

Digital Economy Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD FOX
LORD CLEMENT-JONES

Page 1, leave out lines 11 and 12 and insert –

- “(2B) The universal service order must specify that, by 2020, the following will be available in every household in the United Kingdom –
- (a) download speeds of 30 megabits per second;
 - (b) upload speeds of 6 megabits per second;
 - (c) fast response times;
 - (d) committed information rates of 10 megabits per second;
 - (e) an unlimited usage cap.
- (2BA) The Secretary of State must review the specifications under subsection (2B) annually, and must increase the speeds specified in subsection (2B) as fibre to the premises (FTTP) coverage increases.”

After Clause 23

LORD ASHTON OF HYDE

Insert the following new Clause –

“No power to give notice under section 23(1) where detrimental to national security etc

- (1) Before giving a notice under section 23 (1) requiring an internet service provider to –
 - (a) take steps referred to in section 23 (2)(c)(i), or
 - (b) put in place arrangements referred to in section 23 (2)(c)(ii),the regulator must consider whether the steps or arrangements would be likely to be detrimental to a matter mentioned in subsection (3).
- (2) The regulator may not give a notice under section 23 (1) where it appears to the regulator that the steps or arrangements would be likely to be detrimental to any of those matters.
- (3) The matters are –

After Clause 23 - continued

- (a) national security;
- (b) the prevention or detection of serious crime, within the meaning given in section 263(1) of the Investigatory Powers Act 2016;
- (c) the prevention or detection of an offence listed in Schedule 3 to the Sexual Offences Act 2003.”

Clause 33

LORD ASHTON OF HYDE

Page 32, line 31, leave out from “behaviour” to end of line 33 and insert “means conduct that—

- (a) is likely to cause harassment, alarm or distress to any person, or
- (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

Page 33, line 15, leave out from “by” to end of line 16 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Page 33, line 16, at end insert—

- “() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (8)(b) has effect as if it included a reference to that Part.”

Clause 34

LORD ASHTON OF HYDE

Page 33, line 35, at end insert—

- “() which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),
- () consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest,”

Page 33, line 43, leave out from “behaviour” to end of line 45 and insert “means conduct that—

- (a) is likely to cause harassment, alarm or distress to any person, or
- (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

Clause 35

LORD ASHTON OF HYDE

Page 34, line 25, leave out “(“P”)”

Clause 35 - continued

Page 34, leave out lines 26 and 27 and insert “by that person”

Clause 38

LORD ASHTON OF HYDE

Page 37, line 36, leave out paragraphs (a) and (b) and insert—

- “() a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006, or
- () a person providing services to a devolved Welsh authority as defined by that section.”

Clause 42

LORD ASHTON OF HYDE

Page 42, line 29, leave out from “behaviour” to end of line 31 and insert “means conduct that—

- (a) is likely to cause harassment, alarm or distress to any person, or
- (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

Page 43, line 10, leave out from “by” to end of line 11 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Page 43, line 11, at end insert—

- “() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (8)(b) has effect as if it included a reference to that Part.”

Clause 43

LORD ASHTON OF HYDE

Page 43, line 29, at end insert—

- “() which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),
- () consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest,”

Page 43, line 34, leave out from “behaviour” to end of line 36 and insert “means conduct that—

- (a) is likely to cause harassment, alarm or distress to any person, or

Clause 43 - continued

- (b) is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises."

Clause 44

LORD ASHTON OF HYDE

Page 44, line 16, leave out "(P)"

Page 44, leave out lines 17 and 18 and insert "by that person"

Clause 45

LORD STEVENSON OF BALMACARA

Page 44, line 40, at end insert –

"(3A) A specified person is required to ensure that he or she complies with the code of practice in respect of any action taken in connection with a debt listed in section 41(3)."

Page 44, line 40, at end insert –

"() Any person capable of being a specified person in regulations made under section 41(4) is required to follow the code of practice in respect of any action taken in connection with a debt listed in section 41(3)."

Clause 48

LORD ASHTON OF HYDE

Page 48, line 25, leave out paragraphs (a) and (b) and insert –

- "() a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006, or
 () a person providing services to a devolved Welsh authority as defined by that section."

Clause 50

LORD ASHTON OF HYDE

Page 50, line 28, leave out from "behaviour" to end of line 30 and insert "means conduct that –

- (a) is likely to cause harassment, alarm or distress to any person, or
 (b) is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises."

Page 51, line 8, leave out from "by" to end of line 9 and insert "any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016."

Clause 50 - continued

Page 51, line 9, at end insert –

- “() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (8)(b) has effect as if it included a reference to that Part.”

Clause 51

LORD ASHTON OF HYDE

Page 51, line 27, at end insert –

- “() which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),
- () consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest,”

Page 51, line 35, leave out from “behaviour” to end of line 37 and insert “means conduct that –

- (a) is likely to cause harassment, alarm or distress to any person, or
- (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

Clause 52

LORD ASHTON OF HYDE

Page 52, line 19, leave out “(“P”)”

Page 52, leave out lines 20 and 21 and insert “by that person”

Clause 56

LORD ASHTON OF HYDE

Page 56, line 22, leave out paragraphs (a) and (b) and insert –

- “() a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006, or
- () a person providing services to a devolved Welsh authority as defined by that section.”

Clause 57

LORD ASHTON OF HYDE

Page 57, line 14, at end insert –

- “() Information may be disclosed under subsection (5)(b) –

Clause 57 - continued

- (a) only with the consent of the Commissioners for Her Majesty's Revenue and Customs, if it is information to which section 60 (2) applies;
- (b) only with the consent of the Welsh Revenue Authority, if it is information to which section (*Information disclosed by the Welsh Revenue Authority*)(5) applies;
- (c) only with the consent of Revenue Scotland, if it is information to which section (*Information disclosed by Revenue Scotland*)(5) applies."

Page 57, leave out lines 27 to 30 and insert –

“() any person (including the public authority) who is involved in processing the information for disclosure under subsection (1);”

Clause 58

LORD ASHTON OF HYDE

Page 58, line 11, leave out from “by” to end of line 12 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Page 58, line 12, at end insert –

“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (2)(b) has effect as if it included a reference to that Part.”

Clause 59

LORD ASHTON OF HYDE

Page 58, line 28, at end insert –

“(A1) Subsection (A2) applies to personal information –

- (a) in which the identity of a particular person is specified or from which the identity of a particular person can be deduced, whether from the information itself or from that information taken together with any other published information, and
- (b) which is received by a person (“P”) under section 57 (1)(disclosure for research purposes).

(A2) Personal information to which this subsection applies may not be disclosed –

- (a) by P, or
- (b) by any other person who has received it directly or indirectly from P.

(A3) Subsection (A2) does not apply to a disclosure –

- (a) to a person by whom the research referred to in section 57(1) is being or is to be carried out, or
- (b) by a person by whom such research is being or has been carried out –
 - (i) for the purposes of enabling anything that is to be published as a result of the research to be reviewed before publication, and

Clause 59 - *continued*

- (ii) to a person who is accredited under section 62 as a person to whom such information may be disclosed for that purpose.”

Page 58, line 29, leave out “This section” and insert “Subsection (2)”

Page 58, line 33, leave out “section” and insert “subsection”

Page 58, line 35, at end insert –

- “() Subsection (2) does not apply to a disclosure –
 - (a) under section 57 (1) or (5), or
 - (b) of information previously disclosed under section 57 (1), where the disclosure is made by –
 - (i) the person to whom the information was disclosed under that provision, or
 - (ii) any person who has received the information directly or indirectly from the person mentioned in sub-paragraph (i),
(but subsection (A2) may apply to such a disclosure).”

Page 58, line 36, after “Subsection” insert “(A2) or”

Page 58, line 37, leave out “(including section 57(5))”

Page 59, line 5, after “criminal),” insert –

- “() which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),
- () consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest,”

Page 59, line 16, leave out from “behaviour” to end of line 18 and insert “means conduct that –

- (a) is likely to cause harassment, alarm or distress to any person, or
- (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

Page 59, line 21, after “subsection” insert “(A2) or”

Page 59, line 40, leave out “57(5)” and insert “57 (1) or (5)”

Page 59, line 40, at end insert “, the Welsh Revenue Authority or Revenue Scotland”

Clause 60

LORD ASHTON OF HYDE

Page 59, line 41, at end insert –

“(A1) Subsection (A2) applies to personal information –

- (a) in which the identity of a particular person is specified or from which the identity of a particular person can be deduced, whether from the information itself or from that information taken together with any other published information, and
- (b) which –
 - (i) is disclosed under section 57 (1)(disclosure for research purposes) by the Revenue and Customs, or
 - (ii) is disclosed under section 57 (1) by a person other than the Revenue and Customs and is derived from information disclosed under section 57 (5) by the Revenue and Customs,
 and is received by a person (“P”) under section 57(1).

(A2) Personal information to which this subsection applies may not be disclosed by P.

(A3) Subsection (A2) does not apply to a disclosure –

- (a) to a person by whom the research referred to in section 57 (1) is being or is to be carried out, or
- (b) by a person by whom such research is being or has been carried out –
 - (i) for the purposes of enabling anything that is to be published as a result of the research to be reviewed before publication, and
 - (ii) to a person who is accredited under section 62 as a person to whom such information may be disclosed for that purpose.”

Page 59, line 42, leave out “This section” and insert “Subsection (2)”

Page 60, line 1, leave out “section” and insert “subsection”

Page 60, line 3, leave out “directly or indirectly from P” and insert “under section 57 (5)”

Page 60, line 3, at end insert –

“() Subsection (2) does not apply to a disclosure under section 57 (1).”

Page 60, line 4, after “Subsection” insert “(A2) or”

Page 60, line 7, after “subsection” insert “(A2) or”

After Clause 60

LORD ASHTON OF HYDE

Insert the following new Clause—

“Information disclosed by the Welsh Revenue Authority

- (1) Subsection (2) applies to personal information—
 - (a) in which the identity of a particular person is specified or from which the identity of a particular person can be deduced, whether from the information itself or from that information taken together with any other published information, and
 - (b) which—
 - (i) is disclosed under section 57 (1)(disclosure for research purposes) by the Welsh Revenue Authority, or
 - (ii) is disclosed under section 57 (1) by a person other than the Welsh Revenue Authority and is derived from information disclosed under section 57 (5) by the Welsh Revenue Authority, and is received by a person (“P”) under section 57(1).
- (2) Personal information to which this subsection applies may not be disclosed by P.
- (3) Subsection (2) does not apply to a disclosure—
 - (a) to a person by whom the research referred to in section 57 (1) is being or is to be carried out, or
 - (b) by a person by whom such research is being or has been carried out—
 - (i) for the purposes of enabling anything that is to be published as a result of the research to be reviewed before publication, and
 - (ii) to a person who is accredited under section 62 as a person to whom such information may be disclosed for that purpose.
- (4) Subsection (5) applies to personal information which—
 - (a) identifies a particular person, and
 - (b) is disclosed by the Welsh Revenue Authority under section 57 (5)(disclosure for processing) and received by a person (“P”).
- (5) Personal information to which this subsection applies may not be disclosed—
 - (a) by P, or
 - (b) by any other person who has received it under section 57 (5).
- (6) Subsection (5) does not apply to a disclosure under section 57 (1).
- (7) Subsection (2) or (5) does not apply to a disclosure which is made with the consent of the Welsh Revenue Authority (which may be general or specific).
- (8) A person who contravenes subsection (2) or (5) is guilty of an offence.
- (9) It is a defence for a person charged with an offence under subsection (8) to prove that the person reasonably believed—
 - (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (10) A person who is guilty of an offence under subsection (8) is liable—

After Clause 60 - continued

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine, or to both;
 - (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.
- (11) In the application of subsection (10)(a) to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 the reference to 12 months is to be read as a reference to 6 months.”

Insert the following new Clause—

“Information disclosed by Revenue Scotland

- (1) Subsection (2) applies to personal information—
 - (a) in which the identity of a particular person is specified or from which the identity of a particular person can be deduced, whether from the information itself or from that information taken together with any other published information, and
 - (b) which—
 - (i) is disclosed under section 57 (1)(disclosure for research purposes) by Revenue Scotland, or
 - (ii) is disclosed under section 57 (1) by a person other than Revenue Scotland and is derived from information disclosed under section 57 (5) by Revenue Scotland,
 and is received by a person (“P”) under section 57(1).
- (2) Personal information to which this subsection applies may not be disclosed by P.
- (3) Subsection (2) does not apply to a disclosure—
 - (a) to a person by whom the research referred to in section 57 (1) is being or is to be carried out, or
 - (b) by a person by whom such research is being or has been carried out—
 - (i) for the purposes of enabling anything that is to be published as a result of the research to be reviewed before publication, and
 - (ii) to a person who is accredited under section 62 as a person to whom such information may be disclosed for that purpose.
- (4) Subsection (5) applies to personal information which—
 - (a) identifies a particular person, and
 - (b) is disclosed by Revenue Scotland under section 57 (5)(disclosure for processing) and received by a person (“P”).
- (5) Personal information to which this subsection applies may not be disclosed—
 - (a) by P, or
 - (b) by any other person who has received it under section 57 (5).
- (6) Subsection (5) does not apply to a disclosure under section 57 (1).
- (7) Subsection (2) or (5) does not apply to a disclosure which is made with the consent of Revenue Scotland (which may be general or specific).
- (8) A person who contravenes subsection (2) or (5) is guilty of an offence.

After Clause 60 - continued

- (9) It is a defence for a person charged with an offence under subsection (8) to prove that the person reasonably believed –
- (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (10) A person who is guilty of an offence under subsection (8) is liable –
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
 - (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.”

Clause 61

LORD ASHTON OF HYDE

Page 60, line 18, after “of” insert “personal”

Page 60, line 20, after “of” insert “personal”

Page 60, line 24, after “disclosing” insert “personal information”

Page 60, line 29, leave out “or (c)” and insert “, (c) or (ca)”

Page 60, line 30, after “using” insert “personal”

Clause 62

LORD ASHTON OF HYDE

Page 61, line 18, at end insert –

“(ca) may accredit a person as a person to whom such information may be disclosed for the purposes of a review of the kind mentioned in section 59 (A3)(b), 60 (A3)(b), (*Information disclosed by the Welsh Revenue Authority*)(3)(b) or (*Information disclosed by Revenue Scotland*)(3)(b),”

Page 61, line 19, leave out “that section” and insert “section 57 ”

Page 61, line 23, leave out “or (c)” and insert “, (c) or (ca)”

Page 62, line 11, at end insert “, and

() a register of persons who are accredited under subsection (1)(ca).”

Clause 67

LORD ASHTON OF HYDE

Page 65, line 15, leave out from “by” to “or” in line 16 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”

Page 65, line 18, at end insert –

“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (9)(b) has effect as if it included a reference to that Part.”

Clause 68

LORD ASHTON OF HYDE

Page 66, line 25, leave out from “by” to “or” in line 26 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”

Page 66, line 28, at end insert –

“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (3)(b) has effect as if it included a reference to that Part.”

Page 67, line 18, leave out “Wales public authority” and insert “devolved Welsh authority”

Page 68, line 21, leave out “Wales public authority” and insert “devolved Welsh authority”

Page 68, line 38, leave out from “by” to “or” in line 39 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”

Page 68, line 41, at end insert –

“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (13)(c) has effect as if it included a reference to that Part.”

Page 69, line 25, leave out from “by” to end of line 26 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Page 69, line 26, at end insert –

“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (9)(c) has effect as if it included a reference to that Part.”

Clause 69

LORD ASHTON OF HYDE

Page 72, line 23, at end insert “, or

() the Registrar General for Northern Ireland.”

Page 73, line 16, leave out from “by” to “or” in line 17 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”

Page 73, line 19, at end insert –

“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (10)(c) has effect as if it included a reference to that Part.”

After Clause 79

LORD BORWICK

Insert the following new Clause –

“On-demand programme services: accessibility for people with disabilities

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 368BB insert –

*“Accessibility***368BC Accessibility for people with disabilities**

- (1) The Secretary of State may by regulations impose requirements on providers of on-demand programme services for the purpose of ensuring that their services are accessible to people with disabilities affecting their sight or hearing or both.
- (2) The requirements that may be imposed include –
 - (a) requirements for programmes included in the services to be accompanied by subtitling;
 - (b) requirements for such programmes to be accompanied by audio-description for the blind;
 - (c) requirements for such programmes to be presented in, or translated into, sign language.
- (3) Before making regulations under this section, the Secretary of State must consult –
 - (a) the appropriate regulatory authority, and
 - (b) (where they are not the appropriate regulatory authority) OFCOM.

368BD Enforcement of regulations under section 368BC

- (1) Where the appropriate regulatory authority determines that a provider of an on-demand programme service is contravening or has contravened regulations under section 368BC, they may do one or both of the following –
 - (a) give the provider an enforcement notification under this section;

After Clause 79 - continued

- (b) impose a penalty on the provider in accordance with section 368J.
- (2) The appropriate regulatory authority must not make a determination as mentioned in subsection (1) unless there are reasonable grounds for believing that a contravention of the regulations is occurring or has occurred and they have allowed the provider an opportunity to make representations about that apparent contravention.
- (3) An enforcement notification under this section is a notification which specifies the determination made as mentioned in subsection (1) and imposes a requirement on the provider to take all such steps for complying with the regulations and for remedying the consequences of the contravention of the regulations as may be specified in the notification.
- (4) An enforcement notification must—
 - (a) include reasons for the appropriate regulatory authority’s decision to give the enforcement notification, and
 - (b) fix a reasonable period for taking the steps required by the notification.
- (5) It is the duty of a provider to whom an enforcement notification is given to comply with it.
- (6) That duty is enforceable in civil proceedings by the appropriate regulatory authority—
 - (a) for an injunction,
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
 - (c) for any other appropriate remedy or relief.
- (7) If a provider to whom an enforcement notification has been given does not comply with it within the period fixed by the appropriate regulatory authority in that enforcement notification the appropriate regulatory authority may impose a financial penalty on the provider in accordance with section 368J.”
- (3) In section 368C (duties of the appropriate regulatory authority), omit subsection (2).
- (4) After that section insert—

“368CA Code on accessibility for people with disabilities

 - (1) It is the duty of the appropriate regulatory authority to draw up, and from time to time review and revise, a code giving guidance as to—
 - (a) the steps to be taken by providers of on-demand programme services so as to meet the requirements of regulations under section 368BC, and
 - (b) other steps to be taken by providers who are subject to requirements under the regulations to ensure that their services are made progressively more accessible to people with disabilities affecting their sight or hearing or both.
 - (2) The appropriate regulatory authority must publish the code drawn up under this section, and every revision of it, in such manner as, having regard to the need to make the code or revision accessible to—

After Clause 79 - continued

- (a) persons who are deaf or hard of hearing,
 - (b) persons who are blind or partially sighted, and
 - (c) persons with a dual sensory impairment,
- they consider appropriate.”
- (5) In section 368J(1)(financial penalties), after “368BB” insert “, 368BD”.
 - (6) In section 368K(1)(suspension or restriction of service for contraventions) –
 - (a) in paragraph (a), after “368D” insert “, or of regulations under section 368BC”,
 - (b) in paragraph (b) –
 - (i) after “368D” insert “or the regulations”, and
 - (ii) for “or 368I” substitute “, 368I or 368BC”.
 - (7) In section 368O(2)(a)(power to demand information), after “368D” insert “, or of regulations under section 368CA,”.

After Clause 84

LORD ASHTON OF HYDE

Insert the following new Clause –

*“Internet filters***Internet filters**

- (1) A provider of an internet access service to an end-user may prevent or restrict access on the service to information, content, applications or services, for child protection or other purposes, if the action is in accordance with the terms on which the end-user uses the service.
- (2) This section does not affect whether a provider of an internet access service may prevent or restrict access to anything on the service in other circumstances.
- (3) In this section –
 - “end-user” means an end-user of a public electronic communications service, within the meaning given by section 151(1) of the Communications Act 2003;
 - “internet access service” has the meaning given by Article 2(2) of Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25th November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union.”

Clause 89

LORD ASHTON OF HYDE

Page 90, line 15, after “40” insert “and Chapter 5 so far as that Chapter relates to the disclosure of information by the Welsh Revenue Authority”

Clause 89 - continued

Page 90, line 17, at end insert –

- “() Chapter 5 of Part 5, so far as relating to the disclosure of information by the Welsh Revenue Authority, comes into force on whatever day the Welsh Ministers appoint by regulations made by statutory instrument.”

Schedule 1

LORD ASHTON OF HYDE

Page 97, leave out lines 11 to 40 and insert –

- “(1) Any agreement under Part 2 of this code is void to the extent that –
- (a) it prevents or limits assignment of the agreement to another operator, or
 - (b) it makes assignment of the agreement to another operator subject to conditions (including a condition requiring the payment of money).
- (2) Sub-paragraph (1) does not apply to a term that requires the assignor to enter into a guarantee agreement (see sub-paragraph (5B)).
- (3) In this paragraph references to “the assignor” or “the assignee” are to the operator by whom or to whom an agreement under Part 2 of this code is assigned or proposed to be assigned.
- (4) From the time when the assignment of an agreement under Part 2 of this code takes effect, the assignee is bound by the terms of the agreement.
- (5) The assignor is not liable for any breach of a term of the agreement that occurs after the assignment if (and only if), before the breach took place, the assignor or the assignee gave a notice in writing to the other party to the agreement which –
- (a) identified the assignee, and
 - (b) provided an address for service (for the purposes of paragraph 91(2)(b)) for the assignee.
- (5A) Sub-paragraph (5) is subject to the terms of any guarantee agreement.
- (5B) A “guarantee agreement” is an agreement, in connection with the assignment of an agreement under Part 2 of this code, under which the assignor guarantees to any extent the performance by the assignee of the obligations that become binding on the assignee under sub-paragraph (4)(the “relevant obligations”).
- (5C) An agreement is not a guarantee agreement to the extent that it purports –
- (a) to impose on the assignor a requirement to guarantee in any way the performance of the relevant obligations by a person other than the assignee, or
 - (b) to impose on the assignor any liability, restriction or other requirement of any kind in relation to a time after the relevant obligations cease to be binding on the assignee.
- (5D) Subject to sub-paragraph (5C), a guarantee agreement may –

Schedule 1 - continued

- (a) impose on the assignor any liability as sole or principal debtor in respect of the relevant obligations;
- (b) impose on the assignor liabilities as guarantor in respect of the assignee's performance of the relevant obligations which are no more onerous than those to which the assignor would be subject in the event of the assignor being liable as sole or principal debtor in respect of any relevant obligation;
- (c) make provision incidental or supplementary to any provision within paragraph (a) or (b)."

Page 113, line 15, leave out "or 59(8)"

Page 127, line 32, leave out from beginning to end of line 17 on page 128

In the Title

LORD ASHTON OF HYDE

Line 8, after "functions;" insert "to make provision about internet filters;"

Digital Economy Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

23 January 2017
