

# **UNSOLICITED TELEPHONE COMMUNICATIONS BILL [HL]**

## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These explanatory notes relate to the Unsolicited Telephone Communications Bill [HL]. They have been prepared in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
2. The notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause does not seem to require any explanation or comment, none is given.

### **BACKGROUND**

3. EC Directive 2002/58 states it is up to member states whether they have an opt in or an opt out policy for marketing phone calls; thus this Bill would not contradict the EC directive.

“Member States shall take appropriate measures to ensure that, free of charge, unsolicited communications for purposes of direct marketing, in cases other than those referred to in paragraphs 1 and 2, are not allowed either without the consent of the subscribers concerned or in respect of subscribers who do not wish to receive these communications, the choice between these options to be determined by national legislation.”

### **SUMMARY**

5. This Bill reverses the relevant regulations in the Privacy and Electronic Communications (EC Directive) Regulations 2003. At present Ofcom keeps a register of people who have opted out to receive phone marketing calls. This Bill would require Ofcom to keep a register of people who have opted in to receive marketing phone calls. Companies would only call people who are on a register rather than only not calling people who are on a register.

# UNSOLICITED TELEPHONE COMMUNICATIONS BILL [HL]

## EXPLANATORY NOTES

*These notes refer to the Unsolicited Telephone Communications Bill [HL]  
as introduced in the House of Lords on 14th May 2013  
[HL Bill 18]*

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*Order to be Printed,  
14th May 2013*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS

LONDON – THE STATIONERY OFFICE LIMITED

Printed in the United Kingdom by  
The Stationery Office Limited

£x.00