
Committee Stage: Tuesday 11 July 2023

Digital Markets, Competition and Consumers Bill

(Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage.

A glossary with key terms can be found at the end of this document.

First to Fourteenth Sittings.

First and Second Sittings

Kevin Hollinrake

Agreed to

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 13 June) meet—
 - (a) at 2.00 pm on Tuesday 13 June;
 - (b) at 11.30 am and 2.00 pm on Thursday 15 June;
 - (c) at 9.25 am and 2.00 pm on Tuesday 20 June;
 - (d) at 11.30 am and 2.00 pm on Thursday 22 June;
 - (e) at 9.25 am and 2.00 pm on Tuesday 27 June;
 - (f) at 11.30 am and 2.00 pm on Thursday 29 June;
 - (g) at 9.25 am and 2.00 pm on Tuesday 4 July;
 - (h) at 11.30 am and 2.00 pm on Thursday 6 July;
 - (i) at 9.25 am and 2.00 pm on Tuesday 11 July;
 - (j) at 11.30 am and 2.00 pm on Thursday 13 July;
 - (k) at 9.25 am and 2.00 pm on Tuesday 18 July;

2. the Committee shall hear oral evidence in accordance with the following Table:

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 13 June	Until no later than 9.55 am	Competition and Markets Authority
Tuesday 13 June	Until no later than 10.25 am	Which?; Citizens Advice
Tuesday 13 June	Until no later than 10.55 am	Chartered Trading Standards Institute; National Trading Standards
Tuesday 13 June	Until no later than 11.25 am	News Media Association; Publishers Association; DMG Media
Tuesday 13 June	Until no later than 2.45 pm	Professor Jason Furman, Harvard University; Professor Philip Marsden, College of Europe; Professor Amelia Fletcher, University of East Anglia
Tuesday 13 June	Until no later than 3.30 pm	The Consumer Council; Consumer Scotland; National Consumer Federation
Tuesday 13 June	Until no later than 3.45 pm	Professor Geoffrey Myers, London School of Economics and Political Science
Tuesday 13 June	Until no later than 4.00 pm	British Retail Consortium
Tuesday 13 June	Until no later than 4.15 pm	Open Markets Institute
Thursday 15 June	Until no later than 11.45 am	techUK
Thursday 15 June	Until no later than 12.15 pm	Coalition for App Fairness; Geradin Partners
Thursday 15 June	Until no later than 1.00 pm	Match Group; Gener8; Kelkoo
Thursday 15 June	Until no later than 2.30 pm	XigXag; Paddle
Thursday 15 June	Until no later than 2.45 pm	Google

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 36; Schedule 1; Clauses 37 to 59; Schedule 2; Clauses 60 to 121; Schedule 3; Clauses 122 to 124; Schedule 4; Clause 125; Schedule 5; Clauses 126 to 131; Schedule 6; Clause 132; Schedule 7; Clauses 133 to 136; Schedules 8 to 10; Clause 137; Schedule 11; Clause 138; Schedule 12; Clauses 139 to 142;

Schedules 13 and 14; Clauses 143 to 200; Schedule 15; Clauses 201 to 207; Schedule 16; Clause 208; Schedule 17; Clauses 209 to 217; Schedule 18; Clauses 218 to 247; Schedule 19; Clause 248; Schedule 20; Clauses 249 to 276; Schedule 21; Clauses 277 to 287; Schedule 22; Clauses 288 to 292; Schedule 23; Clauses 293 to 300; Schedule 24; Clauses 301 to 308; Schedule 25; Clauses 309 and 310; Schedule 26; Clauses 311 to 317; new Clauses; new Schedules; remaining proceedings on the Bill;

4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 18 July.

Kevin Hollinrake

Agreed to

Paul Scully

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

Kevin Hollinrake

Agreed to

Paul Scully

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

The following Witnesses gave oral evidence:

Sarah Cardell, Chief Executive, Competition and Markets Authority

George Lusty, Senior Director for Consumer Protection, Competition and Markets Authority

Will Hayter, Digital Markets Unit, Competition and Markets Authority

Rocio Concha, Director of Policy and Advocacy and Chief Economist, Which?

Matthew Upton, Acting Executive Director of Policy and Advocacy, Citizens Advice

Mike Wood

Agreed to

That the Order of the Committee of 13 June 2023 be varied by the insertion of the following words at the end of the Table in paragraph 2—

Tuesday 13 June	Until no later than 4.45 pm	Chartered Trading Standards Institute
Tuesday 13 June	Until no later than 5.15pm	News Media Association; Publishers Association; DMG Media

(SO No. 83C(10)).

The following Witnesses gave oral evidence:

Professor Jason Furman, Aetna Professor of the Practice of Economic Policy, Harvard University.

Professor Amelia Fletcher, Professor of Competition Policy, University of East Anglia.

Professor Philip Marsden, Visiting Professor, College of Europe.

Noyona Chundur, Chief Executive, The Consumer Council.

Peter Eisenegger, NCF Board Member, National Consumers Federation.

Tracy Reilly, Head of Policy and Markets, Consumer Scotland.

Professor Geoffrey Myers, Visiting Professor in Practice, London School of Economics and Political Science.

Graham Wynn, Assistant Director for Consumer, Competition and Regulatory Affairs, British Retail Consortium.

Max von Thun, Europe Director, Open Markets Institute.

John Herriman, Chief Executive, Chartered Trading Standards Institute.

David MacKenzie, CTSI Lead Officer, Chartered Trading Standards Institute.

Owen Meredith, Chief Executive Officer, News Media Association.

Peter Wright, Editor Emeritus, DMG Media.

Dan Conway, Chief Executive Officer, Publishers Association.

Third and Fourth Sitings

The following Witnesses gave oral evidence:

Neil Ross, Associate Director, Policy, techUK.

Gene Burrus, Chief Policy Advisor, Coalition for App Fairness (via Zoom).

Tom Smith, Partner, Geradin Partners.

Tom Flsh, Head of Public Policy & Research, Gener8.

Richard Stables, CEO, Kelkoo.

Mark Buse, Senior Vice President for Global Government Relations and Policy, Match Group.

Kelli Fairbrother, Co-founder and CEO, XigXag.

Christian Owens, Founder and Executive Chairman, Paddle.

Tom Morrison-Bell, Government Affairs and Public Policy Manager, Google.

Fifth and Sixth Sittings

Clause 1 agreed to.

Alex Davies-Jones

Seema Malhotra

Negated on division 55

Clause 2, page 2, line 25, at end insert—

“(5) An SMS investigation in subsection (4) may take account of analysis undertaken by the CMA, on similar issues, that has been the subject of public consultation, within the five years prior to Royal Assent of this Act.”

Member's explanatory statement

This amendment and Amendments 56 and 57 ensure that the CMA is able to draw upon analysis and consultations that took place before the passing of this Act

Clause agreed to.

Clauses 3 to 10 agreed to.

Alex Davies-Jones

Seema Malhotra

Negated on division 46

Clause 11, page 6, line 36, at end insert—

“(6) The CMA must provide a copy of the SMS investigation notice to any person who requests a copy.”

Member's explanatory statement

This amendment and Amendments 47 to 52 aim to ensure access to information relevant to the regime is available publicly.

Clause agreed to.

Alex Davies-Jones

Not called 47

Seema Malhotra

Clause 12, page 7, line 9, at end insert—

“(5) The CMA must provide a copy of the notice under subsection (2) to any person who requests a copy.”

Member's explanatory statement

See the statement for Amendment 46.

Clause agreed to.

Alex Davies-Jones

Not called 56

Seema Malhotra

Clause 13, page 7, line 18, at end insert—

“(3) Consultation on matters relevant to a decision under section 14(1) undertaken before this Act is passed is as effective for the purposes of subsection (1) as consultation undertaken after it is passed, unless the CMA considers that there has been a material change of circumstances.”

Member's explanatory statement

See statement for Amendment 55.

Clause agreed to.

Alex Davies-Jones

Not called 48

Seema Malhotra

Clause 14, page 7, line 36, at end insert—

“(5A) The CMA must provide a copy of the SMS decision notice to any person who requests a copy.”

Member's explanatory statement

See the statement for Amendment 46.

Clause agreed to.

Clauses 15 to 18 agreed to.

Alex Davies-Jones

Negatived on division 54

Seema Malhotra

Clause 19, page 11, line 17, after "CMA," insert—

“(ab) where the designated undertaking has been given an SMS decision notice under section 14(2), must come into force no later than three months of the SMS decision notice being given”

Member's explanatory statement

This amendment introduces a timeline for the enforcement of conduct requirements set out on the face of the Bill and in CMA Guidance.

Clause agreed to.

Alex Davies-Jones

Negatived on division 53

Seema Malhotra

Clause 20, page 12, line 11, at end insert—

“(ca) carrying on activities in an area of its business other than the relevant digital activity, which if they were done in relation to the relevant digital activity would be prevented under the provisions of this section.”

Member's explanatory statement

This amendment prevents a designated undertaking from carrying on activities that would be prevented by the provisions of section 20 from being done in a different area of its business.

Alex Davies-Jones

Negatived on division 58

Seema Malhotra

Clause 20, page 12, line 22, at end insert—

“(i) discriminating against a recognised news publisher by withholding from an internet service material produced by the recognised news publisher.”

Member's explanatory statement

This amendment would allow a conduct requirement to be used to stop a designated undertaking withholding news from a recognised news publisher from its platform.

Clause agreed to.

Clauses 21 to 25 agreed to.

Alex Davies-Jones

Not called 49

Seema Malhotra

Clause 26, page 14, line 19, at end insert—

“(3A) The CMA must provide a copy of the SMS decision notice to any person who requests a copy.”

Member's explanatory statement

See the statement for Amendment 46.

Clause agreed to.

Clause 27 agreed to.

Alex Davies-Jones

Not called 50

Seema Malhotra

Clause 28, page 15, line 20, at end insert—

“(5) The CMA must provide a copy of the notice to any person who requests a copy.”

Member's explanatory statement

See the statement for Amendment 46.

Clause agreed to.

Clause 29 agreed to.

Alex Davies-Jones

Not called 51

Seema Malhotra

Clause 30, page 16, line 13, at end insert—

“(4A) The CMA must provide a copy of the notice to any person who requests a copy.”

Member's explanatory statement

See the statement for Amendment 46.

Clause agreed to.

Clauses 31 to 36 agreed to.

Schedule 1 agreed to.

Clause 37 agreed to.

Paul Scully

Agreed to Gov 1

Clause 38, page 20, line 32, leave out “proposed”

Member's explanatory statement

See the explanatory statement for Amendment 4.

Paul Scully

Agreed to Gov 2

Clause 38, page 21, line 1, leave out “proposed”

Member's explanatory statement

See the explanatory statement for Amendment 4.

Paul Scully**Agreed to Gov 3**

Clause 38, page 21, line 7, leave out "proposed"

Member's explanatory statement

See the explanatory statement for Amendment 4.

Paul Scully**Agreed to Gov 4**

Clause 38, page 21, line 13, at end insert—

"(4A) In subsection (1), "transaction" means—

(a) a future transaction, or

(b) the future performance of an ongoing transaction,
whether in accordance with a contract or otherwise."

Member's explanatory statement

This amendment, together with Amendments 1, 2, 3, 6, 8, 9, 11 and 45 means that the final offer mechanism could be applied in relation to the future performance of an ongoing transaction.

Paul Scully**Agreed to Gov 45**

Clause 38, page 21, leave out line 20 and insert "'the transaction" means the transaction mentioned"

Member's explanatory statement

See the explanatory statement for Amendment 4.

Clause, as amended, agreed to.

Paul Scully**Agreed to Gov 6**

Clause 39, page 21, line 32, leave out "proposed"

Member's explanatory statement

See the explanatory statement for Amendment 4.

Clause, as amended, agreed to.

Paul Scully

Agreed to Gov 7

Clause 40, page 22, line 25, leave out “included as terms of” and insert “given effect for the purposes of”

Member's explanatory statement

This amendment means that terms as to payment are to be given effect for the purposes of the transaction, or of any substantially similar transaction, rather than having to be “included” as terms of the transaction.

Paul Scully

Agreed to Gov 8

Clause 40, page 22, line 26, leave out “proposed”

Member's explanatory statement

See the explanatory statement for Amendment 4.

Paul Scully

Agreed to Gov 9

Clause 40, page 22, line 28, leave out “proposed”

Member's explanatory statement

See the explanatory statement for Amendment 4.

Paul Scully

Agreed to Gov 10

Clause 40, page 22, line 36, leave out subsections (6) to (10)

Member's explanatory statement

See the explanatory statement for NC1.

Clause, as amended, agreed to.

Paul Scully

Agreed to Gov 11

Clause 41, page 23, line 19, leave out “proposed”

Member's explanatory statement

See the explanatory statement for Amendment 4.

Clause, as amended, agreed to.

Clauses 42 and 43 agreed to.

Seventh and Eighth Sittings

Clause 44 agreed to.

Paul Scully

Agreed to Gov 12

Clause 45, page 25, line 18, at end insert—

“(3) The CMA may begin a PCI investigation in relation to a designated undertaking even if it has previously made a decision not to make a PCI in respect of that undertaking.”

Member's explanatory statement

This amendment confirms that the CMA can begin a PCI investigation in relation to a designated undertaking even if it has previously made a decision not to make a PCI in respect of that undertaking.

Clause, as amended, agreed to.

Alex Davies-Jones

Not called 52

Seema Malhotra

Clause 46, page 25, line 38, at end insert—

“(5) The CMA must provide a copy of the PCI investigation notice to any person who requests a copy.”

Member's explanatory statement

See the statement for Amendment 46.

Clause agreed to.

Alex Davies-Jones

Not called 57

Seema Malhotra

Clause 47, page 26, line 10, at end insert—

“(3) Consultation on matters relevant to a decision under section 14(1) undertaken before this Act is passed is as effective for the purposes of subsection (1) as

consultation undertaken after it is passed, unless the CMA considers that there has been a material change of circumstances.”

Member's explanatory statement

See statement for Amendment 55.

Clause agreed to.

Clauses 48 to 59 agreed to.

Schedule 2 agreed to.

Clauses 60 to 68 agreed to.

Paul Scully

Agreed to Gov 13

Clause 69, page 39, line 18, after “access” insert “business”

Member's explanatory statement

This amendment limits the power of the CMA to require access to premises so that it may be used only in relation to business premises.

Paul Scully

Agreed to Gov 14

Clause 69, page 39, line 18, leave out “persons” and insert “individuals”

Member's explanatory statement

This amendment limits the power of the CMA to require access to persons so that it may be used only in relation to persons who are individuals.

Paul Scully

Agreed to Gov 15

Clause 69, page 39, line 33, at end insert—

- “(5) The powers conferred by this section are not exercisable in relation to premises, equipment or individuals outside the United Kingdom.
- (6) But the powers conferred by this section are exercisable in relation to information and services whether stored or provided within or outside the United Kingdom.”

Member's explanatory statement

This amendment limits the power of the CMA to require access to premises, equipment or individuals so that it may not be used to require access to premises, equipment or individuals outside the United Kingdom.

Paul Scully

Agreed to Gov 16

Clause 69, page 39, line 33, at end insert—

“(7) In this Chapter, “business premises” means premises (or any part of premises) not used as a dwelling.”

Member's explanatory statement

This amendment is consequential on Amendment 13 and moves the definition of “business premises” from clause 72 to clause 69.

Clause, as amended, agreed to.

Clauses 70 and 71 agreed to.

Paul Scully

Agreed to Gov 17

Clause 72, page 40, line 31, after “premises” insert “(see section 69(7))”

Member's explanatory statement

This amendment is consequential on Amendment 16.

Paul Scully

Agreed to Gov 18

Clause 72, page 41, leave out lines 40 and 41

Member's explanatory statement

This amendment is consequential on Amendment 16.

Clause, as amended, agreed to.

Paul Scully

Agreed to Gov 19

Clause 73, page 43, leave out line 22

Member's explanatory statement

This amendment is consequential on Amendment 16.

Paul Scully

Agreed to Gov 20

Clause 73, page 43, line 33, after "business premises" insert "(see section 69(7))"

Member's explanatory statement

This amendment is consequential on Amendment 16.

Clause, as amended, agreed to.

Clauses 74 to 76 agreed to.

Paul Scully

Agreed to Gov 21

Clause 77, page 47, line 3, after "such" insert "business"

Member's explanatory statement

This amendment limits the duty to assist a skilled person by giving access to premises so that it applies only in relation to business premises.

Paul Scully

Agreed to Gov 22

Clause 77, page 47, line 3, after "premises" insert "(see section 69(7))"

Member's explanatory statement

This amendment is consequential on Amendment 16.

Paul Scully

Agreed to Gov 23

Clause 77, page 47, line 4, leave out "persons" and insert "individuals"

Member's explanatory statement

This amendment limits the duty to assist a skilled person by giving access to persons so that it applies only in relation to persons who are individuals.

Paul Scully

Agreed to Gov 24

Clause 77, page 47, line 5, at end insert—

“(13) The duty in section 77(12) does not include a duty to give access to premises, equipment or individuals outside the United Kingdom.

(14) But the duty in section 77(12) does include a duty to give access to information and services whether stored or provided within or outside the United Kingdom.”

Member's explanatory statement

This amendment limits the duty to assist a skilled person by giving access to premises, equipment or individuals so that it does not include a duty to give access to premises, equipment or individuals outside the United Kingdom.

Clause, as amended, agreed to.

Clauses 78 to 80 agreed to.

Paul Scully

Agreed to Gov 25

Clause 81, page 49, line 15, at end insert—

“(d) a requirement in a direction under section 87 of EA 2002 (delegated power of directions) given by virtue of a pro-competition order (see section 49(1)).”

Member's explanatory statement

This amendment makes a requirement in a direction under section 87 of the Enterprise Act 2002 given by virtue of a pro-competition order a related requirement for the purposes of this clause.

Clause, as amended, agreed to.

Clause 82 agreed to.

Paul Scully

Agreed to Gov 26

Clause 83, page 50, line 11, leave out “a designated” and insert “an”

Member's explanatory statement

This amendment, together with Amendments 27, 28, 29, 30, 31, 32 and 33 confirms that a penalty can be imposed on an undertaking that has ceased to be a designated undertaking in respect of things done (or not done) while the undertaking was a designated undertaking.

Paul Scully

Agreed to Gov 27

Clause 83, page 50, line 23, leave out "a designated" and insert "an"

Member's explanatory statement

See the explanatory statement for Amendment 26.

Paul Scully

Agreed to Gov 28

Clause 83, page 50, line 24, leave out "designated"

Member's explanatory statement

See the explanatory statement for Amendment 26.

Paul Scully

Agreed to Gov 29

Clause 83, page 50, line 26, leave out "a designated" and insert "an"

Member's explanatory statement

See the explanatory statement for Amendment 26.

Paul Scully

Agreed to Gov 30

Clause 83, page 50, line 28, leave out "designated"

Member's explanatory statement

See the explanatory statement for Amendment 26.

Clause, as amended, agreed to.

Clauses 84 and 85 agreed to.

Paul Scully

Agreed to Gov 31

Clause 86, page 52, line 29, leave out "a designated" and insert "an"

Member's explanatory statement

See the explanatory statement for Amendment 26.

Paul Scully

Agreed to Gov 32

Clause 86, page 52, line 31, leave out “designated”

Member's explanatory statement

See the explanatory statement for Amendment 26.

Paul Scully

Agreed to Gov 33

Clause 86, page 52, line 33, leave out “designated”

Member's explanatory statement

See the explanatory statement for Amendment 26.

Clause, as amended, agreed to.

Clauses 87 to 90 agreed to.

Ninth and Tenth Sittings

Clauses 91 to 93 agreed to.

Paul Scully

Agreed to Gov 34

Clause 94, page 56, line 14, leave out subsection (2)

Member's explanatory statement

This amendment removes a gloss on the definition of “officer” of a body corporate so that the term has its usual meaning in relation to offences committed by officers as well as bodies corporate.

Clause, as amended, agreed to.

Clauses 95 to 97 agreed to.

Paul Scully

Agreed to Gov 35

Clause 98, page 58, line 23, leave out “undertaking” and insert “person”

Member's explanatory statement

The requirements to which clause 98 relates can apply to persons other than undertakings. This amendment clarifies that a costs order under this clause can be made against any person, whether or not they are an undertaking, who fails to comply with a requirement.

Paul Scully

Agreed to Gov 36

Clause 98, page 58, line 25, leave out paragraph (b) and insert—

“(b) where the person responsible for the failure is an undertaking, any officer of a body corporate that is or is comprised in that undertaking.”

Member's explanatory statement

This amendment clarifies the circumstances in which a costs order under this clause can be made against an officer of a body corporate.

Clause, as amended, agreed to.

Clauses 99 to 103 agreed to.

Paul Scully

Agreed to Gov 37

Clause 104, page 63, line 31, at end insert—

“(aa) what, if any, provision to make in reliance on section 17 of the 2023 Act;”

Member's explanatory statement

This amendment prevents decisions about whether and how to exercise the power in clause 17 being delegated to a member of the CMA Board or a member of the staff of the CMA.

Clause, as amended, agreed to.

Clauses 105 to 109 agreed to.

Paul Scully

Agreed to Gov 38

Clause 110, page 69, line 15, after “imposed” insert “or is considering imposing”

Member's explanatory statement

This amendment permits notices such as information notices to be served on a person outside the United Kingdom if the CMA is considering imposing a penalty under clause 85(2) or (3) as the case may be.

Clause, as amended, agreed to.

Clauses 111 to 114 agreed to.

Paul Scully

Agreed to Gov 39

Clause 115, page 72, line 42, leave out "anything else done" and insert "any other activity carried out"

Member's explanatory statement

This amendment makes the definition of "relevant service or digital content" consistent with the definition of "digital activity" in clause 3(1).

Clause, as amended, agreed to.

Clauses 116 to 121 agreed to.

Schedule 3 agreed to.

Clauses 122 to 124 agreed to.

Schedule 4 agreed to.

Clause 125 agreed to.

Schedule 5 agreed to.

Clauses 126 to 131 agreed to.

Schedule 6 agreed to.

Clause 132 agreed to.

Schedule 7 agreed to.

Clauses 133 to 136 agreed to.

Schedules 8, 9 and 10 agreed to.

Clause 137 agreed to.

Schedule 11 agreed to.

Clause 138 agreed to.

Kevin Hollinrake

Agreed to Gov 40

Schedule 12, page 284, line 5, at end insert—

“(1A) In subsection (4) omit “, 94A(6)”.”

Member's explanatory statement

This amendment removes a reference in section 124(4) of the Enterprise Act 2002 to section 94A(6) of that Act, which is being repealed by paragraph 11 of Schedule 9 to the Bill.

Kevin Hollinrake

Agreed to Gov 41

Schedule 12, page 284, line 7, at end insert—

“(aa) omit “, 94A(3) or (6)”;

Member's explanatory statement

This amendment removes a reference in section 124(5) of the Enterprise Act 2002 to section 94A(3) and (6) of that Act, which are being repealed by paragraph 11 of Schedule 9 to the Bill.

Kevin Hollinrake

Agreed to Gov 42

Schedule 12, page 284, line 12, after "section" insert "94AB(9) or"

Member's explanatory statement

This amendment corrects a drafting omission by providing that regulations under section 94AB(9) of the Enterprise Act 2002 (inserted by paragraph 11 of Schedule 9 to the Bill) are subject to annulment in pursuance of a resolution of either House of Parliament.

Kevin Hollinrake

Agreed to Gov 43

Schedule 12, page 285, line 10, after "section" insert "167B(9) or"

Member's explanatory statement

This amendment corrects a drafting omission by providing that regulations under section 167B(9) of the Enterprise Act 2002 (inserted by paragraph 17 of Schedule 9 to the Bill) are subject to annulment in pursuance of a resolution of either House of Parliament.

Kevin Hollinrake

Agreed to Gov 44

Schedule 12, page 285, line 23, at end insert—

"(8A) In subsection (10), for "174D" substitute "174A(10)"."

Member's explanatory statement

Paragraph 26 of Schedule 8 to the Bill inserts a new subsection (10) into section 174A of the Enterprise Act 2002 which replaces the existing provision made by section 174D(10) of that Act (which is being repealed by paragraph 28(12) of that Schedule). This amendment amends the Enterprise Act 2002 to replace a reference in section 181(10) of that Act to the latter provision with a reference to the former.

Schedule, as amended, agreed to.

Clause 139 agreed to.

Kevin Hollinrake

Agreed to Gov 59

Clause 140, page 88, line 18, leave out "trader" and insert "person"

Member's explanatory statement

This amendment ensures that the definition of "commercial practice" for the purposes of Part 3 of the Bill includes an act or omission by a trader relating to the promotion or supply of a consumer's product to another consumer.

Clause, as amended, agreed to.

Clauses 141 to 142 agreed to.

Schedules 13 and 14 agreed to.

Clauses 143 to 164 agreed to.

Eleventh Sitting

Clauses 165 to 176 agreed to.

Kevin Hollinrake

Agreed to Gov 60

Clause 177, page 118, line 12, at end insert—

“(2A) Subsections (1) to (6) of section 156 (inclusion of enhanced consumer measures in undertakings) apply to an undertaking under this section as they apply to an undertaking under section 155(2).”

Member's explanatory statement

This amendment ensures that requirements imposed by undertakings given under clause 177 may include the taking of enhanced consumer measures (as defined by clause 213).

Clause, as amended, agreed to.

Clauses 178 to 180 agreed to.

Kevin Hollinrake

Agreed to Gov 61

Clause 181, page 121, line 28, at end insert—

“(e) state that the respondent has a right to appeal against the notice and the main details of that right (so far as not stated in accordance with paragraph (d)).”

Member's explanatory statement

This amendment requires that the information contained in a final breach of undertakings enforcement notice includes information about rights of appeal.

Clause, as amended, agreed to.

Clauses 182 to 200 agreed to.

Schedule 15 agreed to.

Clauses 201 to 207 agreed to.

Kevin Hollinrake

Agreed to Gov 62

Schedule 16, page 329, line 17, leave out sub-paragraph (b)

Member's explanatory statement

See explanatory statement for Amendment 63.

Kevin Hollinrake

Agreed to Gov 63

Schedule 16, page 329, line 23, at end insert—

“5A In Schedule 14 (provisions about disclosure of information) at the appropriate place insert—

“Chapters 3 and 4 of Part 3 of the Digital Markets, Competition and Consumers Act 2023.””

Member's explanatory statement

This amendment, which is made for drafting consistency, inserts a reference to Chapters 3 and 4 of Part 3 of the Bill into Schedule 14 to the Enterprise Act 2002 instead of achieving the same effect by adding that reference into section 238(1) of that Act.

Kevin Hollinrake

Agreed to Gov 64

Schedule 16, page 337, line 2, at end insert—

“Part 4 of the Digital Markets, Competition and Consumers Act 2023.”

Member's explanatory statement

This amendment adds Part 4 of the Bill to the list of enactments in the new paragraph 20A of Schedule 5 to the Consumer Rights Act 2015 (inserted by paragraph 8(10) of Schedule 16), with the effect that authorised enforcers will be able to exercise the investigatory powers conferred by Part 4 of Schedule 5 to CRA 2015 in connection with infringements of Part 4 of the Bill.

Schedule, as amended, agreed to.

Clause 208 agreed to.

Kevin Hollinrake

Agreed to Gov 65

Schedule 17, page 338, line 1, leave out from "means" to end of line 11 and insert "—

- (a) Part 8 of EA 2002, as that Part had effect immediately before the commencement date, and
- (b) any provisions of law (including in particular Schedule 5 to CRA 2015) relating to Part 8 of EA 2002, as those provisions had effect immediately before the commencement date."

Member's explanatory statement

This amendment clarifies that the definition of "the old law" for the purposes of the transitional provisions in Schedule 17 to the Bill includes Schedule 5 to the Consumer Rights Act 2015 (which confers investigatory powers on enforcers).

Schedule, as amended, agreed to.

Clauses 209 to 215 agreed to.

Mike Wood

Agreed to

That the Order of the Committee of 13 June 2023 be varied by the omission from paragraph 2(f) of "and 2.00pm". (Standing Order No. 83C(10))

Twelfth and Thirteenth Sitings

Mike Wood

Not moved

That the Order of the Committee of 13 June be varied by the omission of paragraph 1(h). (Standing Order No. 83C(10))

Clause 216 agreed to.

Kevin Hollinrake

Agreed to Gov 71

Clause 217, page 146, line 5, leave out second “trader” and insert “person”

Member's explanatory statement

This amendment ensures that the definition of “commercial practice” for the purposes of Chapter 1 of Part 4 of the Bill includes an act or omission by a trader relating to the promotion or supply of a consumer’s product to another consumer.

Neil Coyle

Withdrawn after debate 118

Clause 217, page 146, line 11, at end insert—

“(c) a person marketing P’s goods for sale online.”

Member's explanatory statement

This amendment makes a person marketing goods online a trader, for the purposes of this Act.

Neil Coyle

Not called 119

Clause 217, page 146, line 22, after “222),” insert—

- “(ba) a product is sold online, and the operator of the online marketplace has not taken reasonable steps, as defined by regulations made under section 234 of this Act, to ensure that the goods offered for sale in the online marketplace comply with—
- (i) the General Product Safety Regulations 2005 (SI 2005 No 1803) (“the 2005 Regulations”), and
 - (ii) such other safety requirements as the Secretary of State may specify.”

Member's explanatory statement

This amendment makes it an unfair commercial practice to sell goods online unless the specified safety requirements have been complied with.

Clause, as amended, agreed to.

Richard Thomson

Negated on division 68

Schedule 18, page 343, line 2, at end insert—

- “32 Making claims about—
- (a) the environmental benefits, or

- (b) the sustainability (as defined by section 234(1C)) of a product or service which are not based on evidence which can be verified by a court.”

Member's explanatory statement

This amendment seeks to ban the practice of “greenwashing”. It would include the making of unsubstantiated claims about the sustainability of products and services an unfair commercial practice.

Seema Malhotra

Withdrawn after debate 115

Alex Davies-Jones
Richard Thomson

Schedule 18, page 343, line 2, at end insert—

- “32 At any stage of a purchase process, presenting a price for a product which omits obligatory charges or fees (or an estimate thereof) which are payable by the majority of consumers, which are not revealed to the consumer until later in the purchase process.”

Member's explanatory statement

This amendment adds the practice of “drip-pricing”, a pricing technique in which traders advertise only part of a product’s price and reveal other obligatory charges later as the customer goes through the buying process, to the list of unfair commercial practices.

Seema Malhotra

Negated on division 116

Alex Davies-Jones
Richard Thomson

Schedule 18, page 343, line 2, at end insert—

- “32 Commissioning, incentivising or authorising the writing or submission of false consumer reviews or endorsements, in order to promote products.
- 33 Offering or advertising to submit, commission or facilitate false consumer reviews or endorsements.
- 34 Displaying consumer reviews of products on an online interface—
- (a) without taking reasonable and proportionate steps to ensure that such reviews are submitted by consumers who have used or purchased the products in question;
 - (b) where any consumers who provided reviews were incentivised to describe certain products in a particular way, without taking reasonable and proportionate steps to ensure this is not the case; or
 - (c) in a way that deceives or manipulates consumers, or where a practice has been undertaken in relation to reviews that otherwise materially distorts or impairs the ability of consumers to make free and informed decisions, without taking reasonable and proportionate steps to ensure this is not the case.”

Member's explanatory statement

This amendment adds the practice of commissioning fake reviews, offering services to write fake reviews, and displaying consumer reviews without taking reasonable steps to verify their accuracy, to the list of unfair commercial practices.

Neil Coyle

Not called 123

Schedule 18, page 343, line 2, at end insert—

- “32 Marketing online products that are either—
(a) counterfeit; or
(b) dangerous.”

Neil Coyle

Negatived on division 125

Schedule 18, page 343, line 2, at end insert—

- “32 Stating or otherwise creating the impression that reviews of a product are submitted by consumers who have actually used or purchased the product without taking reasonable and proportionate steps to check that they originate from such consumers.
- 33 Submitting or commissioning another legal or natural person to submit false consumer reviews or endorsements, or misrepresenting consumer reviews or social endorsements, in order to promote products.”

Member's explanatory statement

This amendment would add fake reviews to the list of banned practices.

Schedule agreed to.

Neil Coyle

Not called 120

Clause 218, page 147, line 9, at end insert—

- “(e) an operator of an online marketplace failing to take reasonable steps, as defined by regulations made under section 234 of this Act, to ensure that no goods offered for sale in the marketplace have been the subject of a notification to an enforcement authority under regulation 9 of the 2005 Regulations.”

Member's explanatory statement

This amendment makes it a misleading action to sell goods online without taking reasonable steps to ensure that those goods have not been subject to a recall.

Clause agreed to.

Clauses 219 to 221 agreed to.

Seema Malhotra

Withdrawn after debate 127

Alex Davies-Jones
Neil Coyle

Clause 222, page 149, line 21, at end insert—

“(j) for goods and services offered on online marketplaces, whether the third party offering the products is a trader or not, on the basis of the declaration of that third party to the provider of the online marketplace.”

Member's explanatory statement

This amendment would add whether or not a third party seller on an online marketplace is a trader or a consumer to the list of omissions of material information in an invitation to purchase.

Neil Coyle

Not called 126

Clause 222, page 150, line 11, leave out “and its price”

Member's explanatory statement

This amendment expands the definition of an invitation to purchase to cases where the information provided to the consumer covers the characteristics of the product but not its price.

Clause agreed to.

Neil Coyle

Not called 124

Clause 223, page 150, line 27, at end insert—

“(4A) Where a commercial practice has been found to be unfair under paragraph 32 of Schedule 18 of this Act, the authorities under this section have the power to require the removal of the relevant online marketing from the internet.”

Clause agreed to.

Clause 224 agreed to.

Richard Thomson

Negatived on division 67

Clause 225, page 152, line 30, at end insert—

“(4A) The Secretary of State must by regulations make any further provision necessary to ensure that the rights of redress available under this Chapter are equivalent to, and not lesser than, those available under the Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277).”

Member's explanatory statement

This amendment seeks to ensure that the “Consumer Rights to Redress” that will be set out through secondary legislation cannot offer a reduced level of the protection than the Consumer Protection from Unfair Trading Regulations 2008.

Seema Malhotra

Not called 114

Alex Davies-Jones

Clause 225, page 152, line 33, at end insert—

“(7) The Secretary of State must—

- (a) prepare a report on the merits of introducing a consumer right to individual and collective redress by regulations set out in 225(1), and
- (b) lay a copy of this report before Parliament.

(8) The report must be laid within the period of 12 months beginning with the day on which this Act is passed.”

Member's explanatory statement

This amendment would require the Secretary of State to prepare and lay before Parliament a report on the merits of introducing a consumer right to individual and collective redress through secondary legislation, as is the case in EU member states.

Clause agreed to.

Mike Wood

Agreed to

That the Order of the Committee of 13 June be varied by the omission of paragraph 1(h). Standing Order No. 83C(10))

Clauses 226 to 229 agreed to.

Kevin Hollinrake

Agreed to Gov 72

Clause 230, page 154, line 32, at end insert “subsection (1), (2), (3), (6) or (7) of”

Member's explanatory statement

This amendment ensures that the defence provided for in clause 230(1) (defence of due diligence) does not apply in relation to an offence under clause 229(4) (offence of engaging in an unfair commercial practice which involves a contravention of the requirements of professional diligence). This replicates the current position under the Consumer Protection from Unfair Trading Regulations 2008.

Kevin Hollinrake

Agreed to Gov 73

Clause 230, page 155, line 5, after "under" insert "subsection (1), (2), (3), (6) or (7) of"

Member's explanatory statement

This amendment ensures that the defence provided for in clause 230(3) (defence of innocent publication) does not apply in relation to an offence under clause 229(4) (offence of engaging in an unfair commercial practice which involves a contravention of the requirements of professional diligence). This replicates the current position under the Consumer Protection from Unfair Trading Regulations 2008.

Clause, as amended, agreed to.

Kevin Hollinrake

Agreed to Gov 74

Clause 231, page 155, line 30, after "under" insert "subsection (1), (2), (3), (6) or (7) of"

Member's explanatory statement

This amendment ensures that the imposition of liability on another person does not apply in relation to an offence under clause 229(4) (offence of engaging in an unfair commercial practice which involves a contravention of the requirements of professional diligence). This replicates the current position under the Consumer Protection from Unfair Trading Regulations 2008.

Kevin Hollinrake

Agreed to Gov 75

Clause 231, page 155, line 31, leave out "section" and insert "subsection"

Member's explanatory statement

This amendment is consequential on Amendment 74.

Kevin Hollinrake

Agreed to Gov 76

Clause 231, page 155, line 40, after "under" insert "subsection (1), (2), (3), (6) or (7) of"

Member's explanatory statement

This amendment is consequential on Amendment 74.

Kevin Hollinrake

Agreed to Gov 77

Clause 231, page 155, line 41, leave out “section” and insert “subsection”

Member's explanatory statement

This amendment is consequential on Amendment 74.

Clause, as amended, agreed to.

Clauses 232 and 233 agreed to.

Richard Thomson

Not called 69

Clause 234, page 157, line 29, at end insert—

- “(1A) The Secretary of State must consult on a definition of sustainability for the purposes of paragraph 32 of Schedule 18.
- (1B) A consultation under subsection (1A) must—
- (a) set out which products and services can be labelled sustainable; and
 - (b) require the definition to comply with international standards.
- (1C) Following a consultation under subsection (1A) the Secretary of State must by regulations amend this Chapter to add a definition of sustainable.”

Member's explanatory statement

This amendment seeks to ban the practice of “greenwashing”. It requires the Government to define which products and services can be labelled “sustainable” and requires that this definition complies with international standards.

Seema Malhotra

Withdrawn after debate 129

Alex Davies-Jones

Clause 234, page 157, line 30, leave out subsection (2)

Member's explanatory statement

This amendment would ensure that future “banned practices” are both criminal and civil breaches, reflecting their potential seriousness and putting them in line with all but two of the current banned practices.

Neil Coyle

Not called 121

Clause 234, page 158, line 4, at end insert—

“(4A) The Secretary of State must by regulations define “reasonable steps” for the purposes of sections 217 and 218 of this Act.”

Member's explanatory statement

This amendment requires the Secretary of State to make regulations to define “reasonable steps” for the purposes of clauses 217 and 218 of this Act.

Clause agreed to.

Clauses 235 to 240 agreed to.

Neil Coyle

Not called 122

Clause 241, page 160, line 14, at end insert—

““online marketplace” means a service using software, including a website, part of a website or an application, operated by or on behalf of a trader, which allows consumers to conclude distance contracts with other traders or consumers;

“safety requirement” includes—

- (a) any relevant enactment governing the safety of products or of a specific type of products,
- (b) any voluntary national standard of the United Kingdom, and
- (c) any standard adopted by an international standardising body.”

Member's explanatory statement

This amendment defines the terms “Online Marketplace”, and “Safety Requirements”.

Clause agreed to.

Clause 242 agreed to.

Kevin Hollinrake

Agreed to Gov 78

Clause 243, page 161, line 21, at end insert—

“(3A) In section 393(5) of the Communications Act 2003 (exceptions to general restrictions on disclosure of information), after paragraph (r) insert—

“(s) Chapter 1 of Part 4 of the Digital Markets, Competition and Consumers Act 2023.””

Member's explanatory statement

This amendment enables OFCOM to disclose information to the CMA for the purpose of the CMA exercising its functions under Chapter 1 of Part 4 of the Bill in the same way that OFCOM may currently disclose information to the CMA for the purpose of the CMA exercising its functions under the Consumer Protection from Unfair Trading Regulations 2008.

Clause, as amended, agreed to.

Clauses 244 to 247 agreed to.

Richard Thomson

Withdrawn after debate 117

Schedule 19, page 349, line 39, at end insert—

“Non-commercial society lotteries

13 (1) A contract under which a lottery ticket or tickets are purchased for one or more non-commercial society lotteries.

(2) In sub-paragraph (1), “non-commercial society” has the meaning given by section 19 of the Gambling Act 2005, and “lottery ticket” has the meaning given by section 253 of that Act.”

Member's explanatory statement

This amendment seeks to exclude lottery tickets purchased for non-commercial society lotteries from the scope of the provisions on subscription contracts.

Schedule agreed to.

Clause 248 agreed to.

Schedule 20 agreed to.

Clause 249 agreed to.

Neil Coyle**Not selected 130**

Clause 250, page 166, line 16, leave out “to which subsection (2) applies” and insert “relating to a period which is six months or longer”

Member's explanatory statement

This amendment extends the requirement to require the subsequent reminder to be sent where renewal is for 6 months or more.

Neil Coyle**Not selected 131**

Clause 250, page 166, line 17, leave out subsections (2) and (3)

Member's explanatory statement

This amendment is consequential on amendment 127

Neil Coyle**Not selected 132**

Clause 250, page 166, line 23, at end insert “unless the consumer has received goods or services, or accessed digital content, under the subscription contract since the previous renewal payment”

Member's explanatory statement

This amendment removes the need to send renewal reminders to contracts where the customer has actively received goods or services or accessed digital content in period since they last made an ‘avoidable’ payment.

Clause agreed to.

Clause 251 agreed to.

Neil Coyle**Not selected 133**

Clause 252, page 167, line 40, leave out “single communication” and insert “straightforward, cost-effective and timely manner”

Member's explanatory statement

This amendment changes this requirement for a single communication but requires that consumers must be able to end contracts in a simple, cost effective and timely way.

Neil Coyle

Not selected 134

Clause 252, page 168, line 17, after “means” insert “supported by the trader for the purposes of communicating with its customers about their subscription contract”

Member's explanatory statement

This amendment introduces a qualification that consumers should communicate their wish to exit a contract to a trader via a supported means of enquiry.

Neil Coyle

Not selected 135

Clause 252, page 168, line 19, at end insert “and to allow the trader to verify that it is its customer making the request”

Member's explanatory statement

This amendment ensures that a trader can verify a request made by a customer to exit a contract.

Clause agreed to.

Clauses 253 to 255 agreed to.

Giles Watling

Withdrawn after debate 113

Clause 256, page 170, line 22, leave out “any circumstances” and insert “circumstances where the consumer has not yet made use of the goods or service provided under the contract”

Clause agreed to.

Clauses 257 to 262 agreed to.

Seema Malhotra

Not called 128

Alex Davies-Jones

Clause 263, page 175, line 40, leave out “level 5 on the standard scale” and insert—

“the statutory maximum;

- (c) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine (or both).”

Member's explanatory statement

This amendment would make subscription traps offences "triable either way", therefore bringing it in line with other similar offences in the Bill, for example for misleading actions.

Clause agreed to.

Kevin Hollinrake**Agreed to Gov 79**

Clause 264, page 176, line 31, after "period" insert "or date"

Member's explanatory statement

This amendment corrects a drafting error.

Clause, as amended, agreed to.

Clauses 265 to 271 agreed to.

Kevin Hollinrake**Agreed to Gov 80**

Clause 272, page 180, line 35, leave out "pre-contract"

Member's explanatory statement

This is a drafting amendment to expand the definition of "durable medium".

Kevin Hollinrake**Agreed to Gov 81**

Clause 272, page 181, line 1, leave out "pre-contract"

Member's explanatory statement

This is a drafting amendment to expand the definition of "durable medium".

Kevin Hollinrake**Agreed to Gov 82**

Clause 272, page 181, line 4, leave out "pre-contract"

Member's explanatory statement

This is a drafting amendment to expand the definition of "durable medium".

Clause, as amended, agreed to.

Clauses 273 to 276 agreed to.

Schedule 21 agreed to.

Clauses 277 to 282 agreed to.

Fourteenth Sitting

Kevin Hollinrake

Agreed to Gov 83

Clause 283, page 189, line 5, leave out subsection (9) and insert—

“(9) For the meaning of “exempt ADR provider” and “exempt redress scheme” see section 287.”

Member's explanatory statement

The amendment provides a signpost for the reader to clause 287, which identifies who are exempt ADR providers for the purposes of Chapter 4.

Clause, as amended, agreed to.

Kevin Hollinrake

Agreed to Gov 84

Clause 284, page 189, line 34, leave out “(the gas code)” and insert “, or by section 12(1) or (2) of the Energy Act (Northern Ireland) 2011 (2011 c. 6),”

Member's explanatory statement

The provisions of the Gas Act 1986 referred to in clause 284(3)(b) do not extend to Northern Ireland. This amendment would add a reference to the corresponding legislation in Northern Ireland.

Kevin Hollinrake

Agreed to Gov 85

Clause 284, page 189, line 39, leave out “(the electricity code)” and insert “or by paragraph 3(1) or (2) of Schedule 6 to the Electricity (Northern Ireland) Order 1992 (S.I.1992/231 (N.I.1))”

Member's explanatory statement

The provisions of the Electricity Act 1989 referred to in clause 284(3)(d) do not extend to Northern Ireland. This amendment would add a reference to the corresponding legislation in Northern Ireland.

Kevin Hollinrake

Agreed to Gov 86

Clause 284, page 190, line 4, at end insert “or Part 2 of the Electricity (Northern Ireland) Order 1992”

Member's explanatory statement

Part 1 of the Electricity Act 1989 does not extend to Northern Ireland. This amendment would add a reference to the corresponding legislation in Northern Ireland.

Kevin Hollinrake

Agreed to Gov 87

Clause 284, page 190, line 6, at end insert “or Part 2 of the Gas (Northern Ireland) Order 1996 (S.I.1996/275 (N.I.2))”

Member's explanatory statement

Part 1 of the Gas Act 1986 does not extend to Northern Ireland. This amendment would add a reference to the corresponding legislation in Northern Ireland.

Kevin Hollinrake

Agreed to Gov 88

Clause 284, page 190, line 8, at end insert—

- “(b) a person supplying water under a water services licence within the meaning of the Water Services etc. (Scotland) Act 2005 (asp 3), or
- (c) a water undertaker within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006 (S.I.2006/3336 (N.I.21)).”

Member's explanatory statement

The definition of “water supplier” in Part 1 of the Water Industry Act 1991 only extends to England and Wales. This amendment would add references to the corresponding suppliers in Scotland and Northern Ireland. In the current text of the definition, the words after “means” will become paragraph (a).

Kevin Hollinrake

Agreed to Gov 89

Clause 284, page 191, leave out line 4

Member's explanatory statement

The amendment deletes an unnecessary word: the term “business” does not need to be defined as it is not used in Chapter 4 of Part 4 of the Bill.

Clause, as amended, agreed to.

Clause 285 agreed to.

Kevin Hollinrake

Agreed to Gov 90

Clause 286, page 191, line 39, after “the” insert “accredited”

Member's explanatory statement

This is a drafting amendment to clarify which ADR provider is referred to in clause 286(2)(a).

Kevin Hollinrake

Agreed to Gov 91

Clause 286, page 192, line 4, after “the” insert “accredited”

Member's explanatory statement

This is a drafting amendment to clarify which ADR provider is referred to in clause 286(2)(c).

Clause, as amended, agreed to.

Kevin Hollinrake

Agreed to Gov 92

Clause 287, page 192, line 11, leave out subsection (1) and insert—

“(1) In this Chapter—

“exempt ADR provider” means a person who—

- (a) is listed (or of a description of persons listed) in Part 1 of Schedule 22, or
- (b) is (when carrying out ADR or making special ADR arrangements) acting under or for the purposes of an exempt redress scheme;

“exempt redress scheme” means a scheme or other similar arrangement which is listed (or of a description listed) in Part 1A of Schedule 22.”

Member's explanatory statement

The amendment reflects the approach proposed by the government amendments to Schedule 22 to have two lists: Part 1 will list particular authorities (or descriptions of authorities) who are (if and to the extent they carry out ADR or make special ADR arrangements) exempt ADR providers. Part 1A will list “exempt redress schemes”. A person who carries out ADR or makes ADR arrangements under or for the purposes of an exempt redress scheme will be an exempt ADR provider.

Kevin Hollinrake

Agreed to Gov 93

Clause 287, page 192, line 19, leave out subsection (3) and insert—

“(3) Regulations under subsection (2) may, in particular—

- (a) provide for an entry in Part 1 of Schedule 22 to apply to a specified person or to any person of a specified description;
- (b) provide for an entry in Part 1A of that Schedule to apply to a specified scheme or any scheme of a specified description;

- (c) limit the scope of the exemption given to a person by virtue of an entry in Part 1 or 1A of that Schedule, whether in relation to carrying out ADR or making special ADR arrangements (or both)."

Member's explanatory statement

This amendment clarifies the scope of the power to make regulations under clause 287(2). The effect of the exemption given to a person by an entry in Part 1 or 1A of Schedule may be limited, for example by reference to the purposes for which an otherwise prohibited activity is carried out or to the kinds of otherwise prohibited activity that are (or are not) exempt.

Kevin Hollinrake

Agreed to Gov 94

Clause 287, page 192, line 34, leave out subsection (5) and insert—

- "(5) Subject to any limitation on its scope provided for by Schedule 22—
- (a) an exemption given to a person by virtue of an entry in Part 1 of that Schedule covers anything done by the person in the exercise of the person's functions that would otherwise be prohibited, and
 - (b) an exemption given to a person by virtue of an entry in Part 1A of that Schedule covers anything done under or for the purposes of an exempted redress scheme that would otherwise be prohibited."

Member's explanatory statement

The amendment clarifies the general scope of an exemption that will apply by default, unless there is provision in the Schedule for it to be more limited.

Kevin Hollinrake

Agreed to Gov 95

Clause 287, page 192, line 37, after "section" insert "—

"prohibited" means prohibited by section 285(1) or (2);"

Member's explanatory statement

The amendment defines "prohibited" for the purposes of the clause by reference to clause 285.

Kevin Hollinrake

Agreed to Gov 96

Clause 287, page 193, line 1, leave out subsection (8)

Member's explanatory statement

The amendment omits a subsection that is no longer needed as a result of the other government amendments to clause 287 and Schedule 22.

Clause, as amended, agreed to.

Kevin Hollinrake

Agreed to Gov 108

Schedule 22, page 356, leave out from beginning of line 31 to end of line 11 on page 357 and insert—

“LIST OF EXEMPT PERSONS

The Commission for Local Administration in England (also known as the Local Government and Social Care Ombudsman) and each Local Commissioner within the meaning of section 23(3) of the Local Government Act 1974

The Consumer Council for Water

The Health Service Commissioner for England

The Legal Ombudsman

The Northern Ireland Public Services Ombudsman

The Office of the Independent Adjudicator for Higher Education (registered company number 04823842) in relation to its functions as the designated operator under section 13 of the Higher Education Act 2004

The Parliamentary Commissioner for Administration

The Pensions Ombudsman”

Member's explanatory statement

This amendment alters the list of persons in Part 1 of Schedule 22. The listed persons will, subject to any limitation on their exemption provided for in the Schedule, be exempt from the prohibitions in clause 285. The first, sixth and seventh entries are new. Other entries currently in Part 1 are omitted because they are superseded by entries in Part 1A of Schedule 22 as proposed by Amendment 109.

Kevin Hollinrake

Agreed to Gov 109

Schedule 22, page 357, line 15, at end insert—

“PART 1A

EXEMPT REDRESS SCHEMES

An approved estate agents redress scheme

An approved postal operators redress scheme

An approved social housing ombudsman scheme

Approved public communications provider dispute procedures

The Financial Ombudsman Scheme

A qualifying lettings agency work redress scheme

A qualifying property management work redress scheme

A qualifying redress scheme for the gas or electricity sector”

Member's explanatory statement

The amendment inserts a Part 1A in Schedule 22 listing schemes or similar arrangements that are to be "exempt redress schemes" for the purposes of Chapter 4 of Part 4 (ADR).

Kevin Hollinrake

Agreed to Gov 110

Schedule 22, page 357, line 18, leave out "Part 1" and insert "this Schedule"

Member's explanatory statement

This amendment is consequential on the insertion of Part 1A of Schedule 22 proposed by Amendment 109.

Kevin Hollinrake

Agreed to Gov 111

Schedule 22, page 357, line 28, at end insert—

"approved social housing ombudsman scheme" means a scheme which is approved for the purposes of Schedule 2 to the Housing Act 1996;

"qualifying lettings agency work redress scheme" means a redress scheme which is approved as mentioned in section 83(1)(a), or is a government scheme for the purposes of section 83(1)(b), of the Enterprise and Regulatory Reform Act 2013;

"qualifying property management work redress scheme" means a redress scheme which is approved as mentioned in section 84(1)(a), or is a government administered redress scheme for the purposes of section 84(1)(b), of the Enterprise and Regulatory Reform Act 2013;"

Member's explanatory statement

The amendment defines three expressions used in entries in Part 1A as proposed to be inserted by Amendment 109.

Schedule, as amended, agreed to.

Clause 288 agreed to.

Kevin Hollinrake

Agreed to Gov 97

Clause 289, page 195, line 3, leave out "as extended"

Member's explanatory statement

This is a drafting amendment to make clear that new accreditation conditions imposed when extending an accreditation are not limited to any particular part of the extended accreditation.

Kevin Hollinrake

Agreed to Gov 98

Clause 289, page 195, line 4, leave out “condition on the existing” and insert “existing condition on the”

Member's explanatory statement

This amendment and Amendment 99 are drafting amendments to clarify which accreditation conditions can be varied or removed by the Secretary of State when extending an accreditation.

Kevin Hollinrake

Agreed to Gov 99

Clause 289, page 195, line 21, leave out “condition on the existing” and insert “existing condition on the”

Member's explanatory statement

See the member’s explanatory statement for Amendment 98.

Kevin Hollinrake

Agreed to Gov 100

Clause 289, page 195, line 26, at end insert—

“(14) Where an accreditation covers the making of special ADR arrangements, conditions on the accreditation may be framed so as to secure that the accredited ADR provider is responsible for acts or omissions of other ADR providers who carry out ADR under special ADR arrangements made by the accredited ADR provider.”

Member's explanatory statement

This amendment would clarify that accreditation conditions can be worded so as to make an accredited ADR provider directly responsible for things done by another ADR provider who carries out ADR under special ADR arrangements made by the accredited provider under its accreditation. This could enable regulatory action under clause 290 or 293 to be taken against the accredited ADR provider in relation to acts of the other ADR provider.

Clause, as amended, agreed to.

Clause 290 agreed to.

Kevin Hollinrake

Agreed to Gov 101

Clause 291, page 197, line 9, leave out “potential applicants for accreditation” and insert “accredited ADR providers”

Member's explanatory statement

The amendment would correct a mistake in clause 291(3) which should refer to accredited ADR providers, as they are the persons who pay fees under the clause.

Clause, as amended, agreed to.

Clause 292 agreed to.

Schedule 23 agreed to.

Clause 293 agreed to.

Kevin Hollinrake

Agreed to Gov 102

Clause 294, page 199, line 1, after "(1)(a)" insert "or (b)"

Member's explanatory statement

This amendment, with Amendments 103 to 105, would ensure that the power in subsection (1)(b) of clause 294 is subject to similar constraints to those currently provided for by subsection (3) in relation to the power in subsection (1)(a). The regulation making powers in clause 294(1) are not to be available for imposing requirements to provide information for purposes other than those set out in subsection (3)(a) to (c).

Kevin Hollinrake

Agreed to Gov 103

Clause 294, page 199, line 3, leave out from "following" to end of line 4

Member's explanatory statement

See the explanatory statement for Amendment 102.

Kevin Hollinrake

Agreed to Gov 104

Clause 294, page 199, line 5, leave out "provided to the Secretary of State"

Member's explanatory statement

See the explanatory statement for Amendment 102.

Kevin Hollinrake

Agreed to Gov 105

Clause 294, page 199, line 10, at end insert—

“(3A) It is immaterial for the purposes of subsection (3) whether the publication, monitoring or evaluation is carried out by the Secretary of State, by a person with functions conferred by regulations under section 298 or by any other person acting under arrangements made with that other person by the Secretary of State or a person with such functions.”

Member's explanatory statement

See the explanatory statement for Amendment 102.

Clause, as amended, agreed to.

Kevin Hollinrake

Agreed to Gov 106

Clause 295, page 200, line 13, leave out from “legislation” to end of line 14

Member's explanatory statement

The amendment would omit words that unnecessarily duplicate a definition in clause 297(6).

Clause, as amended, agreed to.

Kevin Hollinrake

Agreed to Gov 107

Clause 296, page 200, line 35, leave out “power conferred by this section is” and insert “powers conferred by this section are”

Member's explanatory statement

The amendment would clarify that the words at the end of subsection (4) apply to both of the powers conferred by the clause.

Clause, as amended, agreed to.

Clauses 297 to 300 agreed to.

Kevin Hollinrake

Agreed to Gov 112

Schedule 24, page 360, line 22, leave out “duties and powers” and insert “legislation”

Member's explanatory statement

This is a drafting amendment to ensure there is an accurate description of the content of paragraph 11 of Schedule 5 to the Consumer Rights Act 2015.

Schedule, as amended, agreed to.

Clauses 301 to 308 agreed to.

Schedule 25 agreed to.

Clauses 309 and 310 agreed to.

Schedule 26 agreed to.

Clauses 311 to 315 agreed to.

Neil Coyle

Withdrawn after debate 136

Clause 316, page 221, line 25, at end insert—

“(3) Sections 245 to 273 come into force from April 2026.”

Member's explanatory statement

This amendment provides an explicit implementation period for the subscription contract provisions.

Clause agreed to.

Clause 317 agreed to.

Paul Scully

Agreed to Gov NC1

To move the following Clause—

“Decision not to make final offer order

- (1) The CMA may decide not to make a final offer order in relation to the transaction where it has reasonable grounds to believe that there has been a

material change of circumstances since the final offer initiation notice was given.

- (2) For the purposes of this section and section 42(3) a material change of circumstances includes an agreement between the designated undertaking and the third party with respect to terms as to payment in relation to the transaction.
- (3) Where the CMA decides not to make a final offer order, it must give a notice to that effect to the designated undertaking and the third party.
- (4) The notice must include the reasonable grounds referred to in subsection (1).
- (5) As soon as reasonably practicable after giving a notice under subsection (3), the CMA must publish a statement summarising the contents of the notice."

Member's explanatory statement

This new clause, together with Amendment 10, ensures that the CMA can end the final offer mechanism without making a final offer order at any time after giving a final offer initiation notice. It would appear after clause 41.

Clause agreed to.

Clause 317 agreed to.

Alex Davies-Jones
Seema Malhotra

Not called NC2

To move the following Clause—

"Recognised news publisher: definition

- (1) In section 20, "recognised news publisher" means any of the following entities—
 - (a) the British Broadcasting Corporation,
 - (b) Sianel Pedwar Cymru,
 - (c) the holder of a licence under the Broadcasting Act 1990 or 1996 who publishes news-related material in connection with the broadcasting activities authorised under the licence, and
 - (d) any other entity which—
 - (i) meets all of the conditions in subsection (2), and
 - (ii) is not an excluded entity (see subsection (3)).
- (2) The conditions referred to in subsection (1)(d)(i) are that the entity—
 - (a) has as its principal purpose the publication of news-related material, and such material—
 - (i) is created by different persons, and
 - (ii) is subject to editorial control,

- (b) publishes such material in the course of a business (whether or not carried on with a view to profit),
 - (c) is subject to a standards code,
 - (d) has policies and procedures for handling and resolving complaints,
 - (e) has a registered office or other business address in the United Kingdom,
 - (f) is the person with legal responsibility for material published by it in the United Kingdom, and
 - (g) publishes—
 - (i) the entity's name, the address mentioned in paragraph (e) and the entity's registered number (if any), and
 - (ii) the name and address of any person who controls the entity (including, where such a person is an entity, the address of that person's registered or principal office and that person's registered number (if any)).
- (3) An "excluded entity" is an entity—
- (a) which is a proscribed organisation under the Terrorism Act 2000 (see section 3 of that Act), or
 - (b) the purpose of which is to support a proscribed organisation under that Act.
- (4) For the purposes of subsection (2)—
- (a) news-related material is "subject to editorial control" if there is a person (whether or not the publisher of the material) who has editorial or equivalent responsibility for the material, including responsibility for how it is presented and the decision to publish it;
 - (b) "control" has the same meaning as it has in the Broadcasting Act 1990 by virtue of section 202 of that Act.
- (5) In this section—
- "news-related material" means material consisting of—
- (a) news or information about current affairs,
 - (b) opinion about matters relating to the news or current affairs, or
 - (c) gossip about celebrities, other public figures or other persons in the news;
- "publish" means publish by any means (including by broadcasting), and references to a publisher and publication are to be construed accordingly;
- "standards code" means—
- (a) a code of standards that regulates the conduct of publishers, that is published by an independent regulator, or
 - (b) a code of standards that regulates the conduct of the entity in question, that is published by the entity itself."

Member's explanatory statement

This new clause is linked to Amendment 58.

Alex Davies-Jones

Not called NC3

Seema Malhotra

To move the following Clause—

“CMA annual report on final offer mechanism

- (1) The CMA must, once a year, produce a report about the final offer mechanism.
- (2) Each report must include information about—
 - (a) the number of final offer orders the CMA has made over the previous year;
 - (b) for each final offer order—
 - (i) the amount of time taken between final offer initiation notice being given and the final offer order being made.
 - (ii) whether bids were submitted by both the undertaking and the third party, and
 - (iii) the outcome of the process; and
- (3) The CMA may provide the information in such a way as to withhold any details that the CMA considers to be commercially sensitive.
- (4) The first report must be published and laid before both Houses of Parliament within one year of this Act being passed.”

Member's explanatory statement

This new clause requires the CMA to publish an annual report on the workings of the final offer mechanism. The report will be made publicly available and will be laid in both Houses of Parliament.

Alex Davies-Jones

Not called NC4

Seema Malhotra

To move the following Clause—

“Annual report on operation of CMA functions

- (1) The Secretary of State must, at least once a year, produce a report on the operation of the CMA's functions under Part 1 of this Act.
- (2) Each report must include an assessment of the following matters—
 - (a) the outcomes of SMS investigations carried out by the CMA, with regard to the number of undertakings found—
 - (i) to have SMS, and
 - (ii) not to have SMS;
 - (b) the extent to which designated undertakings have fulfilled any conduct requirements imposed by the CMA; and
 - (c) the effectiveness of any pro-competition interventions made by the CMA.

- (3) The first report must be published and laid before Parliament within one year of this Act being passed.”

Member's explanatory statement

This new clause requires the Secretary of State to produce an annual report on the operation of the CMA's functions under Part 1. The report will be made publicly available and will be laid in Parliament.

Seema Malhotra

Not called NC5

Alex Davies-Jones

To move the following Clause—

“Contract renewal: option to opt in

- (1) Before a trader enters into a subscription contract with a consumer where section 246(2) applies, the trader must ask the consumer whether they wish to opt into an arrangement under which the contract renews automatically at one or more of the following times—
- (a) after a period of six months and every six months thereafter, or
 - (b) if the period between the consumer being charged for the first and second time is longer than six months, each time payment is due.
- (2) If the consumer does not opt into such an arrangement, the trader must provide a date by which the consumer must notify the trader of the consumer's intention to renew the contract, which must be no earlier than 28 days before the renewal date.
- (3) If the consumer has not—
- (a) opted into an arrangement under subsection (1),
 - (b) given notification of the consumer's intention to renew by the date specified under subsection (2), the contract will lapse on the renewal date.”

Member's explanatory statement

This new clause would allow the consumer to opt-out of their subscription auto-renewing every six months, or if the period between payments is longer than six months, before every payment. If the consumer does not opt-in of auto-renewal, they would be required to notify the trader manually if they wanted to renew.

Seema Malhotra

Not called NC6

Alex Davies-Jones

To move the following Clause—

“Contract renewal: variable rate contracts

- (1) Before a trader enters into a subscription contract with a consumer where section 246(3) applies, the trader must ask the consumer whether they wish

to opt into an arrangement under which the contract renews automatically on the date the consumer becomes liable for the first charge or the first higher charge.

- (2) If the consumer does not opt into an arrangement under subsection (1), the trader must provide a date by which the consumer must notify the trader of the consumer's intention to renew the contract, which must be no earlier than five days before the renewal date.
- (3) The trader must also ask the consumer whether they wish to opt into an arrangement under which the contract renews automatically—
 - (a) after a period of either six months from the first charge or higher charge and every six months thereafter, or
 - (b) if the period between the consumer being charged for the first and second time is longer than six months, each time payment is due.
- (4) If the consumer does not opt into an arrangement under subsection (3), the trader must provide a date by which the consumer must notify the trader of the consumer's intention to renew the contract, which must be no earlier than 28 days before the renewal date.
- (5) If the consumer has not—
 - (a) opted into an arrangement under subsection (1) or subsection (3), or
 - (b) given notification of the consumer's intention to renew by the date specified under (as the case may be) subsection (2) or subsection (4),
 the contract will lapse on the next renewal date."

Member's explanatory statement

This new clause would introduce an option for the consumer to opt out of their subscription auto-renewing after their free or discounted trial. Otherwise, they would have to notify the trader manually if they wanted to continue the subscription. It also introduces an option for the consumer to opt out of their subscription auto-renewing.

Neil Coyle

Not called NC7

To move the following Clause—

"Regulation of consumer savings schemes

- (1) The Secretary of State must by regulations establish a system under which the Financial Conduct Authority has responsibility for regulating consumer savings scheme contracts.
- (2) Regulations under this section—
 - (a) must be made within six months of this Act being passed, and
 - (b) are subject to the affirmative procedure.
- (3) In this section, a "consumer savings scheme contract" has the meaning given in section 274."

Member's explanatory statement

This new clause would make the FCA, rather than local authorities, responsible for regulating consumer savings scheme contracts.

Seema Malhotra

Withdrawn after debate NC8

Alex Davies-Jones

To move the following Clause—

“Limit on secondary ticketing

- (1) The Consumer Rights Act 2015 is amended as follows.
- (2) After section 91 (prohibition on cancellation or blacklisting) insert—

“91A Limit on secondary ticketing

- (1) This section applies where a person (“the seller”) re-sells a ticket for a recreational, sporting or cultural event in the United Kingdom through a secondary ticketing facility.
- (2) The operator of the facility must—
 - (a) identify the maximum number of tickets available for a consumer to buy from the primary market for any event for which tickets are being re-sold through their facility; and
 - (b) check that the seller has not bought more tickets than they are permitted to buy as set out in subsection (2)(a) with the intention to re-sell, unless the seller provides proof that they have bought more tickets than they are permitted to buy from the primary market with the consent of the event organiser.
- (3) The operator of the facility must not allow the seller or any associate of the seller to list more tickets for an event than can be bought by a consumer through the primary market.
- (4) If the operator breaches its duties in subsections (2) and (3), they are jointly liable with the seller for enforcement action against them as set out in section 93””

Member's explanatory statement

This new clause would amend the Consumer Rights Act 2015 to introduce provisions banning sellers on secondary ticketing sites from selling more tickets than can be bought by consumers on the primary market.

Seema Malhotra

Not called NC9

Alex Davies-Jones

To move the following Clause—

“Secondary Ticketing: duty to verify seller’s details

The Consumer Rights Act 2015 is amended as follows—

“After section 90 insert—

“90A 90A Duty to verify seller’s details

- (1) The operator must—
 - (a) obtain from any seller using their facility the information set out in subsection (2), and
 - (b) verify that information.
- (2) That information is—
 - (a) proof that the seller owns the ticket they are intending to sell through the facility,
 - (b) proof that the information specified in section 90(3) is accurate; and,
 - (c) the seller’s address.
- (3) If the operator breaches the duty under subsection (2), the operator is jointly liable with the seller for enforcement action against them as set out in section 93.”””

Member's explanatory statement

This new clause amends the Consumer Rights Act 2015 to impose a duty on secondary ticketing platforms to verify further details from sellers using their platform.

Seema Malhotra

Not called NC10

Alex Davies-Jones

To move the following Clause—

“Secondary ticketing regulation: reporting requirement

- (1) The Secretary of State must—
 - (a) prepare a report on the merits of introducing a new regulatory function for regulating the secondary ticketing sector; and,
 - (b) lay a copy of this report before parliament.
- (2) The report must include consideration of the recommendation to introduce a new regulatory function to the secondary ticketing sector as set out in the CMA’s ‘Secondary Ticketing’ report published in August 2021.
- (3) The report must be laid within the period of 12 months beginning with the day on which this Act is passed.”

Member's explanatory statement

This new clause would introduce a reporting requirement on the Secretary of State to produce a report on the merits of introducing a new regulatory function in the secondary ticketing sector, as recommended by the CMA in their August 2021 'Secondary Ticketing' report.

Seema Malhotra

Withdrawn after debate NC11

Alex Davies-Jones

To move the following Clause—

"Annual Report on Operation of CMA Functions Under Parts 2 and 3

- (1) The CMA must, within 12 months of this Act being passed and every 12 months thereafter, prepare a report on—
 - (a) the effectiveness of the operation of the CMA's functions under Parts 2 and 3,
 - (b) the impact of the operation of those functions on maintaining competition in digital markets, and
 - (c) the impact of the operation of those functions on the enforcement of consumer protection law.
- (2) The CMA must arrange for a copy of the report prepared under subsection (1) to be laid before each House of Parliament
- (3) This new clause would introduce an annual reporting requirement on the CMA to report to Parliament on the operation of their functions under Parts 2 and 3 of the Act."

Member's explanatory statement

This new clause would introduce an annual reporting requirement on the CMA to report to Parliament on the operation of their functions under Parts 2 and 3 of the Act.

Bill, as amended, to be reported.

Glossary

Added: New clause agreed to without a vote and added to the Bill.

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negated: rejected without a vote.

Negated on division: rejected following a vote.

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

Not moved: not debated or put to a decision.

Not selected: not chosen for debate by the Chair.

Question proposed: debate underway but not concluded.

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