

LORDS AMENDMENTS TO THE
DIGITAL ECONOMY BILL

[The page and line references are to HL Bill 80, the bill as first printed for the Lords]

Clause 1

- 1** Page 1, leave out lines 11 and 12 and insert—
- “(2B) The universal service order must specify that the target for broadband connections and services to be provided before 2020 must have—
- (a) speeds of 2 gigabits or more;
 - (b) fibre to the premises (FTTP) as a minimum standard;
 - (c) appropriate measures to ensure that internet speed levels are not affected by high contention ratios;
 - (d) appropriate measures to ensure service providers run low latency networks.
- (2BA) The universal service order must specify as soon as reasonably practicable that, by 2020, the following will be available in every household in the United Kingdom—
- (a) download speeds of 30 megabits per second;
 - (b) upload speeds of 6 megabits per second;
 - (c) fast response times;
 - (d) committed information rates of 10 megabits per second;
 - (e) an unlimited usage cap.
- (2BB) In meeting the obligations set out in subsection (1), internet service providers have a duty to ensure that their networks offer at least the minimum standards specified in subsection (2BA) to every household in areas of low population density, before deploying their networks in urban areas.
- (2BC) The Secretary of State must ensure that—
- (a) the premises of small and medium-sized enterprises are prioritised in the roll-out of the universal service broadband obligation;
 - (b) rollout of universal service broadband obligations is delivered on a fair and competitive basis.

- (2BD) The universal service order shall, in particular, say that mobile network coverage must be provided to the whole of the United Kingdom.”

After Clause 2

2 Insert the following new Clause –

“Bill limits for mobile phone contracts

- (1) A telecommunications service provider supplying a contract relating to a handheld mobile telephone must, at the time of entering into such a contract –
 - (a) allow the end-user the opportunity to place a financial cap on the monthly bill under that contract;
 - (b) allow the end-user to roam (at no extra charge) to another provider, which meets the specified standards or obligation as provided for in section 3, or to deem the contract to have been terminated by a consistent breach of the standards or obligation as provided for in section 3;
 - (c) allow the end-user to switch mobile providers according to rules set out by OFCOM in accordance with the following principles –
 - (i) that switching must be free to the consumer, unless the consumer is aware of and has consented to fair and reasonable restrictions and charges to do so;
 - (ii) that the switching process itself must be quick, and on an agreed date;
 - (iii) that consumers must have access to their consumption or transaction data, and this must be in a format that can be easily reused and they must be able to authorise third parties such as comparison sites to access their data to help them to switch;
 - (iv) that sites and tools providing comparisons to consumers that receive payments from suppliers must make clear where the payments affect the presentation of results; and
 - (v) that there must be an effective process for consumers to receive redress if there are any problems with the service.
- (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, with the decision recorded on a durable medium, not to put a monthly cap in place.
- (3) An end-user may, after the start of the contracted service –
 - (a) contact the service provider to require a cap to be put in place and agree the amount of that cap, or
 - (b) require a cap to be removed, with the requirement recorded on a durable medium.
- (4) 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) or (3)(a); or

- (b) removed the cap without the end-user’s express consent, provided on a durable medium as required under subsection (2)(b) or (3)(b).”

Clause 9

3 Leave out Clause 9

Clause 15

4 Page 18, line 7, leave out subsection (1) and insert –

“(1) A person contravenes this subsection if the person makes pornographic material available on the internet to persons in the United Kingdom on a commercial basis other than in a way that secures that, at any given time, the material is not normally accessible by persons under the age of 18.”

5 Page 18, line 11, leave out subsection (2)

6 Page 18, line 16, at end insert –

“(2A) The Secretary of State may make regulations specifying, for the purposes of this Part, circumstances in which material is or is not to be regarded as made available on a commercial basis.

(2B) The regulations may, among other things, prescribe circumstances in which material made available free of charge is or is not to be regarded as made available on a commercial basis.

(2C) Regulations under subsection (2A) may provide for circumstances to be treated as existing where it is reasonable to assume that they exist.”

7 Page 18, line 17, leave out subsection (3)

8 Page 18, line 33, leave out paragraph (b)

9 Page 18, line 36, at end insert –

“() Regulations under subsection (2A) may make different provision for different purposes.

() Regulations under subsection (2A) are to be made by statutory instrument.

() A statutory instrument containing regulations under subsection (2A) is subject to annulment in pursuance of a resolution of either House of Parliament.

() But a statutory instrument containing the first regulations under that subsection may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Clause 16

10 Page 18, line 38, before “means” insert “(except in the expression “extreme pornographic material”)

- 11 Page 19, line 17, at end insert –
- “(g) a video work that the video works authority has determined not to be suitable for a classification certificate to be issued in respect of it, if –
 - (i) it includes material (other than extreme pornographic material) that it is reasonable to assume from its nature was produced solely or principally for the purposes of sexual arousal, and
 - (ii) it is reasonable to assume from the nature of that material that its inclusion was among the reasons why the video works authority made that determination;
 - (h) material (other than extreme pornographic material) that was included in a video work that the video works authority has determined not to be suitable for a classification certificate to be issued in respect of it, 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 video works authority made that determination;
 - (i) any other material (other than extreme pornographic material) 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 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.”

Clause 17

- 12 Page 19, line 48, leave out “this Part” and insert “ –
- (a) all of the functions of the age-verification regulator under this Part, or
 - (b) any of those functions specified in the notice by which the designation is made.
- () Different persons may be designated for the purposes of different functions.”

- 13 Page 20, line 8, leave out from “that” to end of line 9 and insert “ –
- (a) arrangements will be maintained by the age-verification regulator for appeals to which subsection (4A) applies, and
 - (b) any person hearing an appeal under those arrangements will be sufficiently independent of the age-verification regulator.
- (4A) This subsection applies to appeals – ”

Clause 18

- 14 Page 20, line 29, leave out subsection (1) and insert –
- “(1) Where the Secretary of State proposes to make a designation under section 17, the Secretary of State must lay before both Houses of Parliament –
- (a) particulars of that proposed designation, and

(b) a statement of the reasons why the Secretary of State is satisfied about the matters mentioned in section 17(4).”

15 Page 20, line 35, at end insert –

“(3A) But subsection (3B) applies, instead of subsections (2) and (3), where the proposed designation would be –

(a) the first to be made under section 17, or

(b) the first to be made under that section for the purposes of a particular function.

(3B) The Secretary of State may not make the designation unless it has been approved by a resolution of each House of Parliament.”

16 Page 20, line 36, leave out “subsection (3) is” and insert “subsections (3) and (3B) are”

17 Page 20, line 40, leave out “the House of Commons and the House of Lords” and insert “each House of Parliament”

Clause 19

18 Page 21, line 10, leave out “a” and insert “any other”

Clause 21

19 Page 23, line 24, at end insert –

“() The Secretary of State must lay before both Houses of Parliament the guidelines, and any revised guidelines, published under this section.”

Clause 22

20 Page 23, line 44, leave out “prohibited” and insert “extreme pornographic”

21 Page 24, line 6, leave out paragraph (b) and insert –

“(b) state whether it is subsection (1)(a) that applies or subsection (1)(b) or both;”

22 Page 24, line 11, leave out subsection (4)

23 Page 24, line 28, leave out “prohibited” and insert “extreme pornographic”

24 Page 24, line 33, leave out “prohibited” and insert “extreme pornographic”

25 Page 24, line 38, at end insert –

“(7) For the purposes of subsection (6)(b), a means of accessing the internet does not include a device or other equipment for doing so.”

26 Page 24, line 39, leave out subsection (7)

27 Page 24, line 43, leave out subsection (8)

After Clause 22

28 Insert the following new Clause –

“Meaning of “extreme pornographic material”

- (1) In this Part “extreme pornographic material” means (subject to subsection (3)) material –
 - (a) whose nature is such that it is reasonable to assume that it was produced solely or principally for the purposes of sexual arousal, and
 - (b) which is extreme.
- (2) For the purposes of subsection (1)(b), material is extreme if –
 - (a) its content is as described in section 63(7) or (7A) of the Criminal Justice and Immigration Act 2008, and
 - (b) it is grossly offensive, disgusting or otherwise of an obscene character.
- (3) Material to which paragraphs (a) and (b) of subsection (1) apply is not “extreme pornographic material” if it is or was included in a classified video work, unless it is material to which subsection (4) applies.
- (4) This subsection applies to material –
 - (a) which has been extracted from a classified video work, and
 - (b) whose nature is such that it is reasonable to assume that it was extracted (with or without other material) solely or principally for the purposes of sexual arousal.
- (5) In this section –
 - “classified video work” means a video work in respect of which a video works authority has issued a classification certificate;
 - “video work” means a video work within the meaning of the Video Recordings Act 1984;
 - “video works authority” means a person designated under section 4(1) of the Video Recordings Act 1984;
 - “classification certificate” has the same meaning as in the Video Recordings Act 1984 (see section 7 of that Act);
 - “material” means –
 - (a) a still image or series of still images, with or without sound; or
 - (b) a series of visual images shown as a moving picture, with or without sound.”

Clause 23

29 Page 25, line 6, leave out “prohibited” and insert “extreme pornographic”

30 Page 25, line 12, leave out paragraph (b) and insert –
 “(b) state whether it is subsection (1)(a) that applies or subsection (1)(b) or both;”

31 Page 25, line 22, leave out “mentioned in section 17(4)(d)” and insert “to which section 17(4A)(d) applies”

32 Page 26, line 17, leave out “prohibited” and insert “extreme pornographic”

- 33 Page 26, line 22, leave out “mentioned in section 17(4)(e)” and insert “to which section 17(4A)(e) applies”
- 34 Page 26, line 29, leave out “prohibited” and insert “extreme pornographic”
- 35 Page 26, leave out line 31

After Clause 23

- 36 Insert the following new Clause –
- “No power to give notice under section 23(1) where detrimental to national security etc**
- (1) Before giving a notice under section 23(1) requiring an internet service provider to –
 - (a) take steps referred to in section 23(2)(c)(i), or
 - (b) put in place arrangements referred to in section 23(2)(c)(ii),the regulator must consider whether the steps or arrangements would be likely to be detrimental to a matter mentioned in subsection (3).
 - (2) The regulator may not give a notice under section 23(1) where it appears to the regulator that the steps or arrangements would be likely to be detrimental to any of those matters.
 - (3) The matters are –
 - (a) national security;
 - (b) the prevention or detection of serious crime, within the meaning given in section 263(1) of the Investigatory Powers Act 2016;
 - (c) the prevention or detection of an offence listed in Schedule 3 to the Sexual Offences Act 2003.”

- 37 Insert the following new Clause –
- “Guidance to be published by age-verification regulator**
- (1) Subject to the following provisions of this section, the age-verification regulator must publish, and revise from time to time –
 - (a) guidance about the types of arrangements for making pornographic material available that the regulator will treat as complying with section 15(1); and
 - (b) guidance for the purposes of section 22(1) and (6) about the circumstances in which it will treat services provided in the course of a business as enabling or facilitating the making available of pornographic material or extreme pornographic material.
 - (2) Once the regulator has prepared a draft of guidance it proposes to publish under subsection (1)(a), it must submit the draft to the Secretary of State.
 - (3) When draft guidance is submitted to the Secretary of State under subsection (2), the Secretary of State must lay that draft guidance before both Houses of Parliament.
 - (4) Once the regulator has prepared a draft of guidance it proposes to publish under subsection (1)(b), it must submit the draft to the Secretary of State for approval.

- (5) When draft guidance is submitted to the Secretary of State under subsection (4), the Secretary of State may approve it either without modification or with such modifications as the Secretary of State decides should be made to it.
- (6) Once the Secretary of State has approved draft guidance under subsection (5), the Secretary of State must lay the following before both Houses of Parliament—
 - (a) the draft guidance, incorporating any modifications the Secretary of State has decided should be made to it under that subsection, and
 - (b) if the draft incorporates such modifications, a statement of the Secretary of State’s reasons for deciding that those modifications should be made.
- (7) If, within the period of 40 days beginning with the day on which draft guidance is laid before Parliament under subsection (3) or (6), either House resolves not to approve that draft guidance, the age-verification regulator must not publish guidance in the form of that draft.
- (8) If no such resolution is made within that period, the age-verification regulator must publish the guidance in the form of the draft laid before Parliament.
- (9) But subsection (11) applies, instead of subsections (7) and (8), in a case falling within subsection (10).
- (10) The cases falling within this subsection are—
 - (a) the case where draft guidance is laid before Parliament under subsection (3) and no previous guidance has been published under subsection (1)(a) by the age-verification regulator; and
 - (b) the case where draft guidance is laid before Parliament under subsection (6) and no previous guidance has been published under subsection (1)(b) by the age-verification regulator.
- (11) The regulator must not publish guidance in the form of the draft laid before Parliament unless the draft has been approved by a resolution of each House of Parliament.
- (12) Subsections (7) and (11) do not prevent new draft guidance from being laid before Parliament.
- (13) For the purposes of subsection (7)—
 - (a) where draft guidance is laid before each House of Parliament on different days, the later day is to be taken as the day on which it was laid before both Houses, and
 - (b) in reckoning any period of 40 days, no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.
- (14) References in this section to guidance and draft guidance include references to revised guidance and draft revised guidance.”

Clause 24

After Clause 24

39 Insert the following new Clause –

“Guidance by Secretary of State to regulator

- (1) The Secretary of State may issue guidance to the age-verification regulator in relation to the exercise of the regulator’s functions, and may from time to time revise that guidance.
- (2) The guidance may cover (among other things) the following matters –
 - (a) considerations to be applied in determining –
 - (i) whether arrangements for making pornographic material available comply with section 15(1);
 - (ii) whether a person is an ancillary service provider, for the purposes of section 22;
 - (b) the approach to be taken by the regulator to the exercise of its powers to give notices under sections 20, 22 and 23;
 - (c) the preparation and publication of guidance and reports by the regulator and the content of such guidance and reports;
 - (d) the maintenance by the regulator of arrangements meeting the requirements of section 17(4)(a) and (b).
- (3) The regulator must have regard to the guidance.
- (4) The Secretary of State must lay before both Houses of Parliament the guidance, and any revised guidance, issued under this section.”

After Clause 25

40 Insert the following new Clause –

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

- (1) Within six months of the passing of this Act, the Secretary of State must publish a code of practice about the responsibilities of social media platform providers to protect children and young people from online abuse and bullying.
- (2) The Secretary of State may bring the code of practice into force by regulations made by statutory instrument.
- (3) 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.
- (4) The code of practice must include –
 - (a) the overarching duty of care of internet service providers and social media platform providers to ensure the safety of a child or young person involved in any activity or interaction for which that service provider is responsible;
 - (b) the obligation to inform the police with immediate effect if notified that content on social media sites contravenes existing legislation;
 - (c) the obligation to remove content with immediate effect if notified that posts on social media sites contravene existing legislation;

- (d) the obligation to have specific terms of use that prohibit cyber-bullying and provide a mechanism for complaints of cyber bullying to be received and for the offending content to be removed; and
 - (e) their responsibility to work with education professionals, parents and charities to give young people the skills to use social media safely.
- (5) Commercial social media platform providers must comply with the code of practice, once it is in force.
 - (6) The Secretary of State may from time to time revise and re-publish the code of practice.
 - (7) The Secretary of State may bring into force a revised and re-published code of practice by regulations made by statutory instrument.
 - (8) In this section –
 - “commercial social media platform provider” means a person who operates on a commercial basis an internet site on which people can interact;
 - “cyber-bullying” means material that has the effect of seriously threatening, intimidating, harassing or humiliating children and young people.”

41 Insert the following new Clause –

“Report on this Part

- (1) Within 18 months, but not before 12 months, of the coming into force of this Part, the Secretary of State must produce a report on the impact and effectiveness of the regulatory framework provided for in this Part.
- (2) Before publishing this report, the Secretary of State must consult on the definitions used within this Part.
- (3) The report must be laid before each House of Parliament.”

Clause 26

42 Page 27, line 46, at end insert –

““extreme pornographic material” has the meaning given in section (Meaning of “extreme pornographic material”);”

43 Page 28, line 3, at end insert –

““pornographic material” has the meaning given in section 16;”

44 Page 28, line 4, at end insert –

“(2) Section 22(3) of the Video Recordings Act 1984 (effect of alterations) applies for the purposes of this Part as it applies for the purposes of that Act.”

45 Page 28, line 4, at end insert –

“() Nothing in this Part affects any prohibition or restriction in relation to pornographic material or extreme pornographic material, or powers in relation to such material, under another enactment or a rule of law.”

Before Clause 27

- 46 Insert the following new Clause –
- “Lending of e-books by public libraries**
- (1) In section 5(2) of the Public Lending Right Act 1979 (interpretation) for the definition of “lent out” substitute –
- ““lent out” means made available to a member of the public for use away from library premises for a limited time (including by being communicated by means of electronic transmission to a place other than library premises) and “loan” and “borrowed” are to be read accordingly;”.
- (2) Section 40A of the Copyright, Designs and Patents Act 1988 (lending of copies by libraries or archives) is amended as follows.
- (3) After subsection (1) insert –
- “(1ZA) Subsection (1) applies to an e-book or an e-audio-book only if –
- (a) the book has been lawfully acquired by the library, and
- (b) the lending is in compliance with any purchase or licensing terms to which the book is subject.”
- (4) In subsection (1A) –
- (a) for “subsection (1)” substitute “subsections (1) and (1ZA)”;
- (b) after paragraph (a) insert –
- “(aa) “e-audio-book” means an audio-book (as defined in paragraph (a)) in a form enabling lending of the book by electronic transmission.”.

Clause 29

- 47 Page 29, line 32, leave out subsections (3) to (5)

Clause 30

- 48 Page 30, line 8, leave out “a specified objective” and insert “an objective which is a specified objective in relation to each of those persons”
- 49 Page 30, line 9, leave out “Chapter” and insert “section”
- 50 Page 30, line 10, leave out from “in” to end of line and insert “Schedule (*Public service delivery: specified persons for the purposes of section 30*)”
- 51 Page 30, line 11, leave out subsection (3) and insert –
- “(3) The appropriate national authority may by regulations amend Schedule (*Public service delivery: specified persons for the purposes of section 30*) so as to add, remove or modify an entry relating to a person or description of person.
- (3A) Regulations under subsection (3) may add an entry relating to a person or a description of person to Schedule (*Public service delivery: specified persons for the purposes of section 30*) only if –
- (a) the person is a public authority or (as the case may be) each person of that description is a public authority, or

- (b) the person provides services to a public authority or (as the case may be) each person of that description provides services to a public authority.”

52 Page 30, line 18, leave out “(2)” and insert “(3)”

53 Page 30, line 23, leave out from “which” to “, whether” in line 24 and insert “remove a person from Schedule (*Public service delivery: specified persons for the purposes of section 30*)”

54 Page 30, line 27, after first “objective” insert “, in relation to a specified person,”

55 Page 30, line 27, after “specified” insert “in relation to that specified person”

56 Page 30, line 42, at end insert –

- “() The third condition is that the objective has as its purpose the supporting of –
 - (a) the delivery of a specified person’s functions, or
 - (b) the administration, monitoring or enforcement of a specified person’s functions.”

Clause 31

57 Page 31, line 24, at end insert –

- “() In this section and section 32 “specified person” means a person specified, or of a description specified, in Schedule (*Public service delivery: specified persons for the purposes of sections 31 and 32*).”

58 Page 31, line 25, at end insert –

- “(za) amend Schedule (*Public service delivery: specified persons for the purposes of sections 31 and 32*) so as to add, remove or modify an entry relating to a person or description of person;”

59 Page 31, line 28, at end insert “so as to add, modify or remove a reference to a fuel poverty measure”

60 Page 31, line 28, at end insert –

- “() Regulations under subsection (4)(za) may add an entry relating to a person or a description of person to Schedule (*Public service delivery: specified persons for the purposes of sections 31 and 32*) only if –
 - (a) the person is a public authority or (as the case may be) each person of that description is a public authority, or
 - (b) the person provides services to a public authority or (as the case may be) each person of that description provides services to a public authority.”

61 Page 31, line 28, at end insert –

- “() Regulations under subsection (4)(a) may add a person or a description of person to subsection (1) only if the person or (as the case may be) each person of that description –
 - (a) provides assistance of a kind mentioned in subsection (2) to people living in fuel poverty,
 - (b) monitors or enforces the provision of such assistance to such people,
 - (c) administers a fuel poverty measure, or

(d) provides services to a person within paragraph (a), (b) or (c).”

- 62 Page 31, line 29, leave out “(4)(a)” and insert “(4)(za) or (a)”
- 63 Page 31, line 34, after “from” insert “Schedule (*Public service delivery: specified persons for the purposes of sections 31 and 32*) or”
- 64 Page 31, line 45, at end insert –
 ““fuel poverty measure” means –
 (a) a scheme, arrangement or set of arrangements, or
 (b) a function or set of functions,
 which has as its purpose (or one of its purposes) the provision of assistance of a kind mentioned in subsection (2) to people living in fuel poverty;”

After Clause 32

- 65 Insert the following new Clause –
- “Disclosure of information to water and sewerage undertakers**
- (1) If the first and second conditions are met, a specified person may disclose information held by the person in connection with any of the person’s functions to –
 (a) a water or sewerage undertaker for an area which is wholly or mainly in England, or
 (b) a water or sewerage undertaker for an area which is wholly or mainly in Wales.
- (2) The first condition is that the disclosure is for the purpose of assisting people living in water poverty by –
 (a) reducing their water or sewerage costs,
 (b) improving efficiency in their use of water, or
 (c) improving their health or financial well-being.
- (3) The second condition is that the information is disclosed with the intention that it will be used by the undertaker in connection with provision in the undertaker’s charges scheme under section 143 of the Water Industry Act 1991 which is included in that scheme –
 (a) in compliance with regulations under section 143A of that Act which impose requirements within subsection (2)(d) of that section (power for regulations to require charges schemes to make special provision for particular classes of individual), or
 (b) by virtue of section 44 of the Flood and Water Management Act 2010 (social tariffs).
- (4) In this section and section (*Disclosure of information by water and sewerage undertakers*) “specified person” means a person specified, or of a description specified, in Schedule (*Public service delivery: specified persons for the purposes of sections (Disclosure of information to water and sewerage undertakers) and (Disclosure of information by water and sewerage undertakers)*).

- (5) The appropriate national authority may by regulations—
 - (a) amend Schedule (*Public service delivery: specified persons for the purposes of sections (Disclosure of information to water and sewerage undertakers) and (Disclosure of information by water and sewerage undertakers)*) so as to add, remove or modify an entry relating to a person or description of person;
 - (b) amend subsection (1) so as to add or remove a person or description of person to whom information may be disclosed;
 - (c) amend subsection (3) so as to add, modify or remove a reference to a water poverty measure.”
- (6) Regulations under subsection (5)(a) may add an entry relating to a person or a description of person to Schedule (*Public service delivery: specified persons for the purposes of sections (Disclosure of information to water and sewerage undertakers) and (Disclosure of information by water and sewerage undertakers)*) only if—
 - (a) the person is a public authority or (as the case may be) each person of that description is a public authority, or
 - (b) the person provides services to a public authority or (as the case may be) each person of that description provides services to a public authority.
- (7) Regulations under subsection (5)(b) may add a person or a description of person to subsection (1) only if the person or (as the case may be) each person of that description—
 - (a) provides assistance of a kind mentioned in subsection (2) to people living in water poverty,
 - (b) monitors or enforces the provision of such assistance to such people,
 - (c) administers a water poverty measure, or
 - (d) provides services to a person within paragraph (a), (b) or (c).”
- (8) In determining whether to make regulations under subsection (5)(a) or (b) in relation to a person or description of person the appropriate national authority must have regard, in particular, to—
 - (a) the systems and procedures for the secure handling of information by that person or persons of that description, and
 - (b) in the case of regulations which remove a person from Schedule (*Public service delivery: specified persons for the purposes of sections (Disclosure of information to water and sewerage undertakers) and (Disclosure of information by water and sewerage undertakers)*) or subsection (1), whether that person, or any person providing services to that person, has had regard to the code of practice under section 36 as required by that section.”
- (9) In the case of a person (“P”) who is a specified person merely because of providing services to a public authority, the reference in subsection (15) to the functions of a specified person is limited to the functions P exercises for that purpose.
- (10) For the purposes of this Chapter a person lives in water poverty if the person is a member of a household living on a lower income in a home which—
 - (a) cannot be supplied with water at a reasonable cost, or
 - (b) cannot be supplied with sewerage services at a reasonable cost.

- (11) In this section “water poverty measure” means –
- (a) a scheme, arrangement or set of arrangements, or
 - (b) a function or set of functions,
- which has as its purpose (or one of its purposes) the provision of assistance of a kind mentioned in subsection (2) to people living in water poverty.”

66 Insert the following new Clause –

“Disclosure of information by water and sewerage undertakers

- (1) If the condition in subsection (2) is met, a person to whom information may be disclosed under section (*Disclosure of information to water and sewerage undertakers*) may disclose information held by that person to a specified person.
- (2) That condition is that the disclosure is for the purpose of assisting people living in water poverty in England and Wales by –
- (a) reducing their water or sewerage costs,
 - (b) improving efficiency in their use of water, or
 - (c) improving their health or financial well-being.”

Clause 33

67 Page 32, line 13, leave out “section 30, 31 or 32” and insert “any of sections 30 to (*Disclosure of information by water and sewerage undertakers*)”

68 Page 32, line 31, leave out from “behaviour” to end of line 33 and insert “means conduct that –

- (a) is likely to cause harassment, alarm or distress to any person, or
- (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

69 Page 32, line 35, leave out “or 31” and insert “, 31 or (*Disclosure of information to water and sewerage undertakers*)”

70 Page 32, line 44, at end insert “or (*Disclosure of information to water and sewerage undertakers*)”

71 Page 33, line 7, leave out “section 30, 31 or 32” and insert “any of sections 30 to (*Disclosure of information by water and sewerage undertakers*)”

72 Page 33, line 12, leave out “section 30, 31 or 32” and insert “sections 30 to (*Disclosure of information by water and sewerage undertakers*)”

73 Page 33, line 15, leave out from “by” to end of line 16 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

74 Page 33, line 16, at end insert –

- “() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (8)(b) has effect as if it included a reference to that Part.”

75 Page 33, line 17, leave out “Section 30, 31 or 32 does” and insert “Sections 30 to (*Disclosure of information by water and sewerage undertakers*) do”

76 Page 33, line 18, leave out “that section” and insert “those sections”

Clause 34

- 77 Page 33, line 20, leave out “section 30, 31 or 32” and insert “any of sections 30 to (*Disclosure of information by water and sewerage undertakers*)”
- 78 Page 33, line 25, leave out “section 30, 31 or 32” and insert “any of sections 30 to (*Disclosure of information by water and sewerage undertakers*)”
- 79 Page 33, line 35, at end insert –
- “() which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),
 - () consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest,”
- 80 Page 33, line 43, leave out from “behaviour” to end of line 45 and insert “means conduct that –
- (a) is likely to cause harassment, alarm or distress to any person, or
 - (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”
- 81 Page 34, line 22, leave out “or 31” and insert “, 31 or (*Disclosure of information to water and sewerage undertakers*)”

Clause 35

- 82 Page 34, line 25, leave out “or 31” and insert “, 31 or (*Disclosure of information to water and sewerage undertakers*)”
- 83 Page 34, line 25, leave out “(“P”)”
- 84 Page 34, leave out lines 26 and 27 and insert “by that person”

Clause 36

- 85 Page 34, line 42, leave out “section 30, 31 or 32” and insert “any of sections 30 to (*Disclosure of information by water and sewerage undertakers*)”
- 86 Page 35, line 5, leave out “section 30, 31 or 32” and insert “any of sections 30 to (*Disclosure of information by water and sewerage undertakers*)”
- 87 Page 35, line 19, at end insert –
- “(6A) The relevant Minister may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
 - (6B) Before reissuing the code the relevant Minister must lay a draft of the code as proposed to be reissued before Parliament.
 - (6C) The relevant Minister may not reissue the code if, within the 40-day period, either House of Parliament resolves not to approve it.
 - (6D) In subsection (6C) “the 40 day period” means –
 - (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or

- (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.

(6E) For the purposes of subsection (6D) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”

88 Page 35, line 23, leave out paragraph (a)

89 Page 35, line 26 , at end insert –

“(8) In disclosing information under any of sections 30 to (*Disclosure of information by water and sewerage undertakers*), a person must have regard to the following codes of practice issued by the Information Commissioner under section 51(3) of the Data Protection Act 1998, so far as they apply to the information in question –

- (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
- (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.

(9) The duty in subsection (8) does not affect any other requirement for the person to have regard to a code of practice in disclosing the information.”

Clause 37

90 Page 35, line 38, leave out subsection (3)

91 Page 35, line 43, leave out from “of” to first “this” in line 44 and insert “ –

- () regulations under section 30(3) which amend Schedule (*Public service delivery: specified persons for the purposes of section 30*) so as to add an entry relating to a person or description of person,
- () regulations under section 31(4)(za) which amend Schedule (*Public service delivery: specified persons for the purposes of sections 31 and 32*) so as to add an entry relating to a person or description of person, or
- () regulations under section (*Disclosure of information to water and sewerage undertakers*)(4)(a) which amend Schedule (*Public service delivery: specified persons for the purposes of sections (Disclosure of information to water and sewerage undertakers) and (Disclosure of information by water and sewerage undertakers)*) so as to add an entry relating to a person or description of person,”

92 Page 35, line 44, leave out “provision amending this Chapter so as” and insert “power”

93 Page 36, line 18, leave out “or 31(4)(b)” and insert “, 31(4)(b) or (*Disclosure of information to water and sewerage undertakers*)(4)(c)”

94 Page 36, line 32, leave out “30(2) or 31(4)(a)” and insert “30(3), 31(4)(za) or (a) or (*Disclosure of information to water and sewerage undertakers*)(4)(a) or (b)”

Clause 38

95 Page 37, leave out line 11

- 96 Page 37, line 13, leave out “30(2) which specify” and insert “30(3) or 31(4)(za) which add, modify or remove an entry relating to”
- 97 Page 37, line 27, leave out “30(2) which specify” and insert “30(3), 31(4)(za) or (*Disclosure of information to water and sewerage undertakers*)(4)(a) which add, modify or remove an entry relating to”
- 98 Page 37, line 29, after “31(4)(a)” and insert “or (*Disclosure of information to water and sewerage undertakers*)(4)(b)”
- 99 Page 37, line 31, leave out “or 31(4)(b)” and insert “, 31(4)(b) or (*Disclosure of information to water and sewerage undertakers*)(4)(c)”
- 100 Page 37, line 33, leave out “relates to a matter” and insert “could be specified by provision falling”
- 101 Page 37, line 36, leave out paragraphs (a) and (b) and insert—
 “() a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006, or
 () a person providing services to a devolved Welsh authority as defined by that section.”
- 102 Page 37, line 42, leave out “30(2) which specify” and insert “30(3) which add, modify or remove an entry relating to”
- 103 Page 38, line 11, at end insert—
 “() References in this Chapter to people living in water poverty are to be construed in accordance with section (*Disclosure of information to water and sewerage undertakers*)(8).”
- 104 Page 38, line 11, at end insert—
 “() The power of the Secretary of State in section 69(2) of the Wales Act 2017 to amend an enactment contained in primary legislation in consequence of any provision of that Act includes power to amend this Chapter, and section 97 so far as relating to this Chapter, in consequence of section 48 (water and sewerage) of that Act.”

Clause 39

- 105 Page 40, leave out lines 16 to 18 and insert—
 “(6) The Registrar General may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
 (7) Before reissuing the code the Registrar General must lay a draft of the code as proposed to be reissued before Parliament.
 (8) The Registrar General may not reissue the code if, within the 40-day period, either House of Parliament resolves not to approve it.
 (9) In subsection (8) “the 40 day period” means—
 (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
 (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.

- (10) For the purposes of subsection (9) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”

106 Page 40, line 18, at end insert –

- “(7) In disclosing information under section 19AA, a civil registration official must have regard to the following codes of practice issued by the Information Commissioner under section 51(3) of the Data Protection Act 1998, so far as they apply to the information in question –
- (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
 - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.
- (8) The duty in subsection (7) does not affect any other requirement for the civil registration official to have regard to a code of practice in disclosing the information.””

Clause 41

107 Page 41, line 11, leave out “specified person” and insert “public authority”

108 Page 41, line 13, after “section” insert “and Schedule (*Specified persons for purposes of the debt provisions*)”

109 Page 41, line 13, leave out “specified person” and insert “public authority”

110 Page 41, line 15, leave out “specified person” and insert “public authority”

111 Page 41, line 19, leave out “The reference in subsection (1) to” and insert “For the purposes of this section and Schedule (*Specified persons for purposes of the debt provisions*)”

112 Page 41, line 20, leave out “specified person” and insert “public authority”

113 Page 41, line 26, leave out from “in” to end of line and insert “Schedule (*Specified persons for purposes of the debt provisions*)”

114 Page 41, line 27, leave out subsection (5) and insert –

- “(5) The appropriate national authority may by regulations amend Schedule (*Specified persons for purposes of the debt provisions*) so as to add, remove or modify an entry relating to a person or description of person.
- (5A) Regulations under subsection (5) may add an entry relating to a person or a description of person to Schedule (*Specified persons for purposes of the debt provisions*) only if the following conditions are satisfied.
- (5B) The first condition is that –
- (a) the person is a public authority or (as the case may be) each person of that description is a public authority, or
 - (b) the person provides services to a public authority or (as the case may be) each person of that description provides services to a public authority.

- (5C) The second condition is that the person or (as the case may be) a person of that description (“P” in either case) –
- (a) requires information from a public authority or a person providing services to a public authority to improve P’s ability to identify, manage or recover debt owed to a public authority or to the Crown,
 - (b) has information which, if shared with a public authority or a person providing services to a public authority, has the potential to improve that authority’s or that person’s ability to identify, manage or recover such debt, or
 - (c) has functions relating to the management or recovery of such debt the exercise of which may be improved by the disclosure of information by or to P.”

115 Page 41, line 34, leave out “(4)” and insert “(5)”

116 Page 41, line 39, leave out from “which” to “whether” in line 40 and insert “remove a person from Schedule (*Specified persons for purposes of the debt provisions*),”

117 Page 42, line 1, leave out “(4)” and insert “(5)”

118 Page 42, line 6, leave out “(4)” and insert “(5)”

Clause 42

119 Page 42, line 29, leave out from “behaviour” to end of line 31 and insert “means conduct that –

- (a) is likely to cause harassment, alarm or distress to any person, or
- (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

120 Page 43, line 10, leave out from “by” to end of line 11 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

121 Page 43, line 11, at end insert –

- “() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (8)(b) has effect as if it included a reference to that Part.”

Clause 43

122 Page 43, line 29, at end insert –

- “() which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),
- () consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest,”

123 Page 43, line 34, leave out from “behaviour” to end of line 36 and insert “means conduct that –

- (a) is likely to cause harassment, alarm or distress to any person, or
- (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

Clause 44

- 124 Page 44, line 16, leave out “(“P”)”
- 125 Page 44, leave out lines 17 and 18 and insert “by that person”

Clause 45

- 126 Page 45, line 11, at end insert –
- “(6A) The relevant Minister may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
- (6B) Before reissuing the code the relevant Minister must lay a draft of the code as proposed to be reissued before Parliament.
- (6C) The relevant Minister may not reissue the code if, within the 40-day period, either House of Parliament resolves not to approve it.
- (6D) In subsection (6C) “the 40 day period” means –
- (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
 - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (6E) For the purposes of subsection (6D) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”
- 127 Page 45, line 15, leave out paragraph (a)

- 128 Page 45, line 18, at end insert –
- “(8) In disclosing information under section 41, a person must have regard to the following codes of practice issued by the Information Commissioner under section 51(3) of the Data Protection Act 1998, so far as they apply to the information in question –
- (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
 - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.
- (9) The duty in subsection (8) does not affect any other requirement for the person to have regard to a code of practice in disclosing the information.”

Clause 46

- 129 Page 45, line 41, at end insert –
- “() The power in subsection (5) to amend this Chapter –
- (a) may be exercised for the purposes only of improving the effectiveness of the operation of the power in section 41(1), and
 - (b) may not be used to remove any of the safeguards relating to the use or disclosure of information in section 42, 43 or 44.”

- 130 Page 46, line 2, leave out “41(4)” and insert “41(5)”
- 131 Page 46, line 14, leave out “41(4)” and insert “41(5)”
- 132 Page 46, line 26, leave out “41(4)” and insert “41(5)”

Clause 47

- 133 Page 47, line 3, leave out subsection (3)
- 134 Page 47, line 8, leave out “41(4) which specify” and insert “41(5) which amend Schedule (*Specified persons for purposes of the debt provisions*) so as to add an entry relating to”
- 135 Page 47, line 9, leave out “provision amending this Chapter so as” and insert “power”
- 136 Page 47, line 16, leave out “41(4)” and insert “41(5)”
- 137 Page 47, line 18, leave out “41(4)” and insert “41(5)”
- 138 Page 47, line 21, leave out “41(4)” and insert “41(5)”
- 139 Page 47, line 24, leave out “41(4)” and insert “41(5)”

Clause 48

- 140 Page 48, line 25, leave out paragraphs (a) and (b) and insert—
 “() a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006, or
 () a person providing services to a devolved Welsh authority as defined by that section.”
- 141 Page 48, line 30, leave out “41(4) which specify” and insert “41(5) which add, modify or remove an entry relating to”
- 142 Page 48, line 33, leave out “41(4) which specify” and insert “41(5) which add, modify or remove an entry relating to”
- 143 Page 48, line 36, leave out “41(4) which specify” and insert “41(5) which add, modify or remove an entry relating to”

Clause 49

- 144 Page 48, line 44, after “section” insert “and in Schedule (*Specified persons for purposes of the fraud provisions*)”
- 145 Page 49, line 8, leave out “The reference in subsection (1) to” insert “For the purposes of this section and Schedule (*Specified persons for purposes of the fraud provisions*)”
- 146 Page 49, line 17, leave out from “in” to end of line and insert “Schedule (*Specified persons for purposes of the fraud provisions*)”
- 147 Page 49, line 18, leave out subsection (6) and insert—
 “(6) The appropriate national authority may by regulations amend Schedule (*Specified persons for purposes of the fraud provisions*) so as to add, remove or modify an entry relating to a person or description of person.

- (6A) Regulations under subsection (6) may add an entry relating to a person or a description of person to Schedule (*Specified persons for purposes of the fraud provisions*) only if the following conditions are satisfied.
- (6B) The first condition is that—
- (a) the person is a public authority or (as the case may be) each person of that description is a public authority, or
 - (b) the person provides services to a public authority or (as the case may be) each person of that description provides services to a public authority.
- (6C) The second condition is that the person or (as the case may be) a person of that description (“P” in either case)—
- (a) requires information from a public authority or a person providing services to a public authority to improve P’s ability to identify or reduce the risk of fraud against P or a public authority to which P provides services,
 - (b) has information which, if shared with a public authority or a person providing services to a public authority, has the potential to improve that authority’s or that person’s ability to identify or reduce the risk of fraud against that authority, or
 - (c) has functions of taking action in connection with fraud against a public authority, the exercise of which may be improved by the disclosure of information by or to P.”

148 Page 49, line 25, leave out “(5)” and insert “(6)”

149 Page 49, line 30, leave out from “which” to “, whether” in line 31 and insert “remove a person from Schedule (*Specified persons for purposes of the fraud provisions*)”

150 Page 49, line 34, leave out “(5)” and insert “(6)”

151 Page 49, line 39, leave out “(5)” and insert “(6)”

Clause 50

152 Page 50, line 28, leave out from “behaviour” to end of line 30 and insert “means conduct that—

- (a) is likely to cause harassment, alarm or distress to any person, or
- (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

153 Page 51, line 8, leave out from “by” to end of line 9 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

154 Page 51, line 9, at end insert—

- “() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (8)(b) has effect as if it included a reference to that Part.”

Clause 51

- 155** Page 51, line 27, at end insert –
- “() which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),
 - () consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest,”
- 156** Page 51, line 35, leave out from “behaviour” to end of line 37 and insert “means conduct that –
- (a) is likely to cause harassment, alarm or distress to any person, or
 - (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

Clause 52

- 157** Page 52, line 19, leave out “(“P”)”
- 158** Page 52, leave out lines 20 and 21 and insert “by that person”

Clause 53

- 159** Page 53, line 13, at end insert –
- “(6A) The relevant Minister may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
 - (6B) Before reissuing the code the relevant Minister must lay a draft of the code as proposed to be reissued before Parliament.
 - (6C) The relevant Minister may not reissue the code if, within the 40-day period, either House of Parliament resolves not to approve it.
 - (6D) In subsection (6C) “the 40 day period” means –
 - (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
 - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
 - (6E) For the purposes of subsection (6D) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”
- 160** Page 53, line 17, leave out paragraph (a)
- 161** Page 53, line 20, at end insert –
- “(8) In disclosing information under section 49, a person must have regard to the following codes of practice issued by the Information Commissioner under section 51(3) of the Data Protection Act 1998, so far as they apply to the information in question –
 - (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;

- (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.
- (9) The duty in subsection (8) does not affect any other requirement for the person to have regard to a code of practice in disclosing the information.”

Clause 54

- 162 Page 53, line 43, at end insert –
- “() The power in subsection (5) to amend this Chapter –
- (a) may be exercised for the purposes only of improving the effectiveness of the operation of the power in section 49(1), and
 - (b) may not be used to remove any of the safeguards relating to the use or disclosure of information in section 50, 51 or 52.”
- 163 Page 54, line 5, leave out “49(5)” and insert “49(6)”
- 164 Page 54, line 17, leave out “49(5)” and insert “49(6)”
- 165 Page 54, line 29, leave out “49(5)” and insert “49(6)”

Clause 55

- 166 Page 55, line 8, leave out subsection (3)
- 167 Page 55, line 13, leave out “49(5) which specify” and insert “49(6) which amend Schedule (*Specified persons for purposes of the fraud provisions*) so as add an entry relating to”
- 168 Page 55, line 14, leave out “provision amending this Chapter so as” and insert “power”
- 169 Page 55, line 21, leave out “49(5)” and insert “49(6)”
- 170 Page 55, line 23, leave out “49(5)” and insert “49(6)”
- 171 Page 55, line 26, leave out “49(5)” and insert “49(6)”
- 172 Page 55, line 29, leave out “49(5)” and insert “49(6)”

Clause 56

- 173 Page 56, line 22, leave out paragraphs (a) and (b) and insert –
- “() a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006, or
 - () a person providing services to a devolved Welsh authority as defined by that section.”
- 174 Page 56, line 27, leave out “49(5) which specify” and insert “49(6) which add, modify or remove an entry relating to”
- 175 Page 56, line 30, leave out “49(5) which specify” and insert “49(6) which add, modify or remove an entry relating to”
- 176 Page 56, line 33, leave out “49(5) which specify” and insert “49(6) which add, modify or remove an entry relating to”

Clause 57

- 177 Page 57, line 14, at beginning insert “subject to sections 60(5), (*Information disclosed by the Welsh Revenue Authority*)(5) and (*Information disclosed by Revenue Scotland*)(5) (information disclosed by tax authorities),”
- 178 Page 57, leave out lines 27 to 30 and insert –
“() any person (including the public authority) who is involved in processing the information for disclosure under subsection (1);”

Clause 58

- 179 Page 58, line 11, leave out from “by” to end of line 12 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”
- 180 Page 58, line 12, at end insert –
“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (2)(b) has effect as if it included a reference to that Part.”

Clause 59

- 181 Page 58, line 28, at end insert –
“(A1) Subsection (A2) applies to personal information –
(a) in which the identity of a particular person is specified or from which the identity of a particular person can be deduced, whether from the information itself or from that information taken together with any other published information, and
(b) which is received by a person (“P”) under section 57(1) (disclosure for research purposes).
(A2) Personal information to which this subsection applies may not be disclosed –
(a) by P, or
(b) by any other person who has received it directly or indirectly from P.
(A3) Subsection (A2) does not apply to a disclosure –
(a) to a person by whom the research referred to in section 57(1) is being or is to be carried out, or
(b) for the purposes of enabling anything that is to be published as a result of the research to be reviewed before publication, where the disclosure is made to a person who is accredited under section 62 as a person to whom such information may be disclosed for that purpose.”
- 182 Page 58, line 29, leave out “This section” and insert “Subsection (2)”
- 183 Page 58, line 33, leave out “section” and insert “subsection”
- 184 Page 58, line 35, at end insert –
“() Subsection (2) does not apply to a disclosure –
(a) under section 57(1) or (5), or

- (b) of information previously disclosed under section 57(1), where the disclosure is made by –
- (i) the person to whom the information was disclosed under that provision, or
 - (ii) any person who has received the information directly or indirectly from the person mentioned in sub-paragraph (i), (but subsection (A2) may apply to such a disclosure).”
- 185 Page 58, line 36, after “Subsection” insert “(A2) or”
- 186 Page 58, line 37, leave out “(including section 57(5))”
- 187 Page 59, line 5, after “criminal),” insert –
- “() which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),
 - () consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest,”
- 188 Page 59, line 16, leave out from “behaviour”” to end of line 18 and insert “means conduct that –
- (a) is likely to cause harassment, alarm or distress to any person, or
 - (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”
- 189 Page 59, line 21, after “subsection” insert “(A2) or”
- 190 Page 59, line 40, leave out “57(5)” and insert “57(1) or (5)”
- 191 Page 59, line 40, at end insert “, the Welsh Revenue Authority or Revenue Scotland”

Clause 60

- 192 Page 59, line 41, at end insert –
- “(A1) Subsection (A2) applies to personal information –
- (a) in which the identity of a particular person is specified or from which the identity of a particular person can be deduced, whether from the information itself or from that information taken together with any other published information, and
 - (b) which –
 - (i) is disclosed under section 57(1) (disclosure for research purposes) by the Revenue and Customs, or
 - (ii) is disclosed under section 57(1) by a person other than the Revenue and Customs and is derived from information disclosed under section 57(5) by the Revenue and Customs, and is received by a person (“P”) under section 57(1).
- (A2) Personal information to which this subsection applies may not be disclosed –
- (a) by P, or
 - (b) by a person to whom the information is disclosed by virtue of subsection (3).

- (A3) Subsection (A2) does not apply to a disclosure –
- (a) to a person by whom the research referred to in section 57(1) is being or is to be carried out, or
 - (b) for the purposes of enabling anything that is to be published as a result of the research to be reviewed before publication, where the disclosure is made to a person who is accredited under section 62 as a person to whom such information may be disclosed for that purpose.”

- 193 Page 59, line 42, leave out “This section” and insert “Subsection (2)”
- 194 Page 60, line 1, leave out “section” and insert “subsection”
- 195 Page 60, line 3, leave out “directly or indirectly from P” and insert “under section 57(5)”
- 196 Page 60, line 3, at end insert –
- “() Subsection (2) does not apply to a disclosure under section 57(1).”
- 197 Page 60, line 4, after “Subsection” insert “(A2) or”
- 198 Page 60, line 7, after “subsection” insert “(A2) or”

After Clause 60

- 199 Insert the following new Clause –

“Information disclosed by the Welsh Revenue Authority

- (1) Subsection (2) applies to personal information –
- (a) in which the identity of a particular person is specified or from which the identity of a particular person can be deduced, whether from the information itself or from that information taken together with any other published information, and
 - (b) which –
 - (i) is disclosed under section 57(1) (disclosure for research purposes) by the Welsh Revenue Authority, or
 - (ii) is disclosed under section 57(1) by a person other than the Welsh Revenue Authority and is derived from information disclosed under section 57(5) by the Welsh Revenue Authority,and is received by a person (“P”) under section 57(1).
- (2) Personal information to which this subsection applies may not be disclosed –
- (a) by P, or
 - (b) by a person to whom the information is disclosed by virtue of subsection (3).
- (3) Subsection (2) does not apply to a disclosure –
- (a) to a person by whom the research referred to in section 57(1) is being or is to be carried out, or
 - (b) for the purposes of enabling anything that is to be published as a result of the research to be reviewed before publication, where the disclosure is made to a person who is accredited under section 62 as a person to whom such information may be disclosed for that purpose.

- (4) Subsection (5) applies to personal information which—
 - (a) identifies a particular person, and
 - (b) is disclosed by the Welsh Revenue Authority under section 57(5) (disclosure for processing) and received by a person (“P”).
- (5) Personal information to which this subsection applies may not be disclosed—
 - (a) by P, or
 - (b) by any other person who has received it under section 57(5).
- (6) Subsection (5) does not apply to a disclosure under section 57(1).
- (7) Subsection (2) or (5) does not apply to a disclosure which is made with the consent of the Welsh Revenue Authority (which may be general or specific).
- (8) A person who contravenes subsection (2) or (5) is guilty of an offence.
- (9) It is a defence for a person charged with an offence under subsection (8) to prove that the person reasonably believed—
 - (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (10) A person who is guilty of an offence under subsection (8) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine, or to both;
 - (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.
- (11) In the application of subsection (10)(a) to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 the reference to 12 months is to be read as a reference to 6 months.”

200

Insert the following new Clause—

“Information disclosed by Revenue Scotland

- (1) Subsection (2) applies to personal information—
 - (a) in which the identity of a particular person is specified or from which the identity of a particular person can be deduced, whether from the information itself or from that information taken together with any other published information, and
 - (b) which—
 - (i) is disclosed under section 57(1) (disclosure for research purposes) by Revenue Scotland, or
 - (ii) is disclosed under section 57(1) by a person other than Revenue Scotland and is derived from information disclosed under section 57(5) by Revenue Scotland,
 and is received by a person (“P”) under section 57(1).
- (2) Personal information to which this subsection applies may not be disclosed—
 - (a) by P, or
 - (b) by a person to whom the information is disclosed by virtue of subsection (3).

- (3) Subsection (2) does not apply to a disclosure –
 - (a) to a person by whom the research referred to in section 57(1) is being or is to be carried out, or
 - (b) for the purposes of enabling anything that is to be published as a result of the research to be reviewed before publication, where the disclosure is made to a person who is accredited under section 62 as a person to whom such information may be disclosed for that purpose.
- (4) Subsection (5) applies to personal information which –
 - (a) identifies a particular person, and
 - (b) is disclosed by Revenue Scotland under section 57(5) (disclosure for processing) and received by a person (“P”).
- (5) Personal information to which this subsection applies may not be disclosed –
 - (a) by P, or
 - (b) by any other person who has received it under section 57(5).
- (6) Subsection (5) does not apply to a disclosure under section 57(1).
- (7) Subsection (2) or (5) does not apply to a disclosure which is made with the consent of Revenue Scotland (which may be general or specific).
- (8) A person who contravenes subsection (2) or (5) is guilty of an offence.
- (9) It is a defence for a person charged with an offence under subsection (8) to prove that the person reasonably believed –
 - (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (10) A person who is guilty of an offence under subsection (8) is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
 - (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.”

Clause 61

- 201** Page 60, line 18, after “of” insert “personal”
- 202** Page 60, line 20, after “of” insert “personal”
- 203** Page 60, line 24, after “disclosing” insert “personal information”
- 204** Page 60, line 29, leave out “or (c)” and insert “, (c) or (ca)”
- 205** Page 60, line 30, after “using” insert “personal”
- 206** Page 61, line 3, at end insert –
- “(8A) The Statistics Board may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
- (8B) Before reissuing the code the Statistics Board must lay a draft of the code as proposed to be reissued before Parliament.

- (8C) The Statistics Board may not reissue the code if, within the 40-day period, either House of Parliament resolves not to approve it.
- (8D) In subsection (8C) “the 40 day period” means –
- (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
 - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (8E) For the purposes of subsection (8D) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”

207 Page 61, line 6, leave out paragraph (a)

208 Page 61, line 9, at end insert –

- “(10) In disclosing information under section 57, a person must have regard to the following codes of practice issued by the Information Commissioner under section 51(3) of the Data Protection Act 1998, so far as they apply to the information in question –
- (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
 - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.
- (11) The duty in subsection (10) does not affect any other requirement for the person to have regard to a code of practice in disclosing the information.”

Clause 62

209 Page 61, line 18, at end insert –

- “(ca) may accredit a person as a person to whom such information may be disclosed for the purposes of a review of the kind mentioned in section 59(A3)(b), 60(A3)(b), (*Information disclosed by the Welsh Revenue Authority*)(3)(b) or (*Information disclosed by Revenue Scotland*)(3)(b),”

210 Page 61, line 19, leave out “that section” and insert “section 57”

211 Page 61, line 23, leave out “or (c)” and insert “, (c) or (ca)”

212 Page 62, line 11, at end insert “, and

- () a register of persons who are accredited under subsection (1)(ca).”

After Clause 65

213 Insert the following new Clause –

“Disclosure of non-identifying information by the Welsh Revenue Authority

- (1) A relevant official of the Welsh Revenue Authority may disclose relevant information to any person if –
 - (a) the information is non-identifying information, and
 - (b) the official thinks that the disclosure would be in the public interest.

- (2) Information is non-identifying information for the purposes of this section if—
 - (a) it is not, and has never been, identifying information, or
 - (b) it has been created by combining identifying information, but is not itself identifying information.
- (3) Information is identifying information for the purposes of this section if it relates to a person whose identity—
 - (a) is specified in the information,
 - (b) can be deduced from the information, or
 - (c) can be deduced from the information taken together with any other information.
- (4) In this section—
 - (a) “relevant official of the Welsh Revenue Authority” means a person within any of paragraphs (a) to (d) of section 17(2) of the Tax Collection and Management (Wales) Act 2016, and
 - (b) “relevant information” means information which—
 - (i) is held by the Welsh Revenue Authority in connection with its functions, or
 - (ii) is held by a person to whom any of the functions of the Welsh Revenue Authority have been delegated in connection with those functions.”

214

Insert the following new Clause—

“Disclosure of non-identifying information by Revenue Scotland

- (1) A relevant official of Revenue Scotland may disclose to any person information held by a relevant person in connection with a relevant function if—
 - (a) the information is non-identifying information, and
 - (b) the official thinks that the disclosure would be in the public interest.
- (2) Information is non-identifying information for the purposes of this section if—
 - (a) it is not, and has never been, identifying information, or
 - (b) it has been created by combining identifying information, but is not itself identifying information.
- (3) Information is identifying information for the purposes of this section if it relates to a person whose identity—
 - (a) is specified in the information,
 - (b) can be deduced from the information, or
 - (c) can be deduced from the information taken together with any other information.
- (4) In this section—
 - (a) “relevant official of Revenue Scotland” means a relevant official as defined by section 15(2) of the Revenue Scotland and Tax Powers Act 2014,
 - (b) “relevant person” has the meaning given by section 13(2) of that Act, and
 - (c) “relevant function” means a function mentioned in section 13(3)(a), (b)(i) or (c)(i) of that Act.”

215 Insert the following new Clause –

“Disclosure of employer reference information by HMRC

- (1) A Revenue and Customs official may disclose employer reference information held by the Revenue and Customs to the Employers’ Liability Tracing Office for use by it for the permitted purpose.
- (2) The Employers’ Liability Tracing Office is the company registered in England and Wales with the company registration number 06964651.
- (3) The permitted purpose is the purpose of providing assistance in connection with –
 - (a) claims against an employer, or an employer’s insurer, arising from personal injury or death that occurred, or is alleged to have occurred, in the course of a person’s employment by that employer, or
 - (b) applications for a payment under the Diffuse Mesothelioma Payment Scheme established under the Mesothelioma Act 2014.
- (4) “Employer reference information” means any of the following information relating to an employer –
 - (a) the employer’s name and address;
 - (b) any combination of numbers, letters or characters that is uniquely associated with the employer and used by Revenue and Customs to identify or refer to the employer, whether generally or for particular purposes.
- (5) References in this section to an employer include references to a person who has at any time been an employer.
- (6) In this section –

“employer” and “employment” have the same meaning as in the employment income Parts of the Income Tax (Earnings and Pensions) Act 2003;

“Revenue and Customs official” has the meaning given by section 18(4)(a) of the Commissioners for Revenue and Customs Act 2005;

“the Revenue and Customs” has the meaning given by section 17(3) of that Act.”

Clause 66

216 Page 64, line 16, at end insert –

“() After subsection (4) insert –

- “(4A) In disclosing information under subsection (1), the Commissioners or an officer of Revenue and Customs must have regard to the following codes of practice issued by the Information Commissioner under section 51(3) of the Data Protection Act 1998, so far as they apply to the information in question –
- (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;

(b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.

(4B) The duty in subsection (4A) to have regard to a code of practice does not affect any other requirement for the Commissioners or an officer of Revenue and Customs to have regard to a code of practice under the Data Protection Act 1998 in disclosing the information.

(4C) In determining how to comply with the duty in subsection (4A) the Commissioners or the officer of Revenue and Customs must have regard to any views of the Board which are communicated to the Commissioners or the officer.”

Clause 67

217 Page 65, line 6, at end insert –

“(7A) In disclosing information under subsection (1), a public authority must have regard to the following codes of practice issued by the Information Commissioner under section 51(3) of the Data Protection Act 1998, so far as they apply to the information in question –

(a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;

(b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.

(7B) The duty in subsection (7A) to have regard to a code of practice does not affect any other requirement for the public authority to have regard to a code of practice under the Data Protection Act 1998 in disclosing the information.

(7C) In determining how to comply with the duty in subsection (4A) the public authority must have regard to any views of the Board which are communicated to the authority.”

218 Page 65, line 15, leave out from “by” to “or” in line 16 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”

219 Page 65, line 18, at end insert –

“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (9)(b) has effect as if it included a reference to that Part.”

Clause 68

220 Page 66, line 25, leave out from “by” to “or” in line 26 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”

- 221** Page 66, line 28, at end insert –
“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (3)(b) has effect as if it included a reference to that Part.”
- 222** Page 67, line 18, leave out “Wales public authority” and insert “devolved Welsh authority”
- 223** Page 68, line 21, leave out “Wales public authority” and insert “devolved Welsh authority”
- 224** Page 68, line 38, leave out from “by” to “or” in line 39 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”
- 225** Page 68, line 41, at end insert –
“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (13)(c) has effect as if it included a reference to that Part.”
- 226** Page 69, line 25, leave out from “by” to end of line 26 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”
- 227** Page 69, line 26, at end insert –
“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (9)(c) has effect as if it included a reference to that Part.”
- 228** Page 70, line 32, at end insert –
“(9A) The Board may not publish the original statement under this section unless a draft of the statement has been laid before, and approved by a resolution of, each House of Parliament.
(9B) Before publishing a revised statement under this section the Board must lay a draft of the statement as proposed to be published before Parliament.
(9C) The Board may not publish the revised statement if, within the 40-day period, either House of Parliament resolves not to approve it.
(9D) In subsection (9C) “the 40 day period” means –
(a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
(b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
(9E) For the purposes of subsection (9D) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”
- 229** Page 70, leave out line 35

230 Page 70, line 38, at end insert –

- “(11) In exercising any of its functions under section 45B, 45C or 45D to require the disclosure of information, the Board must have regard to any code of practice issued by the Information Commissioner under section 51(3) of the Data Protection Act 1998 which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information, so far as the code applies to the information in question.
- (12) The duty in subsection (11) to have regard to a code of practice does not affect any other requirement for the Board to have regard to a code of practice under the Data Protection Act 1998 in exercising the function.”

231 Page 71, line 46, at end insert –

- “(5A) The Board may not publish the original code of practice under this section unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
- (5B) Before publishing a revised code of practice under this section the Board must lay a draft of the code as proposed to be published before Parliament.
- (5C) The Board may not publish the revised code of practice if, within the 40-day period, either House of Parliament resolves not to approve it.
- (5D) In subsection (5C) “the 40 day period” means –
- (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
 - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (5E) For the purposes of subsection (5D) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”

232 Page 72, leave out line 3

Clause 69

233 Page 72, line 23, at end insert “, or
() the Registrar General for Northern Ireland.”

234 Page 73, line 8, at end insert –

- “(8A) In disclosing information under subsection (1), the Board must have regard to the following codes of practice issued by the Information Commissioner under section 51(3) of the Data Protection Act 1998, so far as they apply to the information in question –
- (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
 - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.
- (8B) The duty in subsection (8A) to have regard to a code of practice does not affect any other requirement for the Board to have regard to a code of practice under the Data Protection Act 1998 in disclosing the information.”

235 Page 73, line 16, leave out from “by” to “or” in line 17 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”

236 Page 73, line 19, at end insert –

“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (10)(c) has effect as if it included a reference to that Part.”

After Clause 76

237 Insert the following new Clause –

“BBC Licence Fee Commission

- (1) The Secretary of State must, by regulations made by statutory instrument, set up an independent body (“the BBC Licence Fee Commission”).
- (2) It is to be the duty of the BBC Licence Fee Commission to make a recommendation to the Secretary of State regarding the level of licence fee required to fund the BBC for the purposes set out in the Royal Charter and Agreement in respect of the settlement from 1 April 2022, and for each successive settlement thereafter.”

238 Insert the following new Clause –

“Duty of the Secretary of State to consult and lay recommendation before Parliament

- (1) The Secretary of State must conduct a full public consultation on appropriate levels of BBC funding.
- (2) The Secretary of State must lay a report before each House of Parliament with a recommendation as to an appropriate level of funding.”

239 Insert the following new Clause –

“Duty of the Secretary of State in determining funding settlement

- (1) The Secretary of State is to determine the final settlement for BBC funding for the period from 1 April 2022.
- (2) In determining the final settlement, the Secretary of State must consider whether or not to accept the BBC Licence Fee Commission’s recommendation and, if the Secretary of State decides to reject that recommendation, the Secretary of State must publish the reasons for the rejection.
- (3) In determining the final settlement, the Secretary of State must also take account of –
 - (a) the views of the BBC Board;
 - (b) the results of the public consultation under section (Duty of the Secretary of State to consult and lay recommendations before Parliament); and
 - (c) the need for effective fulfilment of the BBC’s mission and purposes under the Royal Charter.”

After Clause 77

240 Insert the following new Clause –

“Provision of children’s programmes

After section 289 of the Communications Act 2003 insert –

“Provision of children’s programmes

289A Provision of children’s programmes

- (1) OFCOM may, if they think fit, publish criteria to be applied in accordance with this section to the provision of children’s programmes.
- (2) Where criteria are published by OFCOM, the regulatory regime for every licensed public service channel includes the conditions that OFCOM consider appropriate for securing that the provision of children’s programmes meets the criteria.
- (3) Any condition imposed by virtue of this section –
 - (a) must relate only to the provision of children’s programmes on the licensed public service channel concerned;
 - (b) must take into account OFCOM’s assessment of the provision of children’s programmes on all related services.
- (4) “Related services” in relation to a Channel 3 service means –
 - (a) that service,
 - (b) all other Channel 3 services, and
 - (c) all services within subsection (6) that appear to OFCOM to have a sufficient connection with any Channel 3 service.
- (5) “Related services” in relation to any other licensed public service channel means –
 - (a) that channel, and
 - (b) all services within subsection (6) that appear to OFCOM to have a sufficient connection with that channel.
- (6) A service is within this subsection if –
 - (a) it is available for reception in the United Kingdom, and
 - (b) it is provided without any consideration being required for its reception, disregarding any requirement to pay sums in accordance with regulations under section 365.
- (7) For the purposes of an assessment under subsection (3)(b) no account is to be taken of whether a programme is provided on a licensed public service channel or on another service.
- (8) Any condition imposed by virtue of this section must be the same for all regional Channel 3 services.
- (9) Any criteria published under this section must be published by OFCOM in a statement setting out the criteria and how they propose to apply them.
- (10) OFCOM may from time to time review and revise or withdraw the criteria by publishing a further statement.

- (11) Where OFCOM revise or withdraw criteria, they must take any steps they consider necessary in consequence in relation to conditions imposed by virtue of this section.
- (12) OFCOM must—
 - (a) carry out a public consultation for the purposes of any review under subsection (10);
 - (b) where there are no published criteria for the time being, carry out a public consultation before publishing criteria under this section.
- (13) In this section “children’s programme” means a programme made—
 - (a) for a television programme service or for an on-demand programme service, and
 - (b) for viewing primarily by persons under the age of sixteen.””

After Clause 79

241 Insert the following new Clause—

“On-demand programme services: accessibility for people with disabilities

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 368BB insert—

“Accessibility

368BC Accessibility for people with disabilities

- (1) The Secretary of State may by regulations impose requirements on providers of on-demand programme services for the purpose of ensuring that their services are accessible to people with disabilities affecting their sight or hearing or both.
- (2) The requirements that may be imposed include—
 - (a) requirements for programmes included in the services to be accompanied by subtitling;
 - (b) requirements for such programmes to be accompanied by audio-description for the blind;
 - (c) requirements for such programmes to be presented in, or translated into, sign language.
- (3) The steps set out in subsections (4) to (6) must be taken before regulations are made under this section.
- (4) The Secretary of State must ask the appropriate regulatory authority to consult such persons as appear to the authority likely to be affected by regulations under this section, including—
 - (a) providers of on-demand programme services, and
 - (b) representatives of people with disabilities affecting their sight or hearing or both.
- (5) The appropriate regulatory authority must inform the Secretary of State of—
 - (a) the outcome of the consultation, and

- (b) any other matters that they think should be taken into account by the Secretary of State for the purposes of the regulations.
- (6) Where OFCOM are not the appropriate regulatory authority, the Secretary of State must consult OFCOM.
- (7) 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.

368BD Enforcement of regulations under section 368BC

- (1) Where the appropriate regulatory authority determine that a provider of an on-demand programme service is contravening or has contravened regulations under section 368BC, they may do one or both of the following—
 - (a) give the provider an enforcement notification under this section;
 - (b) impose a penalty on the provider in accordance with section 368J.
- (2) The appropriate regulatory authority must not make a determination as mentioned in subsection (1) unless there are reasonable grounds for believing that a contravention of the regulations is occurring or has occurred and they have allowed the provider an opportunity to make representations about that apparent contravention.
- (3) An enforcement notification under this section is a notification which specifies the determination made as mentioned in subsection (1) and imposes a requirement on the provider to take all such steps for complying with the regulations and for remedying the consequences of the contravention of the regulations as may be specified in the notification.
- (4) An enforcement notification must—
 - (a) include reasons for the appropriate regulatory authority's decision to give the enforcement notification, and
 - (b) fix a reasonable period for taking the steps required by the notification.
- (5) It is the duty of a provider to whom an enforcement notification is given to comply with it.
- (6) That duty is enforceable in civil proceedings by the appropriate regulatory authority—
 - (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 remedy or relief.
- (7) If a provider to whom an enforcement notification has been given does not comply with it within the period fixed by the appropriate regulatory authority in that enforcement notification the appropriate regulatory authority may impose a financial penalty on the provider in accordance with section 368J.”

- (3) In section 368C (duties of the appropriate regulatory authority), omit subsection (2).
- (4) After that section insert—
- “368CA Code on accessibility for people with disabilities**
- (1) It is the duty of the appropriate regulatory authority to draw up, and from time to time review and revise, a code giving guidance as to—
- (a) the steps to be taken by providers of on-demand programme services so as to meet the requirements of regulations under section 368BC, and
 - (b) other steps to be taken by providers who are subject to requirements under the regulations to ensure that their services are made progressively more accessible to people with disabilities affecting their sight or hearing or both.
- (2) The appropriate regulatory authority must publish the code drawn up under this section, and every revision of it, in such manner as, having regard to the need to make the code or revision accessible to—
- (a) persons who are deaf or hard of hearing,
 - (b) persons who are blind or partially sighted, and
 - (c) persons with a dual sensory impairment,
- they consider appropriate.”
- (5) In section 368J(1) (financial penalties), after “368BB” insert “, 368BD”.
- (6) In section 368K(1) (suspension or restriction of service for contraventions)—
- (a) in paragraph (a), after “368D” insert “, or of regulations under section 368BC”,
 - (b) in paragraph (b)—
 - (i) after “368D” insert “or the regulations”, and
 - (ii) for “or 368I” substitute “, 368I or 368BC”.
- (7) In section 368O(2)(a) (power to demand information), after “368D” insert “, or of regulations under section 368CA,”.
- (8) In section 402(2)(a) (procedure for statutory instruments) after “411” insert “or regulations under section 368BC”.

After Clause 80

242

Insert the following new Clause—

“Public sector broadcasting prominence

- (1) The Communications Act 2003 is amended as follows.
- (2) In the title of section 232, at end insert “and “electronic programme guide””.
- (3) After section 232(5) insert—

“(5A) In this section “electronic programme guide” means a service which consists of a—

 - (a) linear electronic programme guide; or

- (b) qualifying connected electronic programme guide.”
- (4) In section 232(6) before “electronic” insert “linear”.
- (5) In section 232(6)(b) after “for” insert “finding, selecting or”.
- (6) After section 232(6) insert –
 - “(7) In this section “qualifying connected electronic programme guide” means a “connected electronic programming guide” which is used by a significant number of its intended audiences as a means of receiving television programmes or TV-like content.
 - (8) In this section “connected electronic programming guide” means a service which consists of –
 - (a) the listing or promotion, or both the listing and the promotion, of some or all of the programmes included in any one or more programme services the providers of which are or include persons other than the provider of the guide; and
 - (b) the listing or promotion, or both the listing and the promotion, of –
 - (i) some or all of the programmes included in any one or more on-demand programme services, or
 - (ii) some or all of the on-demand programme services, the providers of which are or include persons other than the provider of the guide; and
 - (c) the facility for finding, selecting or obtaining access, in whole or in part, to the programme service or services and the on-demand programme service or services listed or promoted in the guide.
 - (9) The Secretary of State may by order amend the definition of an electronic programme guide in this section.
 - (10) Before making an order under subsection 9 the Secretary of State must consult OFCOM.”
- (7) In section 310(1) for “from time to time” substitute “on 1 December 2017 and at intervals of no more than three years thereafter”.
- (8) In section 310(2) omit “such degree of” and “as OFCOM consider appropriate”.
- (9) In section 310(4)(a) after “BBC” insert “, including on-demand programme services,”.
- (10) After section 310(4)(h) insert –
 - “(i) any on-demand programme service provided by a public service broadcaster.
- (4A) A service is an on-demand programme service provided by a public service broadcaster for the purposes of subsection (4)(i) if it –
 - (a) is provided by any of the following –
 - (i) a person licensed under Part 1 of the 1990 Act to provide a Channel 3 service;
 - (ii) the Channel 4 Corporation;

- (iii) a person licensed under Part 1 of the 1990 Act to provide Channel 5;
 - (iv) the Welsh Authority; and
 - (b) provides access to programmes broadcast on a licensed public service channel.”
- (11) In section 310(5)(a) after first “service” insert “, including on-demand programme services,”.
- (12) After section 310(5) insert –
- “(5A) In making any order under subsection (5) the Secretary of State must have regard to the desirability of investment in original productions.
- (5B) In this section “original productions” means programmes commissioned by or for the provider of a service for the purposes of subsection (5) with a view to their first showing on television in the United Kingdom on that service.”
- (13) After section 310(7)(a) insert –
- “(b) if the service is a public service channel dedicated to children, persons under the age of 16;”.
- (14) For section 310(8) substitute –
- “(8) In this section “electronic programme guide” means a service which consists of the programme service or services listed or promoted in the guide.”
- (15) In section 311(2) for “310” substitute “232(5A)”.

After Clause 81

243 Insert the following new Clause –

“Televising events of national interest

Televising events of national interest: power to amend qualifying conditions

In section 98 of the Broadcasting Act 1996 (categories of service), after subsection (5) insert –

- “(5A) The Secretary of State may, by regulations made by statutory instrument, amend the percentage figure specified for the time being in subsection (2)(b).
- (5B) An amendment made by regulations under this section does not affect –
 - (a) the validity of any contract entered into before the regulations came into force, or
 - (b) the exercise of any rights acquired under such a contract.
- (5C) Regulations under subsection (5A) may make transitional, transitory or saving provision.
- (5D) A statutory instrument containing regulations under subsection (5A) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Before Clause 82

244 Insert the following new Clause—

“Strategic priorities and provision of information

- (1) After section 2 of the Communications Act 2003 insert—

“Strategic priorities

2A Statement of strategic priorities

- (1) The Secretary of State may designate a statement for the purposes of this section if the requirements set out in section 2C (consultation and parliamentary procedure) are satisfied.
- (2) The statement is a statement prepared by the Secretary of State that sets out strategic priorities of Her Majesty’s Government in the United Kingdom relating to—
 - (a) telecommunications,
 - (b) the management of the radio spectrum, and
 - (c) postal services.
- (3) The statement may, among other things, set out particular outcomes identified with a view to achieving the strategic priorities.
- (4) This section does not restrict the Secretary of State’s powers under any other provision of this Act or any other enactment.
- (5) A statement designated under subsection (1) must be published in such manner as the Secretary of State considers appropriate.
- (6) A statement designated under subsection (1) may be amended (including by replacing the whole or a part of the statement with new content) by a subsequent statement designated under that subsection, and this section and sections 2B and 2C apply in relation to any such subsequent statement as in relation to the original statement.
- (7) Except as provided by subsection (8), no amendment may be made under subsection (6) within the period of 5 years beginning with the day on which a statement was most recently designated under subsection (1).
- (8) An earlier amendment may be made under subsection (6) if—
 - (a) since that day—
 - (i) a Parliamentary general election has taken place, or
 - (ii) there has been a significant change in the policy of Her Majesty’s government affecting any matter mentioned in subsection (2)(a), (b) or (c), or
 - (b) the Secretary of State considers that the statement, or any part of it, conflicts with any of OFCOM’s general duties (within the meaning of section 3).

2B Duties of OFCOM in relation to strategic priorities

- (1) This section applies where a statement has been designated under section 2A(1).

- (2) OFCOM must have regard to the statement when carrying out—
 - (a) their functions relating to telecommunications,
 - (b) their functions under the enactments relating to the management of the radio spectrum, and
 - (c) their functions relating to postal services.
- (3) OFCOM must within the period of 40 days beginning with the day on which the statement is designated, or such longer period as the Secretary of State may allow—
 - (a) explain in writing what they propose to do in consequence of the statement, and
 - (b) publish a copy of that explanation in such manner as OFCOM consider appropriate.
- (4) OFCOM must, as soon as practicable after the end of—
 - (a) the period of 12 months beginning with the day on which the first statement is designated under section 2A(1), and
 - (b) every subsequent period of 12 months,publish a review of what they have done during the period in question in consequence of the statement.

2C Consultation and parliamentary procedure

- (1) This section sets out the requirements that must be satisfied in relation to a statement before the Secretary of State may designate it under section 2A.
- (2) The Secretary of State must consult the following on a draft of the statement—
 - (a) OFCOM, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (3) The Secretary of State must allow OFCOM a period of at least 40 days to respond to any consultation under subsection (2)(a).
- (4) After that period has ended the Secretary of State—
 - (a) must make any changes to the draft that appear to the Secretary of State to be necessary in view of responses to the consultation, and
 - (b) must then lay the draft before Parliament.
- (5) The Secretary of State must then wait until the end of the 40-day period and may not designate the statement if, within that period, either House of Parliament resolves not to approve it.
- (6) “The 40-day period” is the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House on the same day, the later of the days on which it is laid).
- (7) When calculating the 40-day period, ignore any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.”

- (2) After section 24 of that Act insert –

“24A Provision of information before publication

- (1) OFCOM must provide the Secretary of State, at least 24 hours before publication, with any information that they propose to publish.
- (2) If exceptional circumstances make it impracticable to provide the information to the Secretary of State 24 hours before publication it must instead be provided to the Secretary of State as long before publication as is practicable.
- (3) Subsections (1) and (2) have effect in any particular case subject to any agreement made between the Secretary of State and OFCOM in that case.
- (4) The Secretary of State may by regulations specify descriptions of information in relation to which the duty under subsection (1) does not apply.
- (5) Before making regulations under subsection (4), the Secretary of State must consult OFCOM.
- (6) Information provided to the Secretary of State under this section may not be disclosed by the Secretary of State during the protected period, except to another Minister of the Crown.
- (7) A Minister of the Crown to whom the information is disclosed under subsection (6) may not disclose the information during the protected period to any other person.
- (8) A Minister of the Crown may not make any representations to OFCOM during the protected period that specify or describe changes that the Minister considers should be made to information that has been provided under this section when it is published.
- (9) In this section –
 - “the protected period”, in relation to information provided to the Secretary of State under this section, means the period beginning with the provision of the information and ending when either of the following occurs –
 - (a) OFCOM publish the information;
 - (b) OFCOM inform the Secretary of State that they consent to the disclosure of the information;
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.

24B Provision of information to assist in formulation of policy

- (1) OFCOM may provide the Secretary of State with any information that they consider may assist the Secretary of State in the formulation of policy.
- (2) Information with respect to a particular business that has been obtained in the exercise of a power conferred by –
 - (a) this Act,
 - (b) the 1990 Act,
 - (c) the 1996 Act,

- (d) the Wireless Telegraphy Act 2006, or
 (e) Part 3 of the Postal Services Act 2011,
 is not, so long as the business continues to be carried on, to be provided to the Secretary of State under this section without the consent of the person for the time being carrying on that business.”
- (3) The duty under subsection (1) of section 24A of that Act does not have effect until the day on which regulations made under subsection (4) of that section first come into force.
- (4) In section 393(6) of that Act (general restrictions on disclosure of information), after paragraph (a) insert –
 “(aza) prevents the disclosure of information under section 24A or 24B;”.
- (5) In section 111(7) of the Wireless Telegraphy Act 2006 (general restrictions on disclosure of information), after paragraph (a) insert –
 “(aa) prevents the disclosure of information under section 24A or 24B of that Act;”.
- (6) In section 56 of the Postal Services Act 2011 (general restrictions on disclosure of information), after subsection (6) insert –
 “(6A) Nothing in this section prevents the disclosure of information under section 24A or 24B of the Communications Act 2003.””

After Clause 84

245 Insert the following new Clause –

“Internet filters

Internet filters

- (1) A provider of an internet access service to an end-user may prevent or restrict access on the service to information, content, applications or services, for child protection or other purposes, if the action is in accordance with the terms on which the end-user uses the service.
- (2) This section does not affect whether a provider of an internet access service may prevent or restrict access to anything on the service in other circumstances.
- (3) In this section –
 “end-user” means an end-user of a public electronic communications service, within the meaning given by section 151(1) of the Communications Act 2003;
 “internet access service” has the meaning given by Article 2(2) of Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25th November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union.”

246 Insert the following new Clause –

*“Duty to provide information about tickets***Duty to provide information about tickets**

In section 90 of the Consumer Rights Act 2015 (duty to provide information about tickets), after subsection (4)(d) insert –

- “(e) the ticket reference or booking number;
- (f) any specific condition attached to the resale of the ticket.”

247

Insert the following new Clause –

*“Offence of breaching limits on ticket sales***Power to create offence of breaching limits on internet and other ticket sales**

- (1) The Secretary of State may make regulations providing that it is an offence for a person in circumstances within subsection (2) to do an act within subsection (3).
- (2) Circumstances are within this subsection if each of the following applies –
 - (a) tickets for a recreational, sporting or cultural event in the United Kingdom are offered for sale,
 - (b) a purchase may be made wholly or partly by a process that the purchaser completes using an electronic communications network or an electronic communications service, and
 - (c) the offer is subject to conditions that limit the number of tickets a purchaser may buy.
- (3) An act is within this subsection if it consists in using anything that enables or facilitates completion of any part of a process within subsection (2)(b) with intent to obtain tickets in excess of a limit imposed by conditions within subsection (2)(c).
- (4) The regulations may apply whether the offer is made, or anything is done to obtain tickets, in or outside the United Kingdom.
- (5) The regulations –
 - (a) may be limited to particular circumstances within subsection (2), and to particular acts within subsection (3);
 - (b) may provide for an offence to be subject to an exception or defence;
 - (c) may make different provision for different areas.
- (6) The regulations must provide in England and Wales and Scotland for an offence to be triable only summarily.
- (7) The regulations may not provide for an offence to be punishable –
 - (a) with imprisonment,
 - (b) in Scotland, with a fine exceeding £50,000, or
 - (c) in Northern Ireland, if tried summarily, with a fine exceeding the statutory maximum.
- (8) The power to make regulations under this section is exercisable by statutory instrument.
- (9) 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.

- (10) In this section “electronic communications network” and “electronic communications service” have the meaning given by section 32 of the Communications Act 2003.”

248

Insert the following new Clause –

“Communication devices used for drug dealing

Prevention or restriction of use of communication devices for drug dealing

After section 80 of the Serious Crime Act 2015 insert –

“80A Prevention or restriction of use of communication devices for drug dealing

- (1) Regulations may make provision conferring power on a court to make a drug dealing telecommunications restriction order.
- (2) “Drug dealing telecommunications restriction order” means an order requiring a communications provider to take whatever action the order specifies for the purpose of preventing or restricting the use of communication devices in connection with drug dealing offences.
- (3) Without limiting the action that may be specified, it includes –
 - (a) action that relates to a specified device;
 - (b) action that relates to a specified phone number or something else that may be used with a device.
- (4) In this section “drug dealing offence” means an offence under section 4(3) of the Misuse of Drugs Act 1971 or section 5 of the Psychoactive Substances Act 2016; and a communication device is used in connection with a drug dealing offence if it is used by a person (“the user”) in the course of –
 - (a) the user committing a drug dealing offence,
 - (b) the user facilitating the commission by the user or another person of a drug dealing offence, or
 - (c) conduct of the user that is likely to facilitate the commission by the user or another person of a drug dealing offence (whether or not an offence is committed).
- (5) Regulations under this section must provide for drug dealing telecommunications restriction orders to be made only on the application of –
 - (a) the Director General or Deputy Director General of the National Crime Agency, or
 - (b) a police officer of the rank of superintendent or above.
- (6) Regulations under this section must –
 - (a) specify the matters about which the court must be satisfied if it is to make an order;
 - (b) make provision about the duration of orders (which may include provision for orders of indefinite duration);
 - (c) make provision about the giving (by a communications provider or any other person) of notice of the making of an order;
 - (d) make provision about variation (including extension) and discharge of orders;

- (e) make provision about appeals.
- (7) Regulations under this section must provide—
- (a) for applications for drug dealing telecommunications restriction orders to be made and heard without notice of the application or hearing having been given to persons affected (or their legal representatives), subject to subsection (9)(a);
 - (b) for applications to be heard and determined in the absence of persons affected (and their legal representatives), subject to subsection (9)(b);
 - (c) for applications to be heard and determined in private.
- (8) Regulations under this section must provide for a court hearing an application or an appeal to have power to restrict disclosure of information submitted in connection with the application or appeal if satisfied that it is necessary to do so in the public interest.
- (9) Regulations under this section may—
- (a) make provision for a communications provider affected by an application to be given notice of the application or hearing;
 - (b) make provision for a communications provider affected by an application to be present or represented at the hearing and determination of the application;
 - (c) in connection with any provision under paragraph (b), make provision for a communications provider to have a right to make representations;
 - (d) make provision for a drug dealing telecommunications restriction order to specify that a requirement of the order is not to apply in particular circumstances;
 - (e) make provision authorising a court to include in an order a requirement for the person applying for the order to pay any or all of the costs of complying with it;
 - (f) make provision about time limits for complying with orders;
 - (g) make provision about enforcement of orders (which may include provision creating offences);
 - (h) make provision about costs (or, in Scotland, expenses) in respect of legal proceedings;
 - (i) make provision about compensation;
 - (j) make different provision for different purposes or areas;
 - (k) make incidental, consequential, supplementary or transitional provision, including provision applying any enactment (with or without modifications).
- (10) The power to make regulations under this section is exercisable by statutory instrument made by the Secretary of State.
- (11) A statutory instrument containing regulations under this section is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

- (12) In this section –
- “communication device” means an item specified in section 1(3) of the Prisons (Interference with Wireless Telegraphy) Act 2012 (mobile telephones etc);
 - “communications provider” means a person providing a telecommunications service;
 - “court” means –
 - (a) in relation to England and Wales, the county court;
 - (b) in relation to Scotland, the sheriff;
 - (c) in relation to Northern Ireland, a county court;
 - “enactment” includes –
 - (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
 - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
 - (c) Northern Ireland legislation;
 - “telecommunications service” has the meaning given by section 261 of the Investigatory Powers Act 2016.””

249 Insert the following new Clause –

“Charges payable to the Information Commissioner

Regulations about charges payable to the Information Commissioner

- (1) The Secretary of State may by regulations require data controllers to pay charges of an amount specified in the regulations to the Information Commissioner.
- (2) Regulations under subsection (1) may require a data controller to pay a charge regardless of whether the Information Commissioner has provided, or proposes to provide, a service to the data controller.
- (3) Regulations under subsection (1) may make provision about the time or times at which, or period or periods within which, a charge must be paid.
- (4) Regulations under subsection (1) may make provision –
 - (a) for different charges to be payable in different cases;
 - (b) for cases in which a discounted charge is payable;
 - (c) for cases in which no charge is payable;
 - (d) for cases in which a charge which has been paid is to be refunded.
- (5) The Secretary of State may by regulations make provision –
 - (a) requiring a data controller to provide information to the Information Commissioner, or
 - (b) enabling the Commissioner to require a data controller to provide information to the Commissioner,
 for either or both of the purposes mentioned in subsection (6).
- (6) Those purposes are –
 - (a) determining whether a charge is payable by the data controller under regulations under subsection (1);
 - (b) determining the amount of a charge payable by the data controller.

- (7) The provision that may be made under subsection (5)(a) includes, in particular, provision requiring a data controller to notify the Information Commissioner of a change in the data controller's circumstances of a kind specified in the regulations.
- (8) In this section "data controller" means a person who, alone or jointly with others, determines the purposes and means of the processing of personal data.
- (9) In subsection (8) "personal data" means any information relating to an identified or identifiable individual.
- (10) For this purpose an individual is "identifiable" if the individual can be identified, directly or indirectly, in particular by reference to—
 - (a) an identifier such as a name, an identification number, location data or an online identifier, or
 - (b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.
- (11) Where the purposes and means of the processing of personal data are determined by or on behalf of the House of Commons or House of Lords, other than where they are determined by or on behalf of the Intelligence and Security Committee of Parliament, the data controller in respect of those data for the purposes of this section is the Corporate Officer of that House."

250

Insert the following new Clause—

“Functions relating to regulations under section (*Regulations about charges payable to the Information Commissioner*)

- (1) Before making regulations under section (*Regulations about charges payable to the Information Commissioner*)(1) or (5) the Secretary of State must consult—
 - (a) the Information Commissioner,
 - (b) such representatives of persons likely to be affected by the regulations as the Secretary of State thinks appropriate, and
 - (c) such other persons as the Secretary of State thinks appropriate.
- (2) In making regulations under section (*Regulations about charges payable to the Information Commissioner*)(1), the Secretary of State must have regard to the desirability of securing that the charges payable to the Information Commissioner under such regulations are sufficient to offset—
 - (a) expenses incurred by the Commissioner in discharging the Commissioner's functions—
 - (i) under the Data Protection Act 1998,
 - (ii) under or by virtue of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2003/2426),
 - (iii) under the General Data Protection Regulation,
 - (iv) under regulations which implement the General Data Protection Regulation or the Criminal Data Directive,
 - (v) by virtue of section (*Regulations about charges payable to the Information Commissioner*), and
 - (vi) under this section,
 - (b) any expenses of the Secretary of State in respect of the Commissioner so far as attributable to those functions,

- (c) to the extent that the Secretary of State considers appropriate, any deficit previously incurred (whether before or after the passing of this Act) in respect of the expenses mentioned in paragraph (a), and
 - (d) to the extent that the Secretary of State considers appropriate, expenses incurred by the Secretary of State in respect of the inclusion of any officers or staff of the Commissioner in any scheme under section 1 of the Superannuation Act 1972.
- (3) In subsection (2)–
- “the Criminal Data Directive” means Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA;
 - “the General Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).
- (4) The Secretary of State may from time to time require the Information Commissioner to provide information about the expenses referred to in subsection (2)(a).
 - (5) The Information Commissioner must keep under review the working of regulations under section (*Regulations about charges payable to the Information Commissioner*)(1) or (5) and may from time to time submit proposals to the Secretary of State for amendments to be made to the regulations.
 - (6) The Secretary of State must review the working of regulations under section (*Regulations about charges payable to the Information Commissioner*)(1) or (5)–
 - (a) at the end of the period of five years beginning with the making of the first set of regulations under that section, and
 - (b) at the end of each subsequent five year period.”

251

Insert the following new Clause –

“Supplementary provision relating to section (*Regulations about charges payable to the Information Commissioner*)

- (1) Regulations under section (*Regulations about charges payable to the Information Commissioner*)(1) or (5) are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under section (*Regulations about charges payable to the Information Commissioner*)(1) or (5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) Subsection (2) does not apply to a statutory instrument containing regulations which–
 - (a) only make provision increasing a charge for which provision is made by previous regulations under section (*Regulations about charges payable to the Information Commissioner*)(1), and

- (b) do so to take account of an increase in the retail prices index since the previous regulations were made.
- (4) Such a statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In subsection (3) “the retail prices index” means –
 - (a) the general index of retail prices (for all items) published by the Statistics Board, or
 - (b) where that index is not published for a month, any substituted index or figures published by the Board.
- (6) Regulations under section (*Regulations about charges payable to the Information Commissioner*)(1) or (5) –
 - (a) may make different provision for different purposes;
 - (b) may make transitional, transitory or saving provision;
 - (c) may make incidental, supplemental or consequential provision.
- (7) Regulations under section (*Regulations about charges payable to the Information Commissioner*)(1) or (5) may bind the Crown.
- (8) But regulations under section (*Regulations about charges payable to the Information Commissioner*)(1) or (5) may not apply to –
 - (a) Her Majesty in Her private capacity,
 - (b) Her Majesty in right of the Duchy of Lancaster, or
 - (c) the Duke of Cornwall.
- (9) For the purposes of section (*Regulations about charges payable to the Information Commissioner*) each government department is to be treated as a person separate from any other government department.
- (10) In subsection (9) “government department” includes –
 - (a) any part of the Scottish Administration;
 - (b) a Northern Ireland department;
 - (c) the Welsh Government;
 - (d) any body or authority exercising statutory functions on behalf of the Crown.”

252

Insert the following new Clause –

“Amendments relating to section (*Regulations about charges payable to the Information Commissioner*)

- (1) The Data Protection Act 1998 is amended in accordance with subsections (2) to (7).
- (2) Omit Part 3 (notification by data controllers).
- (3) In section 33A(1) (manual data held by public authorities) omit paragraph (e) (but not the “and” following that paragraph).
- (4) In section 71 (index of defined expressions) omit the entries relating to “address”, “fees regulations”, “notification requirements”, “prescribed” and “registrable particulars”.
- (5) In Part 2 of Schedule 1 (interpretation of the data protection principles) in paragraph 5 omit paragraph (b) and the “or” preceding that paragraph.

- (6) In Part 1 of Schedule 5 (the Information Commissioner) in paragraph 9(1) (destination of fees etc) after “the Freedom of Information Act 2000” insert “and all charges received by the Commissioner under regulations under section (*Regulations about charges payable to the Information Commissioner*)(7) of the Digital Economy Act 2017”.
- (7) In Schedule 14 (transitional provisions and savings) omit paragraph 2 (registration under Part 2 of the Data Protection Act 1984).
- (8) In regulation 5(3)(b) of the High Court Enforcement Officers Regulations 2004 (SI 2004/400) (application procedure) omit paragraph (iii).
- (9) In consequence of the repeal in subsection (2) the following are repealed or revoked –
 - (a) section 71 of the Freedom of Information Act 2000;
 - (b) in paragraph 6 of Schedule 2 to the Transfer of Functions (Miscellaneous) Order 2001 (SI 2001/3500) –
 - (i) in sub-paragraph (1), paragraphs (h) to (m), and
 - (ii) sub-paragraph (2);
 - (c) in paragraph 9(1)(a) of Schedule 2 to the Secretary of State for Constitutional Affairs Order 2003 (SI 2003/1887), the words “16, 17, 22, 23, 25, 26,”;
 - (d) Part 1 of Schedule 20 to the Coroners and Justice Act 2009;
 - (e) paragraph 26 of Schedule 2 to the Transfer of Tribunal Functions Order 2010 (SI 2010/22).”

After Clause 87

253

Insert the following new Clause –

“Guarantee of pension liabilities under Telecommunications Act 1984

Guarantee of pension liabilities under Telecommunications Act 1984

- (1) The Secretary of State may make regulations modifying or supplementing section 68 of the Telecommunications Act 1984 (liability of Secretary of State in respect of British Telecommunications public limited company’s liabilities as successor for payment of pensions) in accordance with subsection (4).
- (2) Subsection (4) applies in relation to relevant employees of British Telecommunications public limited company (“BTplc”) becoming employees of another company (a “transferee”) in connection with any part of the undertaking of BTplc being transferred or outsourced (whether or not to the transferee).
- (3) Employees are relevant if the liability of BTplc for the payment of pensions which vested in it by virtue of section 60 of the Telecommunications Act 1984 included, immediately before the employees ceased to be employees of BTplc, liability for the payment of pensions to or in respect of those employees.
- (4) The regulations may provide for the Secretary of State (in addition to any liability apart from the regulations) to become liable –
 - (a) on the winding up of BTplc, to discharge any outstanding liability of BTplc for the payment of pensions to or in respect of relevant employees of the transferee or a successor;

- (b) on the winding up of the transferee or a successor, to discharge any outstanding liability of the transferee or successor for the payment of pensions to or in respect of relevant employees.
- (5) The regulations may provide for any liability that the Secretary of State is liable to discharge under the regulations not to include liability arising by virtue of a person's employment on or after a specified date, or by virtue of anything else occurring on or after a specified date.
- (6) The specified date must be not earlier than the date on which the regulations come into force.
- (7) The power to make regulations under this section is exercisable so as to –
- (a) make provision in relation to all cases or circumstances to which the power extends or in relation to specified cases or circumstances;
 - (b) in particular, make provision in relation to all employees to whom the power extends or in relation to employees of a specified description;
 - (c) make different provision for different purposes.
- (8) The regulations may –
- (a) amend section 68 of the Telecommunications Act 1984;
 - (b) re-enact any provision of that section with or without modifications.
- (9) In this section references to the winding up of a company are references to –
- (a) the passing of a resolution, in accordance with the Insolvency Act 1986, for the voluntary winding up of the company, or
 - (b) the making of an order for the winding up of the company by the court under that Act.
- (10) In this section –
- “specified” means specified in regulations under this section;
- “successor” means –
- (a) where relevant employees of a transferee become employees of another person, that person, and
 - (b) where relevant employees of a successor within paragraph (a) or this paragraph become employees of another person, that person;
- “undertaking” includes anything that may be the subject of a transfer or service provision change, whether or not the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply.”

254

Insert the following new Clause –

“Regulations under section (*Guarantee of pension liabilities under Telecommunications Act 1984*)

- (1) The power to make regulations under section (*Guarantee of pension liabilities under Telecommunications Act 1984*) is exercisable by statutory instrument.
- (2) That power is exercisable by the Secretary of State only with the consent of the Treasury.

- (3) A statutory instrument containing regulations under that 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.
- (4) Before making regulations under that section the Secretary of State must consult—
- (a) the Pensions Regulator;
 - (b) BT plc;
 - (c) the trustees of the BT Pensions Scheme;
 - (d) any transferee or successor to which the regulations apply;
 - (e) any other persons the Secretary of State considers it appropriate to consult.”

Clause 89

- 255 Page 90, line 1, at end insert—
“() sections (*Guarantee of pension liabilities under Telecommunications Act 1984*) and (*Regulations under section (Guarantee of pension liabilities under Telecommunications Act 1984)*);”
- 256 Page 90, line 11, at end insert—
“() section (*Provision of children’s programmes*);”
- 257 Page 90, line 12, at end insert—
“() section (*Televising events of national interest: power to amend qualifying conditions*);”
- 258 Page 90, line 12, at end insert—
“() section (*Prevention or restriction of use of communication devices for drug dealing*);”
- 259 Page 90, line 15, after “except” insert “Chapter 1 so far as that Chapter relates to the disclosure of information to or by a water or sewerage undertaker for an area which is wholly or mainly in Wales,”
- 260 Page 90, line 15, after “40” insert “and Chapters 5 and 6, so far as those Chapters relate to the disclosure of information by the Welsh Revenue Authority”
- 261 Page 90, line 17, at end insert—
“() The provisions mentioned in subsection (4)(a) and (c) come into force on whatever day the Welsh Ministers appoint by regulations made by statutory instrument.”
- 262 Page 90, line 20, at end insert “or different areas”
- 263 Page 90, line 20, at end insert—
“(7) The appropriate authority may by regulations made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
(8) Subsection (7) does not apply to section 4 or Schedule 1 (for which see section 5).
(9) The appropriate authority, subject to subsection (10), is the Secretary of State.

- (10) The appropriate authority in relation to Part 5 is –
- (a) the Secretary of State, in relation to Chapter 2;
 - (b) the Welsh Ministers, in relation to –
 - (i) Chapter 1 so far as relating to the disclosure of information to or by a water or sewerage undertaker for an area which is wholly or mainly in Wales, and
 - (ii) Chapters 5 and 6 so far as relating to the disclosure of information by the Welsh Revenue Authority;
 - (c) otherwise, the Secretary of State or the Minister for the Cabinet Office.”

Clause 90

264 Page 90, line 24, at end insert –

“() Sections (*Disclosure of information to water and sewerage undertakers*) and (*Disclosure of information by water and sewerage undertakers*) extend to England and Wales only.”

Schedule 1

265 Page 96, line 41, at end insert –

“*Code rights and land registration*

13A Where an enactment requires interests, charges or other obligations affecting land to be registered, the provisions of this code about who is bound by a code right have effect whether or not that right is registered.”

266 Page 97, leave out lines 11 to 40 and insert –

- “(1) Any agreement under Part 2 of this code is void to the extent that –
- (a) it prevents or limits assignment of the agreement to another operator, or
 - (b) it makes assignment of the agreement to another operator subject to conditions (including a condition requiring the payment of money).
- (2) Sub-paragraph (1) does not apply to a term that requires the assignor to enter into a guarantee agreement (see sub-paragraph (5B)).
- (3) In this paragraph references to “the assignor” or “the assignee” are to the operator by whom or to whom an agreement under Part 2 of this code is assigned or proposed to be assigned.
- (4) From the time when the assignment of an agreement under Part 2 of this code takes effect, the assignee is bound by the terms of the agreement.
- (5) The assignor is not liable for any breach of a term of the agreement that occurs after the assignment if (and only if), before the breach took place, the assignor or the assignee gave a notice in writing to the other party to the agreement which –
- (a) identified the assignee, and
 - (b) provided an address for service (for the purposes of paragraph 90(2)(a)) for the assignee.
- (5A) Sub-paragraph (5) is subject to the terms of any guarantee agreement.

- (5B) A “guarantee agreement” is an agreement, in connection with the assignment of an agreement under Part 2 of this code, under which the assignor guarantees to any extent the performance by the assignee of the obligations that become binding on the assignee under sub-paragraph (4) (the “relevant obligations”).
- (5C) An agreement is not a guarantee agreement to the extent that it purports –
- (a) to impose on the assignor a requirement to guarantee in any way the performance of the relevant obligations by a person other than the assignee, or
 - (b) to impose on the assignor any liability, restriction or other requirement of any kind in relation to a time after the relevant obligations cease to be binding on the assignee.
- (5D) Subject to sub-paragraph (5C), a guarantee agreement may –
- (a) impose on the assignor any liability as sole or principal debtor in respect of the relevant obligations;
 - (b) impose on the assignor liabilities as guarantor in respect of the assignee’s performance of the relevant obligations which are no more onerous than those to which the assignor would be subject in the event of the assignor being liable as sole or principal debtor in respect of any relevant obligation;
 - (c) make provision incidental or supplementary to any provision within paragraph (a) or (b).”

- 267** Page 102, line 14, after “is” insert “, subject to sub-paragraph (3A),”
- 268** Page 102, line 20, leave out “as if the transaction were” and insert “on the basis that the transaction was”
- 269** Page 102, leave out lines 22 to 36 and insert –
- “(3A) The market value must be assessed on these assumptions –
- (a) that the right that the transaction relates to does not relate to the provision or use of an electronic communications network;
 - (b) that paragraphs 15 and 16 (assignment, and upgrading and sharing) do not apply to the right or any apparatus to which it could apply;
 - (c) that the right in all other respects corresponds to the code right;
 - (d) that there is more than one site which the buyer could use for the purpose for which the buyer seeks the right.”
- 270** Page 113, line 15, leave out “or 59(8)”
- 271** Page 113, line 24, leave out “on, under or over other land” and insert “kept on, under or over other land in exercise of a right mentioned in paragraph 13(1),”
- 272** Page 113, line 26, leave out from second “the” to “interferes” in line 27 and insert “apparatus”
- 273** Page 127, line 32, leave out from beginning to end of line 17 on page 128
- 274** Page 129, line 37, after “is” insert “, subject to sub-paragraph (7A),”

- 275 Page 129, line 45, leave out from beginning to end of line 8 on page 130 and insert –
 “(7A) The market value must be assessed on these assumptions –
 (a) that the right that the transaction relates to does not relate to the provision or use of an electronic communications network;
 (b) that the right in all other respects corresponds to the tidal water right;
 (c) that there is more than one site which the buyer could use for the purpose for which the buyer seeks the right.”
- 276 Page 140, line 38, leave out “of the land on which the tree is growing”
- 277 Page 146, line 27, leave out “and Wales”
- 278 Page 149, line 36, after “Commissioners” insert “or the relevant person”
- 279 Page 150, line 10, at end insert –
 “() In sub-paragraph (6)(a) “relevant person”, in relation to land to which section 90B(5) of the Scotland Act 1998 applies, means the person having the management of that land.”

Schedule 2

- 280 Page 154, line 38, leave out “12” and insert “14”
- 281 Page 155, line 37, leave out from “any” to end of line 42 and insert “application or order made under paragraph 6 of the existing code.”

Before Schedule 4

- 282 Insert the following new Schedule –
- “PUBLIC SERVICE DELIVERY: SPECIFIED PERSONS FOR THE PURPOSES OF SECTION 30
- 1 The Secretary of State for the Home Department.
 - 2 The Secretary of State for Defence.
 - 3 The Lord Chancellor.
 - 4 The Secretary of State for Justice.
 - 5 The Secretary of State for Education.
 - 6 The Secretary of State for Business, Energy and Industrial Strategy.
 - 7 The Secretary of State for Work and Pensions.
 - 8 The Secretary of State for Communities and Local Government.
 - 9 The Secretary of State for Culture, Media and Sport.
 - 10 Her Majesty’s Revenue and Customs.
 - 11 A county council in England.
 - 12 A district council in England.
 - 13 A London borough council.

- 14 A combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.
- 15 The Common Council of the City of London in its capacity as a local authority.
- 16 The Council of the Isles of Scilly.
- 17 The Greater London Authority.
- 18 A metropolitan county fire and rescue authority.
- 19 The London Fire Commissioner.
- 20 A fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.
- 21 A fire and rescue authority created by a scheme under section 4A of the Fire and Rescue Services Act 2004.
- 22 A chief officer of police for a police area in England and Wales.
- 23 The proprietor of a school within the meaning of the Education Act 1996.
- 24 The proprietor of an Academy within the meaning of that Act.
- 25 The responsible person in relation to an educational institution as defined by section 72(5) of the Education and Skills Act 2008 (other than a person within paragraph 23 or 24).
- 26 The Gas and Electricity Markets Authority.
- 27 The Chief Land Registrar.
- 28 A person providing services in connection with a specified objective (within the meaning of section 30) to a specified person who is a public authority.”

283

Insert the following new Schedule –

“PUBLIC SERVICE DELIVERY: SPECIFIED PERSONS FOR THE PURPOSES OF SECTIONS 31
AND 32

- 1 The Secretary of State for Business, Energy and Industrial Strategy.
- 2 The Secretary of State for Work and Pensions.
- 3 The Secretary of State for Communities and Local Government.
- 4 Her Majesty’s Revenue and Customs.
- 5 A county council in England.
- 6 A district council in England.
- 7 A London borough council.
- 8 A combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.
- 9 The Common Council of the City of London in its capacity as a local authority.

- 10 The Council of the Isles of Scilly.
- 11 The Greater London Authority.
- 12 A metropolitan county fire and rescue authority.
- 13 The London Fire Commissioner.
- 14 A fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.
- 15 A fire and rescue authority created by a scheme under section 4A of the Fire and Rescue Services Act 2004.
- 16 The Gas and Electricity Markets Authority.
- 17 The Chief Land Registrar.
- 18 A person providing services in connection with a fuel poverty measure (within the meaning of section 31) to a specified person who is a public authority.”

284 Insert the following new Schedule –

“PUBLIC SERVICE DELIVERY: SPECIFIED PERSONS FOR THE PURPOSES OF SECTIONS
(DISCLOSURE OF INFORMATION TO WATER AND SEWERAGE UNDERTAKERS) AND
(DISCLOSURE OF INFORMATION BY WATER AND SEWERAGE UNDERTAKERS)

- 1 The Secretary of State for Work and Pensions.
- 2 The Secretary of State for Communities and Local Government.
- 3 Her Majesty’s Revenue and Customs.
- 4 A county council in England.
- 5 A district council in England.
- 6 A London borough council.
- 7 A combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.
- 8 The Common Council of the City of London in its capacity as a local authority.
- 9 The Council of the Isles of Scilly.
- 10 The Greater London Authority.
- 11 The Chief Land Registrar.
- 12 A person providing services in connection with a water poverty measure (within the meaning of section (Disclosure of information to water and sewerage undertakers)) to a specified person who is a public authority.”

285 Insert the following new Schedule –

“SPECIFIED PERSONS FOR THE PURPOSES OF THE DEBT PROVISIONS

- 1 The Secretary of State for the Home Department.

- 2 The Lord Chancellor.
- 3 The Secretary of State for Justice.
- 4 The Secretary of State for Education.
- 5 The Secretary of State for Business, Energy and Industrial Strategy.
- 6 The Secretary of State for Work and Pensions.
- 7 The Secretary of State for Transport.
- 8 Her Majesty's Revenue and Customs.
- 9 The Minister for the Cabinet Office.
- 10 A county council in England.
- 11 A district council in England.
- 12 A London borough council.
- 13 The Common Council of the City of London in its capacity as a local authority.
- 14 The Council of the Isles of Scilly.
- 15 The Greater London Authority.
- 16 The Student Loans Company.
- 17 A person providing services to a specified person who is a public authority in respect of the taking of action in connection with debt owed to a public authority or to the Crown."

286 Insert the following new Schedule –

“SPECIFIED PERSONS FOR THE PURPOSES OF THE FRAUD PROVISIONS

- 1 The Secretary of State for the Home Department.
- 2 The Secretary of State for Defence.
- 3 The Lord Chancellor.
- 4 The Secretary of State for Justice.
- 5 The Secretary of State for Education.
- 6 The Secretary of State for Business, Energy and Industrial Strategy.
- 7 The Secretary of State for Work and Pensions.
- 8 The Secretary of State for Transport.
- 9 The Secretary of State for Communities and Local Government.
- 10 The Secretary of State for the Environment, Food and Rural Affairs.
- 11 The Secretary of State for International Development.
- 12 The Secretary of State for Culture, Media and Sport.
- 13 The Minister for the Cabinet Office.
- 14 Her Majesty's Revenue and Customs.

- 15 The Export Credits Guarantee Department.
- 16 A county council in England.
- 17 A district council in England.
- 18 A London borough council.
- 19 The Common Council of the City of London in its capacity as a local authority.
- 20 The Council of the Isles of Scilly.
- 21 The Greater London Authority.
- 22 The Chief Land Registrar.
- 23 The Big Lottery Fund.
- 24 The Nuclear Decommissioning Authority.
- 25 The Environment Agency.
- 26 The Homes and Communities Agency.
- 27 The Higher Education Funding Council for England.
- 28 The Historic Buildings and Monuments Commission for England.
- 29 The Student Loans Company.
- 30 The British Council.
- 31 The Arts Council of England.
- 32 The English Sports Council.
- 33 The Technology Strategy Board.
- 34 The Arts and Humanities Research Council.
- 35 The Medical Research Council.
- 36 The Natural Environment Research Council.
- 37 The Biotechnology and Biological Sciences Research Council.
- 38 The Economic and Social Research Council.
- 39 The Engineering and Physical Sciences Research Council.
- 40 The Science and Technology Facilities Council.
- 41 A person providing services to a specified person who is a public authority in respect of the taking of action in connection with fraud against a public authority.”

In the Title

- 287 Line 4, after “data-sharing;” insert “to make provision in connection with section 68 of the Telecommunications Act 1984;”
- 288 Line 8, after “functions;” insert “to make provision about internet filters;”

- 289** Line 8, after “functions;” insert “to make provision about preventing or restricting the use of communication devices in connection with drug dealing offences; to confer power to create an offence of breaching limits on ticket sales; to make provision about the payment of charges to the Information Commissioner;”

LORDS AMENDMENTS TO THE
DIGITAL ECONOMY BILL

*Ordered, by The House of Commons,
to be Printed pursuant to Standing Order
Nos. 78 and 57A, 5 April 2017.*

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