



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 23 November 2016

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*
Amendments tabled since the last publication: 35 to 42 and NC25 to NC34

CONSIDERATION OF BILL (REPORT STAGE)

DIGITAL ECONOMY BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

NEW CLAUSES

Secretary Karen Bradley

NC28

★ To move the following Clause—

“Age-verification regulator’s power to direct internet service providers to block access to material

- (1) Where the age-verification regulator considers that a person (“the non-complying person”) is—
 - (a) contravening section 15(1), or
 - (b) making prohibited material available on the internet to persons in the United Kingdom,
 it may give a notice under this subsection to any internet service provider.
- (2) The notice must—
 - (a) identify the non-complying person in such manner as the age-verification regulator considers appropriate;

Digital Economy Bill, *continued*

- (b) state which of paragraphs (a) and (b) of subsection (1) applies;
 - (c) require the internet service provider—
 - (i) to take steps specified in the notice, or
 - (ii) (if no such steps are specified) to put in place arrangements that appear to the provider to be appropriate, so as to prevent persons in the United Kingdom from being able to access the offending material using the service it provides;
 - (d) provide such information as the regulator considers may assist the internet service provider in complying with any requirement imposed by the notice;
 - (e) provide information about the arrangements for appeals mentioned in section 17(4)(d);
 - (f) provide such further particulars as the regulator considers appropriate.
- (3) The steps that may be specified or arrangements that may be put in place under subsection (2)(c) include steps or arrangements that will or may also have the effect of preventing persons in the United Kingdom from being able to access material other than the offending material using the service provided by the internet service provider.
- (4) The notice may require the internet service provider to provide information specified in the notice, in a manner specified in the notice, to persons in the United Kingdom who—
- (a) attempt to access the offending material using the service provided by the provider, and
 - (b) are prevented from doing so as a result of steps taken, or arrangements put in place, by the provider pursuant to the notice.
- (5) The notice may specify the time by which the internet service provider must have complied with any requirement imposed by the notice.
- (6) The notice may be varied or revoked by a further notice under subsection (1).
- (7) The age-verification regulator may publish, in whatever way it considers appropriate, a notice given under subsection (1).
- (8) It is the duty of an internet service provider to comply with any requirement imposed on it by a notice under subsection (1).
- (9) That duty is enforceable in civil proceedings by the age-verification regulator—
- (a) for an injunction;
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988; or
 - (c) for any other appropriate relief or remedy.
- (10) Before giving a notice to an internet service provider under subsection (1), the age-verification regulator must—
- (a) inform the Secretary of State of its decision to do so, and
 - (b) give notice of that decision to the non-complying person under this subsection.
- (11) A notice under subsection (10) (other than notice of a decision to revoke a notice under subsection (1)) must—
- (a) where subsection (1)(a) applies—
 - (i) say why the regulator considers that the non-complying person is contravening section 15(1), and
 - (ii) indicate what steps the regulator considers might be taken by the non-complying person to comply with that section;
 - (b) where subsection (1)(b) applies, say why the regulator considers that the offending material is prohibited material;

Digital Economy Bill, *continued*

- (c) indicate the circumstances in which the regulator may consider revoking the notice it has decided to give under subsection (1) and the manner in which the non-complying person may notify the regulator of steps taken to satisfy the regulator that the notice ought to be revoked;
 - (d) provide information about the arrangements for appeals mentioned in section 17(4)(e).
- (12) In this section—
- “the offending material”, in relation to a non-complying person, means the material which the age-verification regulator considers is—
 - (a) being made available in contravention of section 15(1) by the non-complying person; or
 - (b) prohibited material which the non-complying person is making available on the internet to persons in the United Kingdom;
- “prohibited material” has the meaning given in section 22(4).”

Member’s explanatory statement

This new clause enables the age-verification regulator to require internet service providers to prevent persons in the United Kingdom from being able to access material on the internet where it is being made available in contravention of clause 15(1) or is “prohibited material” as defined in clause 22.

Secretary Karen Bradley

NC29

★ To move the following Clause—

“On-demand programme services: specially restricted material

- (1) Section 368E of the Communications Act 2003 (restrictions on harmful material contained in on-demand programme services) is amended as follows.
- (2) In subsection (5), after paragraph (b) omit “or”.
- (3) In that subsection, after paragraph (c) insert—
 - “(d) a video work—
 - (i) in respect of which the video works authority has issued an 18 certificate, and
 - (ii) whose nature is such that it is reasonable to assume that its principal purpose is to cause sexual arousal, or
 - (e) material whose nature is such that it is reasonable—
 - (i) to assume that its principal purpose is to cause sexual arousal, and
 - (ii) to expect that, if the material were contained in a video work submitted to the video works authority for a classification certificate, the video works authority would issue an 18 certificate.”
- (4) In subsection (6), after “(5)(b)” insert “or (e)”.
- (5) In subsection (7), after the definition of “the 1984 Act”, insert—
 - ““18 certificate” means a classification certificate which—
 - (a) contains, pursuant to section 7(2)(b) of the 1984 Act, a statement that the video work is suitable for viewing only by persons who have attained the age of 18 and that

Digital Economy Bill, *continued*

- 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 the 1984 Act that no video recording containing the video work is to be supplied other than in a licensed sex shop;”.

Member's explanatory statement

Section 368E of the Communications Act 2003 prohibits an “on-demand programme service” (defined in section 368A) from containing “specially restricted material” except in a manner which secures that persons under the age of 18 will not normally see or hear it. This new clause adds further kinds of “specially restricted material”.

Claire Perry
Mr David Burrowes
Fiona Bruce
Derek Thomas
Jeremy Lefroy
Caroline Ansell

Heidi Allen
Mrs Maria Miller
Sir Jeffrey M. Donaldson
Mr Philip Hollobone
Danny Kinahan
Sir Peter Bottomley
Susan Elan Jones
Liz Saville Roberts
Drew Hendry
Flick Drummond

Andrew Selous
Fiona Mactaggart
Calum Kerr
Sir Gerald Howarth
Jim Shannon
Kirsten Oswald
Stephen Timms
Jonathan Edwards
Madeleine Moon
Carolyn Harris

Mr Iain Duncan Smith
Mark Durkan
Sammy Wilson
Tom Elliott
Gavin Robinson
Helen Goodman
Kirsten Oswald
Hywel Williams
Robert Ffello

NC1

To move the following Clause—

“Power to require the blocking of access to pornographic material by internet service providers

- (1) Where the age-verification regulator determines that a person has made pornographic material available on a commercial basis on the internet to persons in the United Kingdom—
- (a) in contravention of section 15(1), and
 - (b) the person has been the subject of a financial penalty or enforcement notice under section 20 and the contravention has not ceased,
- the age-verification regulator may issue a notice to internet service providers requiring them to prevent access to the pornographic material that is provided by the non-complying person.
- (2) A notice under subsection (1) must—
- (a) identify the non-complying person in such manner as the age verification regulator considers appropriate;
 - (b) provide such further particulars as the age-verification regulator considers appropriate.
- (3) When the age-verification regulator gives notice under this section, it must inform the non-complying person, by notice, that it has done so.

Digital Economy Bill, *continued*

- (4) An internet service provider who fails to comply with a requirement imposed by subsection (1) commits an offence, subject to subsection (5).
- (5) No offence is committed under subsection (4) if the internet service provider took all reasonable steps and exercised all due diligence to ensure that the requirement would be complied with.
- (6) An internet service provider guilty of an offence under subsection (4) is liable, on summary conviction, to a fine.
- (7) In this section “internet service provider” has the same meaning as in section 124N of the Communications Act 2003 (interpretation).”

Member’s explanatory statement

This new clause gives a power to the age-verification regulator to require internet service providers to block pornography websites that do not offer age-verification.

Liz Saville Roberts
Jonathan Edwards
Hywel Williams

NC3

To move the following Clause—

“Safety responsibilities of social media sites

- (1) This section applies to a person who operates an internet site for commercial purposes which requires a user to create a personal account to fully access the internet site.
- (2) A person under subsection (1) must—
 - (a) undertake and publish an online safety impact assessment in respect of their account holders,
 - (b) inform the police if they become aware of any threat on its internet site to physically harm an individual,
 - (c) remove any posts made on its internet site that are deemed to be violent or that could incite violence.”

Louise Haigh
Kevin Brennan
Dr Rosena Allin-Khan
Drew Hendry
Calum Kerr

NC5

To move the following Clause—

“Personal data breaches

- (1) The Data Protection Act 1998 is amended as follows.

Digital Economy Bill, *continued*

(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.

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—

Digital Economy Bill, *continued*

- (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 taken
 which 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”;
 - (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”.

Digital Economy Bill, *continued*

- (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”;
 - (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”;

Digital Economy Bill, *continued*

- (iii) persons with a dual sensory impairment, of the programmes to be included in such services; and
- (b) the means by which such understanding and enjoyment should be promoted.
- (2) The code must include provision for securing that every provider of a service to which this section applies ensures that adequate information about the assistance for disabled people that is provided in relation to that service is made available to those who are likely to want to make use of it.
- (3) In complying with subsection (1) Ofcom must conduct a public consultation to inform Ofcom's determination of the elements of the code.
- (4) In complying with subsection (1), Ofcom must have regard, in particular, to—
- (a) the extent of the benefit which would be conferred by the provision of assistance for disabled people in relation to the programmes;
 - (b) the size of the intended audience for the programmes;
 - (c) the number of persons who would be likely to benefit from the assistance and the extent of the likely benefit in each case;
 - (d) the extent to which members of the intended audience for the programmes are resident in places outside the United Kingdom;
 - (e) the technical difficulty of providing the assistance; and
 - (f) the cost, in the context of the matters mentioned in paragraphs (a) to (e), of providing the assistance.
- (5) The code must set out the descriptions of programmes that Ofcom considers should be excluded programmes for the purposes of the requirement contained in that subsection or paragraph.
- (6) 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.
- (7) 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).”

Louise Haigh
Kevin Brennan
Dr Rosena Allin-Khan
Drew Hendry
Calum Kerr

NC7

To move the following Clause—

“Bill limits 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—

Digital Economy Bill, *continued*

- (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).”

Louise Haigh
 Kevin Brennan
 Andrew Rosindell
 Liz Saville Roberts
 Jonathan Edwards
 Hywel Williams

Sir Edward Leigh
 Sir Peter Bottomley
 Mr Alistair Carmichael
 Anne McLoughlin
 Stuart C. McDonald
 Drew Hendry

Lady Hermon
 Greg Mulholland
 Dr Rosena Allin-Khan
 Ian Blackford
 Martyn Day

Caroline Lucas
 Calum Kerr
 Mark Durkan
 Alan Brown
 Margaret Ferrier

NC8

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.”

Member’s explanatory statement

This new clause seeks to enshrine in statute that it should be the responsibility of the Government to set the entitlement for any concessions and to cover the cost of such concession. This new clause will ensure the entitlement and cost of over-75s TV licences remain with the Government. It would need to be agreed with Clause 76 not standing part of the Bill.

Digital Economy Bill, *continued*

Louise Haigh
Kevin Brennan
Dr Rosena Allin-Khan

NC10

To move the following Clause—

“Internet pornography: requirement to teach age requirement and risks as part of sex education

After section 403(1A)(b) of the Education Act 1996, add—

“(c) they learn about the risks and dangers of internet pornography, and the legal age requirement to access internet pornography under Part 3 of the Digital Economy Act 2017.””

Member’s explanatory statement

This new clause would mean that the Secretary of State would have to include in guidance to maintained schools that pupils learn as part of sex education the risks and dangers of internet pornography and the legal age requirement to access it, as provided for under Part 3.

Louise Haigh
Kevin Brennan
Dr Rosena Allin-Khan
Drew Hendry
Calum Kerr

NC11

To move the following Clause—

“Public register of information disclosures

- (1) No disclosure of information 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 information to be disclosed,
 - (d) the data controllers and data processors involved in the sharing of the information,
 - (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.”

Digital Economy Bill, *continued*

Louise Haigh
 Kevin Brennan
 Dr Rosena Allin-Khan
 Drew Hendry
 Calum Kerr

NC12

To move the following Clause—

“Review of the collection and use of data by government and commercial bodies

- (1) Within six months of this Act coming into force, the Secretary of State shall commission an independent review of the collection and use of data by government and commercial bodies and shall lay the report of the review before each House of Parliament.
- (2) The review under subsection (1) shall consider—
 - (a) the increasing use of big data analytics and the privacy risks associated with big data;
 - (b) the adequacy of current rules and regulations on data ownership;
 - (c) the collection and use of administrative data; and
 - (d) any other matters the Secretary of State considers appropriate.
- (3) In conducting the review, the designated independent reviewer must consult—
 - (a) specialists in big data, data ownership and administrative data,
 - (b) those who campaign for citizens’ rights in relation to privacy, personal information and data protection,
 - (c) any other persons and organisations the reviewer considers appropriate.
- (4) In this section “big data analytics” means the process of examining large datasets to uncover hidden patterns, unknown correlations, market trends, customer preferences and other useful business information.”

Liz Saville Roberts
 Jonathan Edwards
 Hywel Williams
 Louise Haigh
 Kevin Brennan
 Dr Rosena Allin-Khan

Drew Hendry

Calum Kerr

NC13

To move the following Clause—

“Code of practice for commercial social media platform providers on online abuse

- (1) The relevant Minister must issue a code of practice about the responsibilities of commercial social media platform providers in dealing with online abuse.
- (2) The code of practice must include guidance on—
 - (a) how a commercial social media platform providers shall respond to cases of a person being victim of online abuse on its internet site;

Digital Economy Bill, *continued*

- (b) quality service standards expected of the commercial social media platform providers in determining, assessing, and responding to cases of online abuse; and
 - (c) the setting and enforcement of privacy settings of persons aged 17 or under, where deemed appropriate.
- (3) A commercial social media platform providers must comply with the code of practice.
 - (4) The relevant Minister may from time to time revise and re-issue the code of practice.
 - (5) As soon as is reasonably practicable after issuing or reissuing the code of practice the relevant Minister must lay, or arrange for the laying of, a copy of it before—
 - (a) Parliament,
 - (b) the Scottish Parliament,
 - (c) the National Assembly for Wales, and
 - (d) the Northern Ireland Assembly.
 - (6) In this section “commercial social media platform providers” means a person who operates an internet site on a commercial basis on which people can interact.”
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Liz Saville Roberts
Jonathan Edwards
Hywel Williams

NC14

To move the following Clause—

“Impact assessment of macro not-spot roaming

- (1) Within three months of this Act coming into force, the Secretary of State must commission an impact assessment of enabling a system of macro not-spot roaming in the UK, and shall lay the report of the impact assessment before each House of Parliament.
- (2) In this section “macro not-spot roaming” means the ability for hand-held mobile telephone users based in relatively large areas of non or partial broadband coverage to access coverage from networks other than their own.”

Member’s explanatory statement

This new clause calls for an impact assessment of macro not-spot roaming in the UK, in line with the recommendations of the British Infrastructure Group report on mobile coverage.

Digital Economy Bill, *continued*

Kevin Brennan
 Louise Haigh
 Dr Rosena Allin-Khan
 Drew Hendry
 Calum Kerr

NC15

To move the following Clause—

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

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

Member’s explanatory statement

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

Digital Economy Bill, *continued*

Kevin Brennan
Louise Haigh
Dr Rosena Allin-Khan

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.”

Member’s explanatory statement

This new clause aims to extend public lending rights to remote offsite e-book lending.

Kevin Brennan
Louise Haigh
Dr Rosena Allin-Khan
Drew Hendry
Calum Kerr

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.”

Member’s explanatory statement

This new clause would modernise the PSB prominence regime, as recommended by Ofcom in its 2015 PSB Review. This proposal would extend the provisions in the Communications Act 2003 which currently only apply to traditional public service television channels and menus to on-demand services.

Digital Economy Bill, continued

Kevin Brennan
 Louise Haigh
 Dr Rosena Allin-Khan
 Drew Hendry
 Calum Kerr

NC18

To move the following Clause—

“Listed events qualifying criteria

- (1) The Broadcasting Act 1996 is amended as follows.
- (2) Omit section 98(2)(b) and insert—
 - “(b) that the service has been watched by at least 90 per cent. of citizens in the United Kingdom in the course of the preceding calendar year.”
- (3) After section 98(2) insert—
 - “(2A) The Secretary of State may by Order amend section (2)(b) by substituting a different percentage for any percentage for the time being specified there.
 - (2B) No Order under subsection (2A) shall be made unless a draft of the Order has been laid before and approved by a resolution of each House of Parliament.””

Member’s explanatory statement

This new clause seeks to future-proof the listed events regime. This replaces the criterion on the capability of ‘receive’ a channel with an alternative based on its actual usage over the period of a year, lowers the threshold from 95% to 90%, and proposes delegating powers to the SoS to amend the 90% threshold.

Louise Haigh
 Kevin Brennan
 Dr Rosena Allin-Khan
 Caroline Lucas

NC19

To move the following Clause—

“Disclosure of information by local authorities in relation to free school meals

- (1) A “specified objective” under section 29(6) also refers to the disclosure of information held by a local authority to a relevant school to enable them to carry out the duty in Section 512 of the Education Act 1996 to provide free school meals to eligible children.
- (2) For the purposes of this section, “information” refers to the disclosure of information to a relevant school on the names of—
 - (a) pupils who live within a household that claims council tax benefit;
 - (b) pupils who live within a household that claims housing benefit;
 - (c) pupils who live within a household that claims any other benefits administered by the local authority.
- (3) The objective under section (1) may be specified by regulations only if it complies with the conditions under subsection (4).

Digital Economy Bill, *continued*

- (4) That condition is that the disclosure is for the purposes of assisting children eligible for free school meals to have access to the entitlement under section 512 of the Education Act 1996.
- (5) Under subsection (1) local education authority must provide a relevant school with sufficient information collected to enable them to carry out the duty in subsection 3.
- (6) For the purposes of this Act, a school is “relevant” to a local education authority if that school has on its pupil roll a qualifying child resident within that local education authority’s area.
- (7) For the purposes of this Act, a “school” is any local authority maintained school, free school or academy, or voluntary-sector alternative provision working with the local authority.
- (8) Local education authorities must provide the means for a parent or guardian of a qualifying child to—
 - (a) opt out of the arrangements envisaged in sections 1 to 4.
 - (b) consider opting in to free school meals at the beginning of each academic year, having previously chosen to opt out.
- (9) Local education authorities and schools must take all reasonable steps to preserve the confidentiality and right to privacy of qualifying children and their parents or guardians in respect of the information, information-sharing and administrative arrangements provided.”

Drew Hendry
Calum Kerr

NC20

- ☆ 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 telephones is consistently unable to obtain a signal when located at the end-user’s main residence.”

Digital Economy Bill, *continued*

Liz Saville Roberts
Jonathan Edwards
Hywel Williams

NC21

☆ To move the following Clause—

“Use of emergency serve network wireless telegraphy infrastructure by multiple network providers

After section 8(4) of the Wireless Telegraphy Act 2006, insert—

“(4A) A licence issued in respect of a wireless telegraphy station or apparatus that is used for the purposes of emergency service network shall stipulate that more than one network provider can use the station or apparatus.””

Calum Kerr
Drew Hendry

NC22

☆ 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.””

Liz Saville Roberts
Jonathan Edwards
Hywel Williams

NC23

☆ To move the following Clause—

“Provision of information on Government website in Welsh language

- (1) Subject to subsection (2), services provided on the internet by the Government must be provided in the Welsh language in addition to English.
 - (2) Subsection (2) only applies to services provided on the internet by the Government relating to subjects not listed under Part 1 of Schedule 7 to the Government of Wales Act 2006.
 - (3) In this section “services provided on the internet by the Government” means—
 - (a) information on the www.gov.uk website, or
 - (b) interactive services on the www.gov.uk website.”
-

Digital Economy Bill, *continued*

Margaret Ferrier
Carolyn Harris
Martyn Day
Natalie McGarry
Alison Thewliss

NC24

☆ To move the following Clause—

“Review of sale of counterfeit electrical appliances on the internet

- (1) Within six months of this Act coming into force, the Secretary of State shall commission a review of the sale on the internet of counterfeit electrical appliances and shall lay the report of the review before each House of Parliament.
- (2) The review under subsection (1) shall consider whether operators of trading websites that allow individual sellers to use those websites to sell electrical items should be obliged to report to the police and trading standards any instances of the selling of counterfeit electrical appliances during the course of their business of trading.”

Grant Shapps

NC25

★ To move the following Clause—

“Ability of end-user to cancel mobile telephone contract in event of lack of signal at residence and place of employment

A telecommunications service provider must allow an end-user to cancel a contract relating to a hand-held mobile device if, at any point during the contract term, the mobile device is consistently unable to obtain a signal when located at the end user’s main residence or main place of employment.”

Helen Goodman
Marie Rimmer
Rosie Cooper
Lilian Greenwood
Ben Bradshaw

NC26

★ To move the following Clause—

“Wireless telegraphy licences and medical or hearing technology

After section 14(4) of the Wireless Telegraphy Act 2006, insert—

- “(4A) Before granting a wireless telegraphy licence, Ofcom shall carry out tests to identify the risk of any interference with any medical or hearing technology and publish its findings.
- (4B) Ofcom shall not grant a licence if tests carried out under section 14(4A) have found there is a risk of interference with medical or hearing technology unless—

Digital Economy Bill, *continued*

- (a) action is taken to eliminate the risk; or
 - (b) a fund is set up to meet the costs of replacing all medical or hearing technology affected by the interference.
- (4C) Where a fund is set up under section 14(4B), Ofcom shall require that any person who is granted a licence takes action to inform its customers of the risk that its devices may lead to interference with medical or hearing technology.””

Member’s explanatory statement

This new clause would place a duty on Ofcom to carry out tests in advance of the sale of radio frequencies to ensure that any interference identified with medical or hearing devices is made public. Where a risk of interference is identified, Ofcom shall not grant a wireless telegraphy licence unless action is taken to remove the risk of interference or a fund established to cover the cost of replacing medical or hearing technology affected. This new clause is supported by the National Deaf Children’s Society.

Calum Kerr
Drew Hendry

NC27

- ★ To move the following Clause—

“Introduction of broadband connection voucher scheme as alternative to universal service order provision

The Secretary of State shall introduce a broadband connection voucher scheme to allow an end-user to access broadband other than that supplied by the provider of the universal service order, under Part 2 of the Communications Act 2003.”

Member’s explanatory statement

Although most individuals are likely to choose the standard universal service order offering, this new clause would provide individuals with the option of a voucher scheme that empowers them to take up an alternative solution.

Kevin Brennan
Dr Rosena Allin-Khan
Louise Haigh

NC30

- ★ To move the following Clause—

“Devices or services that infringe copyright

- (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”.

Digital Economy Bill, continued

- (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”.”

Member’s explanatory statement

This new clause allows the Government to fulfil its commitment in the IPO’s Enforcement Strategy to ensure that UK business and rights holders have the necessary legal means to protect their IP. It brings in language to cover the supply of IPTV boxes clearly being marketed or sold for the purpose of enabling or facilitating copyright infringement, recognising that many devices may not, themselves, infringe copyright, but are supplied in conjunction with information which enables users to infringe copyright.

Damian Collins
Nigel Adams
Christian Matheson
Nigel Huddleston
Julie Elliott
Andrew Bingham

Ian C. Lucas
Jason McCarthy
Dr Rosena Allin-Khan

Paul Farrelly
Kevin Brennan
Mrs Sharon Hodgson

John Nicolson
Louise Haigh

NC31

- ★ 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 utilises 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, or allows to be resold or offered for resale on a secondary ticketing facility, 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.
- (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.

Digital Economy Bill, *continued*

- (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.”

Member’s explanatory statement

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

Louise Haigh
Kevin Brennan

NC32

★ 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,
 - (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.”

Digital Economy Bill, *continued*

Carolyn Harris

NC33

★ To move the following Clause—

“Report of cost to UK economy of counterfeit electrical goods on the internet

- (1) Within six months of this Act coming into force, the Secretary of State shall prepare and publish a report on the cost to the UK economy of counterfeit electrical goods on the internet and shall lay a copy of the report before Parliament.
- (2) The report under subsection (1) shall include an assessment of—
 - (a) the amount of counterfeit electrical goods being imported into the United Kingdom,
 - (b) the efficacy of the 1994 Plugs and Sockets regulations, and
 - (c) the amounts of counterfeit electrical good being sold on trading websites on the internet.”

Matt Warman

NC34

★ To move the following Clause—

“Review of impact of digital platforms on media advertising

- (1) Within 12 months of this Act coming into force, Ofcom shall conduct a review of the impact of digital platforms on media advertising and the sustainability of the UK media.
- (2) Ofcom shall conduct another review on the matters under subsection (1) within five years of the publication of the first review, and within every five years thereafter.
- (3) The Secretary of State must lay a copy of the report of any review in this section before Parliament.”

Maria Miller

27

☆ Clause 15, page 18, line 7, after “material” insert “or adult material”

Member’s explanatory statement

This amendment and amendments 28, 29, 30, 31, 32, 33 and 34 would require all providers of internet content which is not suitable for children to put in place a robust age-verification system. In the offline world, children are not allowed to view material which the BBFC has classified to be only suitable for adults. This amendment ensures that these restrictions apply equally to the online world.

Maria Miller

28

☆ Clause 15, page 18, line 11, , after “material” insert “or adult material”

Member’s explanatory statement

See explanatory statement for amendment 27.

Digital Economy Bill, *continued*

Maria Miller

29

- ☆ Clause 15, page 18, line 18, after “material” insert “or adult material”
Member’s explanatory statement
See explanatory statement for amendment 27.

Maria Miller

30

- ☆ Clause 15, page 18, line 24, after “material” insert “or adult material”
Member’s explanatory statement
See explanatory statement for amendment 27.

Fiona Bruce
Derek Thomas
David Simpson
Jeremy Lefroy
Robert Flello

2

Clause 15, page 18, line 36, at end insert—

“(7) The Secretary of State must make regulations to ensure that the definition of specially restricted material in section 368E(5) of the Communications Act 2003 is amended to reflect the definitions in this Part.”

Member’s explanatory statement

The amendment requires the making of regulations to ensure that there is a parity of protection for children using different online media. The regulations would amend the definition of specially restricted material for UK based video on demand programming and extend it to 18 material as well as R18 material.

Maria Miller

31

- ☆ Clause 16, page 19, line 18, at end insert—

“16(1A) In this Part “adult material” means any of the following—

- (a) a video work in respect of which the video works authority has issued an 18 certificate;
- (b) any other material if it is reasonable to assume from its nature that any classification certificate issued for a video work including it would be an 18 certificate; and
- (c) any other material if it is reasonable to assume that the video works authority would determine that a video work including it was not suitable for a classification certificate to be issued in respect of it.”

Member’s explanatory statement

See explanatory statement for amendment 27.

Digital Economy Bill, *continued*

Secretary Karen Bradley

35

★ Clause 17, page 20, line 15, at end insert—

“(d) by an internet service provider to whom a notice has been given under section (*Age-verification regulator’s power to direct internet service providers to block access to material*) (1), against the giving of that notice; and

(e) by a person identified as the non-complying person in a notice given to an internet service provider under section (*Age-verification regulator’s power to direct internet service providers to block access to material*)(1), against the giving of that notice.”

Member’s explanatory statement

This amendment requires the Secretary of State to be satisfied, before designating a person as the age-verification regulator under clause 17, that the regulator will maintain arrangements for appeals against the giving of notices under NC28

Secretary Karen Bradley

36

★ Clause 19, page 21, line 8, after “is” insert—

“(a) an internet service provider, or

(b) ”

Member’s explanatory statement

This amendment enables the age-verification regulator to require internet service providers to provide it with information to enable it to exercise, or decide whether to exercise, its functions under Part 3 (online pornography).

Maria Miller

32

☆ Clause 19, page 21, line 9, after “material” insert “or adult material”

Member’s explanatory statement

See explanatory statement for amendment 27.

Maria Miller

33

☆ Clause 19, page 24, line 33, after first “material” insert “, adult material,”

Member’s explanatory statement

See explanatory statement for amendment 27.

Maria Miller

34

☆ Clause 19, page 25, line 5, after first “material” insert “, adult material,”

Member’s explanatory statement

See explanatory statement for amendment 27.

Digital Economy Bill, *continued*

Kit Malthouse
David Mackintosh
Antoinette Sandbach
Maria Caulfield
Suella Fernandes
Dr Tania Mathias

Mrs Anne-Marie Trevelyan Mike Wood

1

Clause 20, page 22, line 26, at end insert—

- “(13) Where a person is—
- (a) based in a country outside the United Kingdom, and
 - (b) refusing to comply with the requirements of the age-verification regulator, the age-verification regulator shall notify Ofcom that the relevant person is refusing to comply with its requirements.
- (14) Following a notification made under subsection (13), Ofcom shall direct internet service providers in the United Kingdom to block public access to the material made available by the person on the internet.
- (15) An internet service provider that fails to comply with subsection (14) within a reasonable period would be subject to financial penalties imposed by the age-verification regulator under section 21.”

Secretary Karen Bradley

37

- ★ Clause 23, page 25, line 3, leave out “and 22” and insert “, 22 and (*Age-verification regulator’s power to direct internet service providers to block access to material*)”
- Member’s explanatory statement**
- Clause 23(1) provides that the age-verification regulator may exercise its powers under clauses 20 and 22 principally in relation to certain descriptions of persons. This amendment provides that the regulator’s powers under NC28 may be similarly exercised.*

Secretary Karen Bradley

38

- ★ Clause 24, page 25, line 19, leave out “or 22” and insert “, 22 or (*Age-verification regulator’s power to direct internet service providers to block access to material*)”
- Member’s explanatory statement**
- This amendment provides for the manner in which notices are to be given under NC28.*

Secretary Karen Bradley

39

- ★ Clause 24, page 25, line 22, leave out “or 22(1)” and insert “, 22(1) or (*Age-verification regulator’s power to direct internet service providers to block access to material*)(1)”
- Member’s explanatory statement**
- This amendment deals with the manner in which notices are to be given to internet service providers under NC28.*

Digital Economy Bill, continued

Secretary Karen Bradley

40

- ★ Clause 24, page 25, line 30, leave out “or 22(3)” and insert “, 22(3) or (*Age-verification regulator’s power to direct internet service providers to block access to material*)(10)”

Member’s explanatory statement

This amendment deals with the manner in which notices are to be given to non-complying persons under NC28.

Secretary Karen Bradley

41

- ★ Clause 24, page 25, line 44, leave out “or 22” and insert “, 22 or (*Age-verification regulator’s power to direct internet service providers to block access to material*)”

Member’s explanatory statement

This amendment deals with the giving by email of notices under NC28.

Secretary Karen Bradley

42

- ★ Clause 25, page 26, line 16, at end insert—

““internet service provider” means a provider of an internet access service within the meaning given in Article 2 of Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015;”

Member’s explanatory statement

This amendment defines “internet service provider” for the purposes of amendments 35 and 36 and NC28.

Louise Haigh
Kevin Brennan
Dr Rosena Allin-Khan

3

- Clause 32, page 31, line 30, at end insert—

“(8A) In its application to a public authority with functions relating to the provision of health services, section 29 does not authorise the disclosure of identifiable health information held by the authority in connection with such functions.”

Member’s explanatory statement

This amendment is to ensure that there are adequate protections for the confidential health information of patients and to prevent the disclosure of identifiable health information.

Secretary Karen Bradley

4

- Clause 45, page 44, line 10, at end insert—

“() The relevant Minister may only make regulations under subsection (5) with the consent of the Scottish Ministers if the regulations—

- (a) repeal this Chapter,

Digital Economy Bill, *continued*

- (b) amend or remove the power of the Scottish Ministers to make regulations under section 40(4),
 - (c) affect the disclosure of information under section 40 by a Scottish body to another such body,
 - (d) affect the use by a Scottish body of information disclosed under that section by such a body, or
 - (e) affect the further disclosure to a Scottish body by such a body, or by a member, officer or employee of such a body, of information disclosed under this Chapter by a Scottish body.
- () The relevant Minister may only make regulations under subsection (5) with the consent of the Welsh Ministers if the regulations—
- (a) repeal this Chapter,
 - (b) amend or remove the power of the Welsh Ministers to make regulations under section 40(4),
 - (c) affect the disclosure of information under section 40 by a Welsh body to another such body,
 - (d) affect the use by a Welsh body of information disclosed under that section by such a body, or
 - (e) affect the further disclosure to a Welsh body by such a body, or by a member, officer or employee of such a body, of information disclosed under this Chapter by a Welsh body.
- () The relevant Minister may only make regulations under subsection (5) with the consent of the Department of Finance in Northern Ireland if the regulations—
- (a) repeal this Chapter,
 - (b) amend or remove the power of the Department to make regulations under section 40(4),
 - (c) affect the disclosure of information under section 40 by a Northern Ireland body to another such body,
 - (d) affect the use by a Northern Ireland body of information disclosed under that section by such a body, or
 - (e) affect the further disclosure to a Northern Ireland body by such a body, or by a member, officer or employee of such a body, of information disclosed under this Chapter by a Northern Ireland body.”

Member’s explanatory statement

This amendment and amendments 5 to 11 make provision for the relevant Minister to obtain the consent of the Scottish Ministers, the Welsh Ministers or the Department of Finance in Northern Ireland to certain regulations which, following a review under clause 45, amend or repeal Chapter 3 of Part 5.

Secretary Karen Bradley

5

Clause 47, page 45, line 11, leave out “(7)” and insert “(6)”

Member’s explanatory statement

See the explanatory statement for amendment 4.

Secretary Karen Bradley

6

Clause 47, page 45, line 21, at end insert—

““Northern Ireland body” means—

Digital Economy Bill, *continued*

- (a) a Minister within the meaning of the Northern Ireland Act 1998,
- (b) a Northern Ireland department,
- (c) a Northern Ireland public authority within the meaning of the Statistics and Registration Service Act 2007, or
- (d) a person providing services to a person within paragraph (a), (b) or (c);”

Member’s explanatory statement

See the explanatory statement for amendment 4.

Secretary Karen Bradley

7

Clause 47, page 45, line 35, at end insert—

““Scottish body” means—

- (a) a person who is a part of the Scottish Administration,
- (b) a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998), or
- (c) a person providing services to a person within paragraph (a) or (b);”

Member’s explanatory statement

See the explanatory statement for amendment 4.

Secretary Karen Bradley

8

Clause 47, page 45, line 36, at end insert—

““Welsh body” means—

- (a) a person who wholly or mainly exercises functions which could be conferred on the person by provision which falls within the legislative competence of the National Assembly for Wales, or
- (b) a person providing services to a person within paragraph (a).”

Member’s explanatory statement

See the explanatory statement for amendment 4.

Secretary Karen Bradley

9

Clause 47, page 45, line 40, leave out subsection (3)

Member’s explanatory statement

See the explanatory statement for amendment 4.

Secretary Karen Bradley

Tim Farron

10

Clause 47, page 46, line 1, leave out subsection (5)

Member’s explanatory statement

See the explanatory statement for amendment 4.

Digital Economy Bill, *continued*

- Secretary Karen Bradley 11
- Clause 47, page 46, line 9, leave out subsection (7)
Member's explanatory statement
See the explanatory statement for amendment 4.
-

- Helen Goodman 25
- ☆ Clause 49, page 48, line 6, at end insert—
“(g) for the purposes of journalistic publication or broadcast transmission in the public interest.”
-

- Helen Goodman 26
- ☆ Clause 50, page 49, line 15, at end insert—
“(j) for the purposes of journalistic publication or broadcast transmission in the public interest.”
-

- Secretary Karen Bradley 12
- Clause 53, page 51, line 23, at end insert—
- “() The relevant Minister may only make regulations under subsection (5) with the consent of the Scottish Ministers if the regulations—
 - (a) repeal this Chapter,
 - (b) amend or remove the power of the Scottish Ministers to make regulations under section 48(5),
 - (c) affect the disclosure of information under section 48 by a Scottish body to another such body,
 - (d) affect the use by a Scottish body of information disclosed under that section by such a body, or
 - (e) affect the further disclosure to a Scottish body by such a body, or by a member, officer or employee of such a body, of information disclosed under this Chapter by a Scottish body.
 - () The relevant Minister may only make regulations under subsection (5) with the consent of the Welsh Ministers if the regulations—
 - (a) repeal this Chapter,
 - (b) amend or remove the power of the Welsh Ministers to make regulations under section 48(5),
 - (c) affect the disclosure of information under section 48 by a Welsh body to another such body,
 - (d) affect the use by a Welsh body of information disclosed under that section by such a body, or

Digital Economy Bill, continued

- (e) affect the further disclosure to a Welsh body by such a body, or by a member, officer or employee of such a body, of information disclosed under this Chapter by a Welsh body.
- () The relevant Minister may only make regulations under subsection (5) with the consent of the Department of Finance in Northern Ireland if the regulations—
 - (a) repeal this Chapter,
 - (b) amend or remove the power of the Department to make regulations under section 48(5),
 - (c) affect the disclosure of information under section 48 by a Northern Ireland body to another such body,
 - (d) affect the use by a Northern Ireland body of information disclosed under that section by such a body, or
 - (e) affect the further disclosure to a Northern Ireland body by such a body, or by a member, officer or employee of such a body, of information disclosed under this Chapter by a Northern Ireland body.”

Member’s explanatory statement

This amendment and amendments 13 to 19 make provision for the relevant Minister to obtain the consent of the Scottish Ministers, the Welsh Ministers or the Department of Finance in Northern Ireland to certain regulations which, following a review under clause 53, amend or repeal Chapter 4 of Part 5.

Secretary Karen Bradley

Clause 55, page 52, line 24, leave out “(7)” and insert “(6)”

Member’s explanatory statement

See the explanatory statement for amendment 12.

13

Secretary Karen Bradley

Clause 55, page 52, line 34, at end insert—

““Northern Ireland body” means—

- (a) a Minister within the meaning of the Northern Ireland Act 1998,
- (b) a Northern Ireland department,
- (c) a Northern Ireland public authority within the meaning of the Statistics and Registration Service Act 2007, or
- (d) a person providing services to a person within paragraph (a), (b) or (c);”

Member’s explanatory statement

See the explanatory statement for amendment 12.

14

Secretary Karen Bradley

Clause 55, page 52, line 40, at end insert—

““Scottish body” means—

- (a) a person who is a part of the Scottish Administration,
- (b) a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998), or

15

Digital Economy Bill, continued

- (c) a person providing services to a person within paragraph (a) or (b);”

Member’s explanatory statement

See the explanatory statement for amendment 12.

Secretary Karen Bradley

16

Clause 55, page 52, line 41, at end insert—

““Welsh body” means—

- (a) a person who wholly or mainly exercises functions which could be conferred on the person by provision which falls within the legislative competence of the National Assembly for Wales, or
 (b) a person providing services to a person within paragraph (a).”

Member’s explanatory statement

See the explanatory statement for amendment 12.

Secretary Karen Bradley

17

Clause 55, page 52, line 45, leave out subsection (3)

Member’s explanatory statement

See the explanatory statement for amendment 12.

Secretary Karen Bradley

18

Clause 55, page 53, line 7, leave out subsection (5)

Member’s explanatory statement

See the explanatory statement for amendment 12.

Secretary Karen Bradley

19

Clause 55, page 53, line 15, leave out subsection (7)

Member’s explanatory statement

See the explanatory statement for amendment 12.

Secretary Karen Bradley

20

Clause 75, page 75, line 37, leave out “Section 198 of the Communications Act 2003” and insert—

“() The Communications Act is amended as follows.

() Section 198”

Member’s explanatory statement

This is consequential on amendment 21.

Digital Economy Bill, *continued*

Secretary Karen Bradley

21

Clause 75, page 76, line 6, at end insert—

“() After section 198 insert—

“198ZA Penalties for failure to provide information

- (1) This section applies if—
 - (a) under a power conferred by virtue of section 198(2A), OFCOM require a person other than the BBC to provide information, and
 - (b) OFCOM determine that there are reasonable grounds to believe the person has not provided the information.
- (2) OFCOM may give the person a notice which sets out the determination and specifies—
 - (a) what information the person must provide,
 - (b) the time within which the person must provide it,
 - (c) a penalty that OFCOM may impose if the person does not provide it, and
 - (d) a period in which the person may make representations.
- (3) OFCOM may impose a penalty on the person if they fail without reasonable excuse to provide the information in accordance with the notice.
- (4) The penalty may include an amount for each day the person fails to provide the information after the time required by the notice.
- (5) The penalty in respect of any notice—
 - (a) must not be more than OFCOM determine to be proportionate,
 - (b) must not be more than the penalty specified in the notice, and
 - (c) must not be more than £250,000.
- (6) OFCOM may withdraw a notice without imposing a penalty, and that does not affect the power to issue a further notice in relation to the same information.
- (7) OFCOM must publish and keep up to date a statement of their proposed approach to issuing notices and imposing and recovering penalties under this section (subject to the guidelines published under section 392).”

Member’s explanatory statement

Section 198 of the Communications Act 2003, together with the Charter and Framework Agreement, enables OFCOM to impose penalties on the BBC. The amendment provides for OFCOM to be able to impose penalties on other persons if they fail without reasonable excuse to provide information for the purposes of OFCOM’s regulation of the BBC.

Secretary Karen Bradley

22

Clause 75, page 76, line 16, leave out subsection (6)

Member’s explanatory statement

Subsection (6) is not needed. The expression it defines is not used except in a textual amendment where the definition in the Communications Act 2003 will apply anyway.

Digital Economy Bill, *continued*

Secretary Karen Bradley

23

Schedule 1, page 124, leave out lines 11 to 37 and insert—

- “64 (1) An operator may not exercise a tidal water right in relation to land in which a Crown interest subsists unless agreement to the exercise of the right in relation to the land has been given in respect of that interest by the appropriate authority in accordance with paragraph 104.
- (2) Where, in connection with an agreement between the operator and the appropriate authority for the exercise of such a right, the operator and the appropriate authority cannot agree the consideration to be paid by the operator, the operator or the appropriate authority may apply to the appointed valuer for a determination of the market value of the right.
- (3) An application under sub-paragraph (2) must be made in writing and must include—
- (a) the proposed terms of the agreement, and
 - (b) the reasoned evidence of the operator and of the appropriate authority as to the market value of the right.
- (4) As soon as reasonably practicable after receiving such an application, the appointed valuer must—
- (a) determine the market value of the tidal water right; and
 - (b) notify the operator and the appropriate authority in writing of its determination and the reasons for it.
- (5) If the agreement mentioned in sub-paragraph (2) or an agreement in substantially the same terms is concluded following a determination under sub-paragraph (4), the consideration payable by the operator must not be more than the market value notified under sub-paragraph (4)(b).
- (6) For this purpose the market value of a tidal water right is the amount that, at the date the market value is assessed, a willing buyer would pay a willing seller for the right—
- (a) in a transaction at arm’s length,
 - (b) on the basis that the buyer and seller were acting prudently and with full knowledge of the transaction, and
 - (c) on the basis that the transaction was subject to the proposed terms set out in the application.
- (7) The market value—
- (a) must be assessed on the basis of the value of the tidal water right to the holder of the Crown interest, and
 - (b) must not be assessed on the basis of the value to the operator of the tidal water right or having regard to the use which the operator intends to make of the tidal waters or land in exercising that right.
- (8) The market value must be assessed on the assumption that there is more than one site which the operator could use for the purpose for which the operator intends to use the tidal waters or land in question (whether or not that is actually the case).
- (9) The appointed valuer may charge a fee in respect of the consideration of an application under sub-paragraph (4) and may apportion the fee between the operator and the appropriate authority as the appointed valuer considers appropriate.
- (10) In this paragraph “the appointed valuer” means—
- (a) such person as the operator and the appropriate authority may agree;

Digital Economy Bill, *continued*

- (b) if no person is agreed, such person as may be nominated, on the application of the operator or the appropriate authority, by the President of the Royal Institution of Chartered Surveyors.”

Member’s explanatory statement

Paragraph 64 limits the level of consideration that can be enforced for the grant of tidal water rights where there is a Crown interest in the land. The amendment replaces this with provision for the consideration, if not agreed, to be determined by valuation at the outset.

Secretary Karen Bradley

24

Schedule 1, page 142, line 14, leave out “paragraph 64(2) to (5),”

Member’s explanatory statement

This is consequential on amendment 23.

ORDER OF THE HOUSE [13 SEPTEMBER 2016, AS AMENDED ON 18 OCTOBER 2016]

That the following provisions shall apply to the Digital Economy Bill:

Committal

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

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 1 November 2016.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

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

Other proceedings

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

NOTICES WITHDRAWN

The following Notices were withdrawn on Wednesday 16 November:

NC4

Digital Economy Bill, *continued*

The following Notices were withdrawn on Friday 18 November:

NC2

The following Notices were withdrawn on Wednesday 23 November:

NC9
