



# House of Commons

Wednesday 26 April 2017

## CONSIDERATION OF LORDS AMENDMENTS

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*New Amendments handed in are marked thus ★*

*Amendments tabled since the last publication: LAs 1 (a) to (c); 2 (a); 40 (a) and (b); 242 (a); 246 (a)*

### DIGITAL ECONOMY BILL

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*On Consideration of Lords Amendments to the Digital Economy Bill*

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#### NOTE

**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.**

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Lords Amendment No. 1

Secretary Karen Bradley

To move, That this House disagrees with the Lords in their Amendment.

Secretary Karen Bradley

To move the following Amendments to the Bill in lieu of the Lords Amendment No. 1:—

- ★ Page 1, line 12, at end insert “, but may not do so unless— (a)
  - (a) it specifies the minimum download speed that must be provided by those connections and services, and
  - (b) the speed so specified is at least 10 megabits per second.” (b)
- ★ Page 2, line 3, after “as or” insert “, except in the case of the minimum download speed,”

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**Digital Economy Bill, *continued***

(c)

★ Page 2, line 23, at end insert—

**“72B Broadband download speeds: duty to give direction under section 72A**

- (1) The Secretary of State must give OFCOM a direction under section 72A if—
  - (a) the universal service order specifies a minimum download speed for broadband connections and services and the speed so specified is less than 30 megabits per second, and
  - (b) it appears to the Secretary of State, on the basis of information published by OFCOM, that broadband connections or services that provide a minimum download speed of at least 30 megabits per second are subscribed to for use in at least 75% of premises in the United Kingdom.
- (2) The direction—
  - (a) must require OFCOM to review and report to the Secretary of State on whether it would be appropriate for the universal service order to specify a higher minimum download speed, and
  - (b) may also require OFCOM to review and report to the Secretary of State on any other matter falling within section 72A(1).”

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**Lords Amendment No. 2**

Secretary Karen Bradley

To move, That this House disagrees with the Lords in their Amendment.

Secretary Karen Bradley

To move the following Amendment to the Bill in lieu of the Lords Amendment No. 2:—

(a)

★ Page 88, line 10, at end insert the following new Clause—

*“Billing limits for mobile phones***Billing limits for mobile phones**

In Chapter 1 of Part 2 of the Communications Act 2003 (electronic communications networks and services) after section 124R insert—

*“Billing limits for mobile phones***124S Mobile phone providers’ duty to enable billing limits to be applied**

- (1) The provider of a mobile phone service must not enter into a contract to provide the service unless the customer has been given an opportunity to specify a billing limit in the contract.
- (2) In relation to a contract to provide a mobile phone service—
  - (a) a billing limit is a limit on the amount the customer may be charged for provision of the service in respect of each billing period, and

**Digital Economy Bill, *continued***

- (b) a billing period is one of successive periods specified in the contract and together making up the period for which the contract remains in force.
- (3) A contract to provide a mobile phone service must provide for the customer on reasonable notice at any time—
  - (a) to specify a billing limit if none is specified for the time being,
  - (b) to amend or remove a limit in respect of all billing periods or a specified billing period.
- (4) In any billing period the provider must—
  - (a) so far as practicable, notify the customer in reasonable time if a limit is likely to be reached before the end of the period, and
  - (b) notify the customer as soon as practicable if a limit is reached before the end of the period.
- (5) A limit may be exceeded in relation to a billing period only if the customer agrees after a notification under subsection (4)(a) or (b).
- (6) If the provider continues to provide the service after a limit is reached, the customer’s use of the service does not constitute agreement to the limit being exceeded.
- (7) The provider must give the customer confirmation in writing of—
  - (a) the decision made by the customer in accordance with subsection (1),
  - (b) any decision of the customer under provision made in accordance with subsection (3), and
  - (c) any agreement by the customer in accordance with subsection (5).
- (8) This section applies to agreeing to extend a contract as it applies to entering into a contract, and in that case the reference in subsection (2)(b) to the period for which the contract remains in force is a reference to the period of the extension.
- (9) Nothing in this section affects a provider’s duty to comply with requirements to enable calls to emergency services.
- (10) In this section—
  - “customer” does not include a person who is a customer as a communications provider;
  - “mobile phone service” means an electronic communications service which is provided in the course of a business wholly or mainly so as to be available to members of the public for the purpose of communicating with others, or accessing data, by mobile phone.

**124T Enforcement of duty to enable billing limits to be applied**

- (1) Sections 96A to 96C apply in relation to a contravention of a requirement under section 124S as they apply in relation to a contravention of a condition set under section 45, with the following modifications.
- (2) Section 96A(2)(f) and (g) (OFCOM directions) do not apply.
- (3) Section 96A(5) to (7) (action under the Competition Act 1998) do not apply.

**Digital Economy Bill, *continued***

- (4) The amount of a penalty imposed under sections 96A to 96C, as applied by this section, other than a penalty falling within section 96B(4), is to be such amount not exceeding £2 million as OFCOM determine to be—
- (a) appropriate; and
  - (b) proportionate to the contravention in respect of which it is imposed.””

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Lords Amendment No. 40

Secretary Karen Bradley

To move, That this House disagrees with the Lords in their Amendment.

Secretary Karen Bradley

To move the following Amendments to the Bill in lieu of the Lords Amendment No. 40:—

★ Page 88, line 10, at end insert the following new Clause—

(a)

*“Code of practice for providers of online social media platforms*

**Code of practice for providers of online social media platforms**

- (1) The Secretary of State must issue a code of practice giving guidance to persons who provide online social media platforms for use by persons in the United Kingdom (“social media providers”).
- (2) The guidance to be given is guidance about action it may be appropriate for providers to take against the use of the platforms they provide for conduct to which subsection (3) applies.
- (3) This subsection applies to conduct which—
  - (a) is engaged in by a person online,
  - (b) is directed at an individual, and
  - (c) involves bullying or insulting the individual, or other behaviour likely to intimidate or humiliate the individual.
- (4) But guidance under this section is not to affect how unlawful conduct is dealt with.
- (5) A code of practice under this section must (subject to subsection (4)) include guidance to social media providers about the following action—
  - (a) maintaining arrangements to enable individuals to notify providers of the use of their platforms for conduct to which subsection (3) applies;
  - (b) maintaining processes for dealing with notifications;
  - (c) including provision on matters within paragraphs (a) and (b) in terms and conditions for using platforms;
  - (d) giving information to the public about action providers take against the use of their platforms for conduct to which subsection (3) applies.

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**Digital Economy Bill, *continued***

- (6) Before issuing a code of practice under this section, the Secretary of State must consult—
  - (a) those social media providers to whom the code is intended to give guidance, and
  - (b) such other persons as the Secretary of State considers it appropriate to consult.
- (7) The Secretary of State must publish any code of practice issued under this section.
- (8) A code of practice issued under this section may be revised from time to time by the Secretary of State, and references in this section to a code of practice include such a revised code.”

**(b)**

★ Page 90, line 12, at end insert—

“( ) section (*code of practice for providers of online social media platforms*);”

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Lords Amendment No. **237**

Secretary Karen Bradley

To move, That this House disagrees with the Lords in their Amendment.

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Lords Amendment No. **238**

Secretary Karen Bradley

To move, That this House disagrees with the Lords in their Amendment.

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Lords Amendment No. **239**

Secretary Karen Bradley

To move, That this House disagrees with the Lords in their Amendment.

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**Digital Economy Bill, continued**

Lords Amendment No. 242

Secretary Karen Bradley

To move, That this House disagrees with the Lords in their Amendment.

Secretary Karen Bradley

To move the following Amendment to the Bill in lieu of the Lords Amendment No. 242:—

★ Page 83, line 38, at end insert the following new Clause:— (a)**“Electronic programme guides and public service channels**

(1) After section 311 of the Communications Act 2003 insert—

**“311A Report on electronic programme guides and public service channels**

- (1) It is the duty of OFCOM from time to time to prepare and publish a report dealing with—
    - (a) the provision by electronic programme guides of information about programmes—
      - (i) included in public service channels, or
      - (ii) provided by means of on-demand programme services by persons who also provide public service channels, and
    - (b) the facilities provided by such guides for the selection of, and access to, such programmes.
  - (2) When preparing the report OFCOM must consult such persons as appear to them appropriate.
  - (3) In this section “electronic programme guide” and “public service channel” have the same meanings as in section 310.”
- (2) After publishing the first report under section 311A of the Communications Act 2003 OFCOM must review and revise the code drawn up by them under section 310 of that Act (code of practice for electronic programme guides).
  - (3) The revision of the code must be completed before 1 December 2020.
  - (4) Subsections (2) and (3) do not affect OFCOM’s duty under section 310 of that Act to review and revise the code from time to time.
  - (5) In this section “OFCEM” means the Office of Communications.””
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**Digital Economy Bill, *continued***

Lords Amendment No. **246**

As an Amendment to the Lords Amendment:—

Secretary Karen Bradley

- (a)**
- ★ Line 5, leave out from “tickets),” to end of line 7 and insert “in subsection (4) omit “and” at the end of paragraph (c), and at the end of paragraph (d) insert “, and  
(e) any unique ticket number that may help the buyer to identify the seat or standing area or its location.””
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