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Report Stage: Friday 25 August 2023

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# Digital Markets, Competition and Consumers Bill, As Amended

## (Amendment Paper)

This document lists all amendments tabled to the Digital Markets, Competition and Consumers Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

☆ Amendments which will comply with the required notice period at their next appearance.

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**Sir Jacob Rees-Mogg**

**NC1**

Jonathan Gullis  
Craig Mackinlay  
Priti Patel  
Philip Davies  
Esther McVey

Mrs Natalie Elphicke  
James Grundy  
Nick Fletcher

Sir John Hayes  
Sally-Ann Hart  
Sammy Wilson

Richard Drax  
Stephen McPartland

☆ To move the following Clause—

### **“Meaning of “payment account” and related terms**

- (1) Payment account” means an account held in the name of one or more consumers through which consumers are able to—
  - (a) place funds;
  - (b) withdraw cash; and
  - (c) execute and receive payment transactions to and from third parties, including over any designated payment system.
- (2) “Payment account” also includes the following types of account—
  - (a) savings accounts;
  - (b) credit card accounts;
  - (c) current account mortgages; and
  - (d) e-money accounts.

- (3) “Designated payment system” has the same meaning as within the Financial Services (Banking Reform) Act 2013.
- (4) “Relevant institution” means—
- (a) any bank which has permission under Part 4A of the Financial Services and Markets Act 2000 to carry out the regulated activity of accepting deposits (within the meaning of section 22 of that Act, taken with Schedule 2 and any order under section 22);
  - (b) any building society within the meaning of section 119 of the Building Societies Act 1986;
  - (c) any credit institution within the meaning of the Payment Services Regulations 2017;
  - (d) any authorised payment institution within the meaning of the Payment Service Regulations 2017; and
  - (e) any small payment institution within the meaning of the Payment Services Regulations 2017.
- (5) “Discriminate” means that a relevant institution acts in a way which, were that relevant institution a public authority, would constitute a breach of its obligations under section 6(1) of the Human Rights Act 1998, in so far as those obligations relate to—
- (a) Article 8 of the European Convention on Human Rights;
  - (b) Article 9 of the European Convention on Human Rights;
  - (c) Article 10 of the European Convention on Human Rights;
  - (d) Article 11 of the European Convention of Human Rights; and
  - (e) any of the Articles listed in paragraphs (a) to (d) when read with Article 14 of the European Convention on Human Rights.”

#### Member's explanatory statement

This new clause defines relevant terms for the purposes of NC2.

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#### Sir Jacob Rees-Mogg

Jonathan Gullis  
Craig Mackinlay  
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Sir John Hayes  
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Sammy Wilson

Richard Drax  
Stephen McPartland

NC2

☆ To move the following Clause—

#### “Rights of consumers in relation to payment accounts

- (1) A relevant institution must not discriminate against a consumer when deciding—
- (a) whether to offer a consumer a payment account;

- (b) whether to alter, or vary in any way, the terms of an existing payment account in use by a consumer; or
  - (c) whether to terminate or otherwise restrict a consumer's access to their payment account.
- (2) A relevant institution, within 30 days of deciding to alter, vary, terminate, or otherwise restrict a consumer's access to their payment account, or deciding not to offer a consumer a payment account, must provide the consumer with a written statement of reasons explaining their decision.
- (3) A written statement of reasons under subsection (2) must clearly specify—
- (a) the basis upon which such a decision was taken, including reference to any terms and conditions within the consumer's contract upon which the relevant institution relies, or reference to any legal obligations placed upon the relevant institution;
  - (b) all evidence taken into account by the relevant institution in reaching its decision; and
  - (c) any other matters that had bearing on the relevant institution's decision."

#### Member's explanatory statement

This new clause would place a duty on banks, building societies and similar institutions not to discriminate against consumers when offering retail banking services.

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#### Sir Jacob Rees-Mogg

NC3

Jonathan Gullis  
 Craig Mackinlay  
 Priti Patel  
 Philip Davies  
 Esther McVey

Mrs Natalie Elphicke  
 James Grundy  
 Nick Fletcher

Sir John Hayes  
 Sally-Ann Hart  
 Sammy Wilson

Richard Drax  
 Stephen McPartland

☆ To move the following Clause—

#### "Rights of redress

Where a relevant institution has acted in breach of its obligations under section [Rights of consumers in relation to payment accounts] (1), the consumer shall have a right to damages in respect of any—

- (a) financial loss;
- (b) emotional distress; and
- (c) physical inconvenience and discomfort."

#### Member's explanatory statement

This new clause would give consumers a right to redress if discriminated against under NC2.

**Sir Jacob Rees-Mogg**

NC4

Jonathan Gullis  
 Craig Mackinlay  
 Priti Patel  
 Philip Davies  
 Esther McVey

Mrs Natalie Elphicke  
 James Grundy  
 Nick Fletcher

Sir John Hayes  
 Sally-Ann Hart  
 Sammy Wilson

Richard Drax  
 Stephen McPartland

☆ To move the following Clause—

**“Enforcement of rights of redress**

- (1) A consumer with a right to damages by virtue of section [Rights of redress](1) may bring a claim in civil proceedings to enforce that right.
- (2) The Limitation Act 1980 applies to a claim under this section in England and Wales as if it were an action founded on simple contract.
- (3) The Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11)) applies to a claim under this section in Northern Ireland as if it were an action founded on simple contract.”

**Member's explanatory statement**

This new clause makes provision for the enforcement of redress under NC3.

**Order of the House**

[17 May 2023]

That the following provisions shall apply to the Digital Markets, Competition and Consumers Bill:

**Committal**

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

**Proceedings in Public Bill Committee**

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 18 July.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

**Consideration and Third Reading**

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

**Other proceedings**

7. Any other proceedings on the Bill may be programmed.