**

After section 365(5) of the Communications Act 2003 insert—

- “(5A) It shall be the responsibility of the Secretary of State to—
- (a) specify the conditions under which concessions are entitled, and
  - (b) provide the BBC with necessary funding to cover the cost of concessions,
- and this responsibility shall not be delegated to any other body.”
- 

*NEW SCHEDULES*

Matt Hancock

*Added* NS1

To move the following Schedule—

“SCHEDULE

ELECTRONIC COMMUNICATIONS CODE: CONSEQUENTIAL AMENDMENTS

PART 1

GENERAL PROVISION

**Digital Economy Bill, continued***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.

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;

**Digital Economy Bill, continued**

- (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)”.

*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)”.

**Digital Economy Bill, continued***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”.
- 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)”.

**Digital Economy Bill, continued***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”;
    - (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

**Digital Economy Bill, continued**

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”.

*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)”.

**Digital Economy Bill, continued***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).

*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)”.



**Digital Economy Bill, continued**

- (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.
- (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.

**Digital Economy Bill, *continued***

- 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.

*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).”.

**Digital Economy Bill, continued**

- 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)”.

*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.
- (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).”

Matt Hancock

*Added NS2*

To move the following Schedule—

“BANK OF ENGLAND OVERSIGHT OF PAYMENT SYSTEMS

## PART 1

## EXTENSION OF BANK OF ENGLAND OVERSIGHT OF PAYMENT SYSTEMS

- 1 The Banking Act 2009 is amended as follows.
- 2 In the heading to Part 5 (inter-bank payment systems) omit “Inter-bank”.
- 3 In section 181 (overview) for “payments between financial institutions” substitute “transferring money”.
- 4 (1) Section 182 (interpretation: “inter-bank payment system”) is amended as follows.

**Digital Economy Bill, *continued***

- (2) In subsection (1)—
- (a) omit “inter-bank”;
  - (b) omit the words from “between financial institutions” to the end.
- (3) After subsection (1) insert—
- “(1A) But “payment system” does not include any arrangements for the physical movement of cash.”
- (4) Omit subsections (2) and (3).
- (5) In subsection (5) for “an inter-bank” substitute “a”.
- (6) In the heading omit “inter-bank”.
- 5 In section 183 (interpretation: other expressions), in paragraph (a) for “an inter-bank” substitute “a”.
- 6 (1) Section 184 (recognition order) is amended as follows.
- (2) In subsection (1) for “an inter-bank” substitute “a”.
  - (3) In subsection (2) omit “inter-bank”.
  - (4) In subsection (3) for “an inter-bank” substitute “a payment”.
- 7 In section 185 (recognition criteria), in subsection (1) for “an inter-bank” substitute “a”.
- 8 In section 186A (amendment of recognition order), in subsections (2)(b) and (4), omit “inter-bank”.
- 9 In section 187 (de-recognition), in subsections (2), (3)(b) and (5), omit “inter-bank”.
- 10 In section 188 (principles), in subsection (1) omit “inter-bank”.
- 11 In section 189 (codes of practice) omit “inter-bank”.
- 12 In section 190 (system rules), in subsection (1) omit “inter-bank”.
- 13 In section 191 (directions), in subsection (1) omit “inter-bank”.
- 14 In section 192 (role of FCA and PRA), in subsections (2)(a) and (b) and (3), omit “inter-bank”.
- 15 In section 193 (inspection), in subsections (1) and (2), omit “inter-bank”.
- 16 In section 194 (inspection: warrant), in subsection (1)(a) omit “inter-bank”.
- 17 In section 195 (independent report), in subsection (1) omit “inter-bank”.
- 18 In section 196 (compliance failure) omit “inter-bank”.
- 19 In section 197 (publication), in subsection (1) omit “inter-bank”.
- 20 In section 198 (penalty), in subsection (1) omit “inter-bank”.
- 21 In section 199 (closure), in subsection (2) omit “inter-bank”.
- 22 In section 200 (management disqualification), in subsections (1) and (2), omit “inter-bank”.
- 23 In section 201 (warning), in subsection (1) for “an inter-bank” substitute “a”.
- 24 In section 202A (injunctions), in subsections (2)(a) and (3)(a), omit “inter-bank”.
- 25 In section 203 (fees), in subsection (1) omit “inter-bank”.
- 26 In section 204 (information), in subsections (1A), (2) and (4)(c), omit “inter-bank”.
- 27 In section 205 (pretending to be recognised), in subsection (1) omit “inter-bank”.
- 28 In section 206A (services forming part of recognised inter-bank payment system), in subsections (1), (2) and (7)(a) and in the heading, omit “inter-bank”.
- 29 In section 259 (statutory instruments), in the Table in subsection (3)—
- (a) in the heading for the entries in Part 5, omit “Inter-bank”;

**Digital Economy Bill**, *continued*

- (b) in the entry for section 206A, in the second column omit “inter-bank”.
- 30 In section 261 (index of defined terms), in the Table—
- (a) omit the entry for “Inter-bank payment system”;
- (b) at the appropriate place insert—

“Payment system	182”
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## PART 2

## CONSEQUENTIAL AMENDMENTS

*Financial Services Act 2012*

- 31 The Financial Services Act 2012 is amended as follows.
- 32 (1) Section 68 (cases in which Treasury may arrange independent enquiries) is amended as follows.
- (2) In subsection (3), in paragraphs (a) and (b)(ii), omit “inter-bank”.
- (3) In subsection (5), in the definition of “recognised inter-bank payment system”—
- (a) omit the first “inter-bank”;
- (b) for “an inter-bank” substitute “a”.
- 33 In section 85 (relevant functions in relation to complaints scheme), in subsection (3)(a) omit “inter-bank”.
- 34 In section 110 (payment to Treasury of penalties received by Bank of England), in subsection (5)(d) omit “inter-bank”.

*Financial Services (Banking Reform) Act 2013*

- 35 The Financial Services (Banking Reform) Act 2013 is amended as follows.
- 36 In section 45 (procedure), in subsection (1)(a) omit “inter-bank”.
- 37 In section 46 (amendment of designation order), in subsection (2)(a) omit “inter-bank”.
- 38 In section 47 (revocation of designation orders), in subsection (3)(a) omit “inter-bank”.
- 39 In section 98 (duty of regulators to ensure co-ordinated exercise of functions), in subsection (5)(b) omit “inter-bank”.
- 40 In section 110 (interpretation), in subsection (1), in the definition of “recognised inter-bank payment system”—
- (a) omit the first “inter-bank”;
- (b) for “an inter-bank” substitute “a”.
- 41 In section 112 (interpretation: infrastructure companies), in subsections (2)(a), (4)(b) and (5), omit “inter-bank”.
- 42 In section 113 (interpretation: other expressions), in subsection (1)—
- (a) in the definition of “operator” omit “inter-bank”;
- (b) in the definition of “recognised inter-bank payment system”—
- (i) omit the first “inter-bank”;
- (ii) for “an inter-bank” substitute “a”;
- (c) in the definition of “the relevant system”, in paragraphs (a) and (c), omit “inter-bank”.
- 43 In section 115 (objective of FMI administration), in subsection (1) omit “inter-bank”.

**Digital Economy Bill, continued**

- 44 In section 120 (power to direct FMI administrator), in subsection (8) omit “inter-bank”.
- 45 In section 127 (interpretation of Part 6), in subsection (1), in the definition of “operator” and in the definition of “recognised inter-bank payment system”, omit “inter-bank”.
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Matt Hancock

*Agreed to* **186**

Title, line **8**, after “functions;” insert “to make provision about qualifications in information technology;”

Matt Hancock

*Agreed to* **187**

Title, line **8**, after “functions;” insert “to make provision about payment systems and securities settlement systems;”

*Bill, as amended, to be reported.*

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