

# Consumer Rights Bill

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SECOND  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*The amendments have been marshalled in accordance with the Order of 11th November 2014, as follows –*

Schedule 2	Clauses 78 and 79
Clauses 64 to 70	Schedule 7
Schedule 3	Clause 80
Clauses 71 to 75	Schedule 8
Schedule 4	Clauses 81 to 85
Clauses 76 and 77	Schedule 9
Schedules 5 and 6	Clauses 86 to 92

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

## **Schedule 2**

LORD CLEMENT-JONES

**29** Page 58, line 2, at end insert –

- “20A(1) A term which has the object or effect of permitting a trader engaged in the provision of fixed broadband internet access or mobile internet services to block, restrict or otherwise hinder the access of a consumer to any lawful electronic communications network or electronic communications service on the basis of an unreasonable or unusual definition of “internet access”, “data”, “webaccess” or similar word or phrase.
- (2) Nothing in this prohibition shall affect filters for the purpose of child protection.
- (3) “Electronic communications network” or “electronic communications service” shall have the same meaning as provided in section 32 of the Communications Act 2003.”

Amendment  
No.

**After Clause 77**

BARONESS OPPENHEIM-BARNES

- 30 Insert the following new Clause –
- “Consumer regulators**
- (1) This section applies to the regulators which are involved in protecting consumers (“consumer regulators”).
  - (2) It shall be the duty of the consumer regulators to uphold the rights of consumers under this Act.
  - (3) In exercising their functions, consumer regulators shall have regard to the desirability of –
    - (a) upholding accurate, plain and intelligible information for consumers about goods and services;
    - (b) promoting –
      - (i) fair and reasonable practices in the selling of goods and services;
      - (ii) fair and reasonable pricing of goods and services;
      - (iii) the inclusion of comprehensive information on goods and services in contract;
      - (iv) quick and fair means for consumers to make complaints and have disputes resolved.
  - (4) Consumer regulators shall have a duty to consider whether a proportion of any fines levied for breaches of rights under this Act shall be used to compensate consumers.”

**Schedule 5**

BARONESS HAYTER OF KENTISH TOWN  
LORD STEVENSON OF BALMACARA  
LORD BEST

- 31 Page 81, line 14, leave out sub-paragraphs (3) to (11)

BARONESS NEVILLE-ROLFE

- 32 Page 81, line 14, at beginning insert “In the case of a routine inspection,”
- 33 Page 81, line 14, leave out “that sub-paragraph” and insert “sub-paragraph (1)”
- 34 Page 81, line 24, at end insert –
- “(5A) In this paragraph “routine inspection” means an exercise of the power in sub-paragraph (1) other than where –”
- 35 Page 81, line 25, leave out “of entry is to be” and insert “is”
- 36 Page 81, line 26, leave out “and the officer” and insert “who”
- 37 Page 81, line 29, leave out “this paragraph” and insert “sub-paragraph (3)”
- 38 Page 81, line 31, leave out “this paragraph” and insert “that sub-paragraph”

Amendment  
No.

**Schedule 5 – continued**

- 39 Page 81, line 38, leave out “a notice is not given, and the officer” and insert “an officer of an enforcer enters premises under sub-paragraph (1) otherwise in the course of a routine inspection, and”
- 40 Page 81, line 43, leave out from beginning to “finds” and insert “If an officer of an enforcer enters premises under sub-paragraph (1) and”

**After Clause 78**

LORD TAVERNE

40A★ Insert the following new Clause –

**“Product description and advertisement**

- (1) Subject to subsection (2), where any specification, description or advertisement of goods, services or land or property offered for sale, hire or lease, or any instructions or maintenance manual relating to such goods or services includes one or more units of measurement, those units shall be –
  - (a) those set out in Schedule 1 of the Units of Measurement Regulations 1986 (S.I. 1986/1082) (as amended); or
  - (b) any multiples or submultiples of those units as set out in Schedule 2 of those Regulations.
- (2) Subsection (1) shall not apply to products listed in Schedule (*Product description and advertisement*).
- (3) Subject to subsection (4), supplementary indications may be used in addition to the units authorised in subsection (1).
- (4) Where supplementary indications are used –
  - (a) in the case of a conflict between an indication of quantity expressed in an authorised unit and a supplementary indication, the authorised unit shall prevail; and
  - (b) the authorised unit shall appear first, and any characters employed in the marking of quantity in relation to a supplementary indication shall be no larger and no more prominent than those employed in the marking of quantity expressed in the authorised unit.
- (5) In this section –
  - (a) an “authorised unit” means a unit of measurement specified in Schedule 1 of the Units of Measurement Regulations 1986 (as amended) or any multiples or submultiples of those units as set out in Schedule 2 of those Regulations,
  - (b) a “supplementary indication” means one or more indications of quantity expressed in a unit of measurement, other than an authorised unit, which is used in conjunction with an indication of quantity expressed in an authorised unit,
  - (c) “unit of measurement” does not include arbitrary sizes such as sizes of shoes or clothing, paper and stationery or eggs,
  - (d) a “year” is not to be treated as a unit of measurement.”

Amendment  
No.

**After Clause 78 – continued**

**40B★**

Insert the following new Clause –

**“Product description and advertisement (No. 2)**

In section 7(1) of the Weights and Measures Act 1985, for paragraph (b) substitute –

“(b) the use is for the purpose of –

- (i) the determination or statement of that quantity, or
- (ii) of specifying, describing or advertising the goods, services, land or property offered for sale, lease, rent or hire.

(1A) In this section “describing” includes instructions and maintenance manuals.

(1B) Subsection (1)(b)(ii) does not apply to the following goods, services, land and property –

- (a) the labelling of vehicle and bicycle tyres forming part of the moulding of the tyre,
- (b) the capacity measure stamped on glassware used for the dispensing of draught beer and cider,
- (c) the capacity measure indicated on returnable containers used for packaging liquid milk,
- (d) goods, services, land and property already on the market before 1 January 2016.

(1C) The Secretary of State may, by order made by statutory instrument, which may not be made unless a draft of the instrument has been laid before, and approved by a resolution of each House of Parliament, insert items in or omit items from this list.””

**After Clause 79**

BARONESS NEVILLE-ROLFE

**41**

Insert the following new Clause –

**“Contravention of code regulating premium rate services**

(1) In section 120(3) of the Communications Act 2003 (conditions under section 120 must require compliance with directions given in accordance with an approved code or with an order under section 122) before paragraph (a) insert –

“(za) the provisions of an approved code;”.

(2) In section 121(5) of that Act (provision about enforcement that may be made by approved code) after paragraph (a) insert –

“(aa) provision that applies where there is or has been more than one contravention of the code or directions given in accordance with it by a person and which enables –

- (i) a single penalty (which does not exceed that maximum penalty) to be imposed on the person in respect of all of those contraventions, or

Amendment  
No.

**After Clause 79 – continued**

- (ii) separate penalties (each of which does not exceed that maximum penalty) to be imposed on the person in respect of each of those contraventions, according to whether the person imposing the penalty determines that a single penalty or separate penalties are appropriate and proportionate to those contraventions;”.
- (3) Section 123 of that Act (enforcement by OFCOM of conditions under section 120) is amended as follows.
- (4) After subsection (1) insert –
  - “(1A) Subsection (1B) applies where a notification under section 94 as applied by this section relates to more than one contravention of –
    - (a) a code approved under section 121,
    - (b) directions given in accordance with such a code, or
    - (c) an order under section 122.
  - (1B) Section 96(3) as applied by this section enables OFCOM to impose –
    - (a) a single penalty in respect of all of those contraventions, or
    - (b) separate penalties in respect of each of those contraventions, according to whether OFCOM determine that a single penalty or separate penalties are appropriate and proportionate to those contraventions.”
- (5) In subsection (2) (maximum amount of penalty) for “the penalty” substitute “each penalty”.

**Before Schedule 7**

LORD TAVERNE

**41A★** Insert the following new Schedule –

“SCHEDULE

PRODUCT DESCRIPTION AND ADVERTISEMENT

- 1 The following are exemptions from the requirement to display the units specified in section (*Product description and advertisement*)(1) –
  - (a) the labelling of vehicle and bicycle tyres forming part of the moulding of the tyre,
  - (b) the capacity measure stamped on glassware used for the dispensing of draught beer and cider,
  - (c) the capacity measure indicated on returnable containers used for packaging liquid milk,
  - (d) goods, services, land and property already on the market before 1 January 2016.
- 2 The Secretary of State may, by order made by statutory instrument, which may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament, insert items in or omit items from this list.”

Amendment  
No.

**After Clause 80**

LORD HOPE OF CRAIGHEAD  
LORD WALKER OF GESTINGTHORPE

**41B★** Insert the following new Clause –

**“Nomination of judges to the Competition Appeal Tribunal**

- (1) The Enterprise Act 2002 is amended as follows.
- (2) In section 12(2)(b) (competition appeal tribunal) after “the Lord Chancellor” insert “or nominated by the appropriate senior judge pursuant to paragraph 2(4) of Schedule 2”.
- (3) After section 12(5) insert –
  - “(6) Appropriate senior judge has the same meaning as in paragraph 2(7) of Schedule 2.”.
- (4) In Schedule 2 (the competition appeal tribunal) after paragraph 1(3) insert –
  - “(4) Upon the nomination of the appropriate senior judge, any judge of the High Court of England and Wales, the Court of Session or the High Court of Northern Ireland shall be a member of the panel of chairmen and shall hold and vacate office in accordance with the terms of their nomination.”.
- (5) In paragraph 2(1) of that Schedule after “The members appointed” insert “by the Lord Chancellor”.
- (6) In paragraph 2(2) after “A person” insert “appointed by the Lord Chancellor to the panel of chairmen”.
- (7) In paragraph 2(3) after “and the chairmen” insert “appointed by the Lord Chancellor”.
- (8) In paragraph 2(4) after “remove a person” insert “appointed by him”.
- (9) In paragraph 2(6) after “remove a person” insert “appointed by him”.
- (10) In paragraph 2(7)(a) after “the person to be” insert “nominated or”.
- (11) In paragraph 2(7)(b) after “the person to be” insert “nominated or”.

LORD HODGSON OF ASTLEY ABBOTTS  
VISCOUNT ECCLES

**41C★** Insert the following new Clause –

**“Review of operation of Schedule 8**

- (1) The Secretary of State must, before the end of the period of five years beginning with the day on which this Act is passed, appoint a person to review generally the operation of Schedule 8 to this Act.
- (2) The review must address, in particular, the following matters –
  - (a) the number and outcome of cases brought under the Schedule,
  - (b) the amount paid as a result of these cases to consumers, professional advisers and third party funders, and

**Amendment  
No.**

**After Clause 80—continued**

- (c) the extent to which consumers overall have benefitted from the operation of the Schedule.
- (3) After the person appointed under subsection (1) has completed his review, he must compile a report of his conclusions.
- (4) The Secretary of State must lay before Parliament a copy of the report made under subsection (3).”

**Schedule 8**

VISCOUNT ECCLES  
LORD HODGSON OF ASTLEY ABBOTTS

- 41D★** Page 113, line 3, at end insert—
- “( ) when it considers that the proposed collective proceedings are justiciable and have merit,
  - ( ) when it considers that early settlement will not be achieved either by alternative dispute resolution or any other means of resolving the dispute.”
- 41E★** Page 113, line 4, leave out first “the” and insert “a”
- 41F★** Page 113, line 9, at end insert—
- “( ) Nothing in subsection (5) prevents the Competition Appeal Tribunal from taking into account any other matter which it considers to be relevant.”
- 41G★** Page 113, line 14, leave out first “the” and insert “a”
- 41H★** Page 113, line 21, leave out “a person” and insert “any appropriate consumer representative body or trade association”
- 41J★** Page 113, line 26, leave out from “that” to “in” in line 27 and insert “the person has the experience and standing appropriate to the size, type and extent of the claims to be made”

LORD HODGSON OF ASTLEY ABBOTTS  
VISCOUNT ECCLES

- 41K★** Page 113, line 26, leave out “just and reasonable” and insert “just, reasonable and in the primary interests of the class members”
- 41L★** Page 114, line 25, leave out “Subject to subsection 6,”
- 41M★** Page 114, leave out lines 30 to 34 and insert—
- “(6) In a case within subsection (5), the Tribunal must reduce any award of legal costs to or on behalf of the representative by the proportion that the total sum of damages not claimed by represented persons bears to the total sum awarded for damages in the collective proceedings.”

Amendment  
No.

**Schedule 8** – *continued*

41N★

Page 118, line 9, at end insert –

“(5A) The Tribunal may make an order approving terms for payment of the representative person’s legal costs but only if the terms provide that those costs are to be reduced by the proportion that the total sum of damages not claimed by represented persons bears to the total sum awarded for damages in the collective proceedings.”

BARONESS NEVILLE-ROLFE

42

Page 120, line 38, at end insert –

“(3A) The CMA may approve a redress scheme under subsection (2)(b) subject to a condition or conditions requiring the provision of further information about the operation of the scheme (including about the amount or value of compensation to be offered under the scheme or how this will be determined).

(3B) If the CMA approves a redress scheme subject to such a condition, it may –

- (a) approve the scheme subject to other conditions;
- (b) withdraw approval from the scheme if any conditions imposed under subsection (3A) or paragraph (a) are not met;
- (c) approve a redress scheme as a replacement for the original scheme (but may not approve that scheme subject to conditions).”

43

Page 120, line 40, at end insert –

“(4A) But, where the CMA approves a redress scheme subject to a condition of the kind mentioned in subsection (3A), subsection (4) does not prevent further information provided in accordance with the condition from forming part of the terms of the scheme.”

**Before Clause 81**

BARONESS HAYTER OF KENTISH TOWN  
LORD STEVENSON OF BALMACARA

44★

Insert the following new Clause –

**“Insurance cover for money received or held by lettings agents in the course of business**

- (1) Subject to the provisions of this section, a person may not accept money from another person (“T”) in the course of lettings and property managing agency work unless there are in force authorised arrangements under which, in the event of his failing to account for such money to the person entitled to it, his liability will be made good by another.



Amendment  
No.

**Before Clause 81 – continued**

- (2) In this section T is any person who seeks residential accommodation which is to let or who has a tenancy of, or other right or permission to occupy, residential premises; and a “relevant payment” means any sum of money which is received from T in the circumstances described in subsection (1).
- (3) In this section “lettings agency work” has the same meaning as in section 83 of the Enterprise and Regulatory Reform Act 2013 (redress schemes: lettings agency work) and a “lettings agent” is a person who engages in lettings agency work.
- (4) In this section “property management work” has the same meaning as in section 84 of the Enterprise and Regulatory Reform Act 2013 and a “property managing agent” is a person who engages in property managing work.
- (5) The Secretary of State may by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament –
  - (a) specify any persons or classes of persons to whom subsection (1) does not apply;
  - (b) specify arrangements which are authorised for the purposes of this section including arrangements to which an enforcement authority nominated for the purpose by the Secretary of State or any other person so nominated is a party;
  - (c) specify the terms and conditions upon which any payment is to be made under such arrangements and any circumstances in which the right to any such payment may be excluded or modified;
  - (d) provide that any limit on any such payment is to be not less than a specified amount; and
  - (e) require a person providing authorised arrangements covering any person carrying on lettings agency work to issue a certificate in a form specified in the regulations certifying that arrangements complying with the regulations have been made with respect to that person.
- (6) Every guarantee entered into by a person (in this subsection referred to as “the insurer”) who provides authorised arrangements covering a lettings agent shall insure for the benefit of every person from whom the lettings agent has received a relevant payment as if –
  - (a) the guarantee were contained in a contract made by the insurer with every such person;
  - (b) except in Scotland, that contract were under seal; and
  - (c) where the guarantee is given by two or more insurers, they have bound themselves jointly and severally.”

**44ZA**

Insert the following new Clause –

**“Protection of consumer interests in the housing sector**

Schedule (*Protection of consumer interests in the housing sector*) has effect.”

Amendment  
No.

**Clause 81**

BARONESS NEVILLE-ROLFE

- 44A** Page 43, line 28, at end insert –
- “(4A) Subsections (4B) and (4C) apply to a letting agent engaging in letting agency or property management work in relation to dwelling-houses in England.
- (4B) If the agent holds money on behalf of persons to whom the agent provides services as part of that work, the duty imposed on the agent by subsection (2) or (3) includes a duty to display or publish, with the list of fees, a statement of whether the agent is a member of a client money protection scheme.
- (4C) If the agent is required to be a member of a redress scheme for dealing with complaints in connection with that work, the duty imposed on the agent by subsection (2) or (3) includes a duty to display or publish, with the list of fees, a statement –
- (a) that indicates that the agent is a member of a redress scheme, and
- (b) that gives the name of the scheme.”
- 44B** Page 43, line 31, at end insert “or (where applicable) a statement within subsection (4B) or (4C)”
- 44C** Page 43, line 32, at end insert –
- “(6) In this section –
- “client money protection scheme” means a scheme which enables a person on whose behalf a letting agent holds money to be compensated if all or part of that money is not repaid to that person in circumstances where the scheme applies;
- “redress scheme” means a redress scheme for which provision is made by order under section 83 or 84 of the Enterprise and Regulatory Reform Act 2013.”

**Before Schedule 9**

BARONESS HAYTER OF KENTISH TOWN  
LORD STEVENSON OF BALMACARA

- 44D** Insert the following new Schedule –
- “SCHEDULE
- PROTECTION OF CONSUMER INTERESTS IN THE HOUSING SECTOR
- Prohibition of the practice of double charging*
- 1 The Consumer Protection from Unfair Trading Regulations 2008 are amended as follows.

Amendment  
No.

**Before Schedule 9 – continued**

- 2 After regulation 12, insert –
- “12A Offences relating to the sale of property to consumers and the conduct of third parties**
- (1) A trader commits an offence if he or she requires a consumer to pay a charge for, or be liable for, an element of a good or service that another party has also been charged for in the course of the same transaction.
  - (2) For the purpose of this offence, a trader shall include anyone carrying out estate agency work or letting agency work.
  - (3) In this regulation, “estate agency work” is as defined in the Estate Agent Act 1979 as amended by the Enterprise and Regulatory Reform Act 2013.

*Prohibition of fees on letting of residential accommodation*

- 3 The Consumer Protection from Unfair Trading Regulations 2008 are amended as follows.
- 4 After regulation 12, insert –
- “12B Offences relating to the letting of property to a consumer and the conduct of third parties**
- (1) Subject to the provisions of this regulation, any person who demands or accepts payment of any sum of money from a person (“P”) for services in connection with the letting of residential premises shall be guilty of an offence.
  - (2) For the purposes of paragraph (1), P is any person who seeks residential accommodation which is to let or who has a tenancy of, or other right or permission to occupy, residential premises.
  - (3) For the purposes of paragraph (1), “letting” shall include any service provided in connection with the advertisement or marketing of residential accommodation or with the grant or renewal of a tenancy; and “services” shall (by way of example only) include the registration of persons seeking accommodation, the selection of prospective occupiers, any work associated with the production or completion of written agreements or other relevant documents and not include credit checks of persons seeking accommodation.
  - (4) Where a person unlawfully demands or accepts payment under this section in the course of his employment, the employer or principal of that person shall also be guilty of an offence.
  - (5) A person shall not be guilty of an offence under this section by reason of his demanding or accepting payment of rent or of a tenancy deposit within the meaning of section 212(8) of the Housing Act 2004.
  - (6) A person shall not be guilty of an offence under this section by reason of his demanding or accepting a holding deposit.

Amendment  
No.

**Before Schedule 9 – continued**

- (7) A “holding deposit” for the purposes of paragraph (6) is a sum of money demanded of or accepted from a person in good faith (not being greater than two weeks’ rent for the accommodation in question) for the purpose of giving priority to that person in relation to the letting of a specific property, which sum is to be credited towards the tenancy deposit or rent upon the grant of a tenancy of that property.
- (8) Costs incurred by persons seeking accommodation for the undertaking of credit checks shall be reimbursed upon the signing of a tenancy agreement.
- (9) In this regulation, any reference to the grant or renewal of a tenancy shall include the grant or renewal or continuance of a lease or licence of, or other right or permission to occupy, residential premises.
- (10) In this regulation, “rent” shall include any occupation charge under a licence.
- (11) A person shall not be guilty of an offence under this regulation by reason of his demanding or accepting payment from the owner of a property of any remuneration payable to him as agent for the said owner.
- (12) A person being a solicitor shall not be guilty of an offence under this section by reason of his demanding or accepting payment of any remuneration in respect of business done by him as such.
- (13) Any person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.
- (14) In this regulation “owner” means the person having power to grant a tenancy of residential premises.””

**After Clause 86**

BARONESS NEVILLE-ROLFE

45 Insert the following new Clause –

**“CHAPTER 3A**

STUDENT COMPLAINTS SCHEME

**Qualifying institutions for the purposes of the student complaints scheme**

- (1) The Higher Education Act 2004 is amended as follows.

**Amendment  
No.**

**After Clause 86 – continued**

- (2) In section 11 (qualifying institutions for the purposes of the student complaints scheme) after paragraph (d) insert –
- “(e) an institution (other than one within another paragraph of this section) which provides higher education courses which are designated for the purposes of section 22 of the 1998 Act by or under regulations under that section;
  - (f) an institution (other than one within another paragraph of this section) whose entitlement to grant awards is conferred by an order under section 76(1) of the 1992 Act.”
- (3) In section 12 (qualifying complaints for the purposes of the student complaints scheme) –
- (a) in subsection (1) for “subsection (2)” substitute “subsections (2) and (3)”, and
  - (b) after subsection (2) insert –
- “(3) The designated operator may determine that a complaint within subsection (1) about an act or omission of a qualifying institution within paragraph (e) or (f) of section 11 is a qualifying complaint only if it is made by a person who is undertaking or has undertaken a particular course or a course of a particular description.””

BARONESS HAYTER OF KENTISH TOWN  
LORD STEVENSON OF BALMACARA

**46** Insert the following new Clause –

**“Service contracts relating to students: complaints**

In cases where there is a contract under Chapter 4 of Part 1 to supply a service between a student (as the consumer) and an institution (as the trader), the following are qualifying institutions for the purposes of Part 2 of the Higher Education Act 2004, insofar as any complaint under the provisions of the 2004 Act relates to that service contract –

- (a) an institution granted specific course designation by the Secretary of State pursuant to regulation 5 of the Education (Student Support) Regulations 2011 (SI 2011/1986) and section 22(1) of the Teaching and Higher Education Act 1998; and
- (b) an institution granted degree awarding powers under section 76 of the Further and Higher Education Act 1992.”

Amendment  
No.

**After Clause 86 – continued**

THE LORD BISHOP OF TRURO  
LORD ALTON OF LIVERPOOL  
LORD MITCHELL

47 Insert the following new Clause –

**“High-cost short-term consumer credit market regulations**

- (1) Within six months of the passing of this Act, the Secretary of State must by regulations made by statutory instrument direct a designated body to prohibit public communications, including promotional material and any promotional activities, which concern a high cost consumer credit service from targeting people below the age of 18, including by regulating the content and timing of such communications with a view to protecting children and other vulnerable persons from harm or exploitation.
- (2) In subsection (1), “designated body” means a body specified by the Secretary of State in regulations made under that subsection.
- (3) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

THE LORD BISHOP OF TRURO  
LORD ALTON OF LIVERPOOL

48 Insert the following new Clause –

**“High-cost short-term credit: unsolicited marketing**

- (1) Within six months of the passing of this Act, the Secretary of State must make regulations made by statutory instrument to prevent the sale of high-cost short-term credit through unsolicited marketing calls.
- (2) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

LORD CLEMENT-JONES  
BARONESS HAYTER OF KENTISH TOWN  
LORD STEVENSON OF BALMACARA

49 Insert the following new Clause –

**“Communications services: change of service provider**

In section 3 of the Communications Act 2003 (general duties of OFCOM), after subsection (2)(f) insert –

- “(g) the maintenance of processes that promote the consumer interest and competition, to include a switching regime that is led by the receiving provider”.”

Amendment  
No.

**After Clause 86 – continued**

BARONESS OPPENHEIM-BARNES

50 Insert the following new Clause –

**“Obligations on suppliers of utilities**

- (1) This section applies to suppliers of electricity, gas, water, sewage systems, telephony (including mobile telephony), internet connections and analogous utilities (“utilities suppliers”) and consumers of those utilities.
- (2) At the consumer’s request, which can be done by any means at any time, including at the time of signature of the contract, forthcoming bills shall be sent to that consumer in paper format free of charge instead of the digital version proposed by the utilities suppliers.
- (3) If the request is introduced when the contract has already started, it will be taken into account within 10 working days after the date of request.
- (4) This section applies equally to those who wish to pay by cheque.
- (5) In this section, “cheque” has the meaning given in the Bills of Exchange Act 1882.”

BARONESS HAYTER OF KENTISH TOWN  
LORD STEVENSON OF BALMACARA

50A Insert the following new Clause –

**“Mandatory caller line identification**

- (1) The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426) (“the Regulations”) are amended as follows.
- (2) In regulation 2(1), between the definitions of “the Directive” and “electronic communications network” insert –
  - ““domestic caller” means any subscriber or user, other than a non-domestic caller, who uses a public electronic communications service for the purpose of making a call;”.
- (3) In regulation 2(1), between the definitions of “local data” and “OFCOM” insert –
  - ““non-domestic caller” means –
    - (a) a corporate subscriber that uses a public electronic communications service for the purpose of making calls; or
    - (b) any other subscriber or user who uses a public electronic communications service for the purpose of making unsolicited calls for direct marketing purposes;”.
- (4) In regulation 10(1), after the words “to outgoing calls” insert the words “made by a domestic caller”.
- (5) After regulation 10 insert –

**“10A Provision of calling and connected line identification – outgoing calls**

- (1) This regulation applies to outgoing calls made by a non-domestic caller.

Amendment  
No.

**After Clause 86** – *continued*

- (2) A non-domestic caller must receive the direct consent of a consumer prior to sending marketing and advertising messages by electronic means, such as by telephone, fax, email, text, picture or video message, or by using an automated calling system.
  - (3) The provider of a public electronic communications service shall provide users originating a call by means of that service with a facility to enable the presentation of calling line identification and connected line identification to the recipient of the call.
  - (4) Non-domestic callers shall ensure that calling line identification and connected line identification is presented to the recipient of an outgoing call, unless the recipient makes use of a facility provided under regulation 11(2).
  - (5) Where OFCOM determines that there are reasonable grounds to exempt a non-domestic caller or group of non-domestic callers from the requirements in paragraph (4), it may issue a notification under this regulation.
  - (6) A notification under paragraph (5) is one which –
    - (a) states that the non-domestic caller or group of non-domestic callers is exempt from the requirements in paragraph (4);
    - (b) specifies the period during which the exemption applies;
    - (c) imposes any conditions on the exemption that OFCOM believes are appropriate.
  - (7) OFCOM must arrange for the publication of any notifications made under paragraph (5) in such form and manner as it considers appropriate.
  - (8) OFCOM must consider an application for a notification under paragraph (5) made by a non-domestic caller or group of non-domestic callers.
  - (9) OFCOM may prepare and issue guidance (including altered or replacement guidance) in relation to notifications under paragraph (5), including as to –
    - (a) factors that might affect whether a notification under paragraph (5) is or is not given; and
    - (b) the procedure that OFCOM will adopt in considering applications made under paragraph (8).
  - (10) OFCOM must arrange for the publication of any guidance issued under paragraph (9) in such form and manner as it considers appropriate.
  - (11) In this regulation “recipient” means a subscriber whose line is the called line or connected line with regard to an outgoing call made by a non-domestic caller.”
- (6) After regulation 11(1) insert –
- “(1A) The provider of a public electronic communications service shall provide subscribers to the service with a facility enabling the presentation of the calling line identification and connected line identification of incoming calls to the subscriber’s line.



Amendment  
No.

**After Clause 86 – continued**

- (1B) The facility to be provided under paragraph (1A) shall be provided free of charge.”
- (7) In regulation 11(2) omit the words “Where a facility enabling the presentation of calling line identification is available”.
- (8) In regulation 11(3) omit the words –
- (a) “Where a facility enabling the presentation of calling line identification prior to the call being established is available”; and
  - (b) “where the presentation of the calling line identification has been prevented by the calling user or subscriber”.
- (9) In regulation 11(4) omit the words “Where a facility enabling the presentation of connected line identification is available”.
- (10) In regulation 12 for the words “Where a provider of a public electronic communications service provides facilities for calling or connected line identification, he shall provide information to the public regarding the availability of such facilities” substitute the words “A provider of a public electronic communications service shall provide information to the public regarding the availability of calling or connected line identification facilities”.
- (11) The Secretary of State may exempt organisations from the application of this section.
- (12) The Secretary of State must consult with OFCOM and any other relevant organisations on these exemptions.”

LORD STEVENSON OF BALMACARA  
BARONESS HAYTER OF KENTISH TOWN

**50B** Insert the following new Clause –

**“Payday lenders levy**

The Secretary of State shall produce an annual report on the level at which a levy on lenders in the high cost consumer credit market should be set and bring forward measures to ensure –

- (a) provision of free debt advice for vulnerable consumers; and
- (b) provision of affordable alternative credit through credit unions.”

BARONESS HAYTER OF KENTISH TOWN  
LORD STEVENSON OF BALMACARA

**50C** Insert the following new Clause –

**“Requirements for statutory regulators**

- (1) Within three months of the passing of this Act, the Secretary of State shall set out in guidance requirements for all statutory regulators to provide –
  - (a) formal representation for consumers on all governance bodies;
  - (b) an annual competition and consumer rights health check within their industry which has been approved by the Consumer Association; and

Amendment  
No.

**After Clause 86 – continued**

- (c) periodic consideration of whether there is a need for independent advice, free at the point of delivery, to ensure consumers' rights are protected.
- (2) If there is a need under subsection (1)(c), the Secretary of State shall review the case for the introduction of levies to support that provision."

BARONESS HOWE OF IDLICOTE  
BARONESS KING OF BOW  
LORD CORMACK

50D

Insert the following new Clause –

**“Duty to provide an internet service that protects children from digital content**

- (1) Internet service providers must provide to subscribers an internet access service which excludes adult content unless all the conditions of subsection (3) have been fulfilled.
- (2) Where mobile telephone operators provide a telephone service to subscribers which includes an internet access service, they must ensure this service excludes adult content unless all the conditions of subsection (3) have been fulfilled.
- (3) The conditions are –
  - (a) the subscriber “opts-in” to subscribe to a service that includes adult content;
  - (b) the subscriber is aged 18 or over; and
  - (c) the provider of the service has an age verification policy which meets the standards set out by OFCOM in subsection (4) and which has been used to confirm that the subscriber is aged 18 or over before a user is able to access adult content.
- (4) It shall be the duty of OFCOM, to set, and from time to time to review and revise, standards for the –
  - (a) filtering of adult content in line with the standards set out in section 319 of the Communications Act 2003 (OFCOM’s standards code);
  - (b) age verification policies to be used under subsection (3) before a user is able to access adult content; and
  - (c) filtering of content by age or subject category by providers of internet access services and mobile phone operators.
- (5) The standards set out by OFCOM under subsection (4) must be contained in one or more codes.
- (6) Before setting standards under subsection (5), OFCOM must publish, in such a manner as they think fit, a draft of the proposed code containing those standards.
- (7) After publishing the draft code and before setting the standards, OFCOM must consult relevant persons and organisations.
- (8) It shall be the duty of OFCOM to establish procedures for the handling and resolution of complaints in a timely manner about the observance of standards set under subsection (4), including complaints about incorrect filtering of content.

Amendment  
No.

**After Clause 86 – continued**

- (9) OFCOM may designate any body corporate to carry out its duties under this section in whole or in part.
- (10) OFCOM may not designate a body under subsection (9) unless, as respects that designation, they are satisfied that the body –
- (a) is a fit and proper body to be designated;
  - (b) has consented to being designated;
  - (c) has access to financial resources that are adequate to ensure the effective performance of its functions under this section; and
  - (d) is sufficiently independent of providers of internet access services and mobile phone operators.
- (11) In this section, internet service providers and mobile telephone operators shall at all times be held harmless of any claims or proceedings, whether civil or criminal, providing that at the relevant time, the internet access provider or the mobile telephone operator –
- (a) was following the standards and code set out by OFCOM in subsection (4); and
  - (b) acting in good faith.
- (12) For the avoidance of doubt, nothing in subsections (1) and (2) prevents providers of internet access services and mobile phone operators from providing additional levels of filtering content.
- (13) In this section –
- “adult content” means an internet access service that contains harmful and offensive materials from which persons under the age of eighteen are protected;
  - “harmful and offensive materials” has the same meaning as in section 3 of the Communications Act 2003 (general duties of OFCOM);
  - “material from which persons under the age of eighteen are protected” means material specified in the OFCOM standards under section 319(2)(a) of the Communications Act 2003 (OFCOM’s standards code);
  - “opts-in” means a subscriber notifies the service provider of his or her consent to subscribe to a service that includes adult content.”

BARONESS HAYTER OF KENTISH TOWN  
LORD STEVENSON OF BALMACARA

50E Insert the following new Clause –

**“Protection of tenants against retaliatory eviction**

In section 21 of the Housing Act 1988 (recovery of possession on expiry or termination of assured shorthold tenancy), after subsection (7) insert –

- (8) The Secretary of State must issue guidance on how tenants can be protected from retaliatory eviction through the service of a notice under this section.
- (9) For the purposes of this section, “retaliatory eviction” is defined as when a landlord unreasonably issues a notice under this section as a result of the tenant seeking protection of their rights under this Act.”

**Amendment  
No.**

**Clause 88**

BARONESS NEVILLE-ROLFE

- 51** Page 48, line 12, at end insert “or 3A”  
**52** Page 48, line 16, after “3” insert “or 3A”

**Clause 91**

BARONESS NEVILLE-ROLFE

- 53** Page 48, line 39, leave out “Chapter 3 of this Part comes” and insert “Chapters 3 and 3A of this Part come”



# Consumer Rights Bill

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SECOND  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*20th November 2014*

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