

# Digital Economy Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 1**

BARONESS BYFORD

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

- “(2B) The universal service order shall say that broadband connections and services must be provided to any extent—
- (a) with speeds of 10 megabits or more;
  - (b) with appropriate measures to review paragraph (a) to ensure that internet speed levels reflect technological change and needs;
  - (c) with a reasonable cost threshold of £4,000 for users to expect connection under universal service provisions, and a fund established, regulated by OFCOM, to provide individuals with this sum and the ability for this money to be pooled by communities to explore alternative delivery mechanisms.”

LORD MENDELSON  
LORD STEVENSON OF BALMACARA

Page 1, line 12, at end insert—

- “(2BA) Any excess costs associated with subsection (2B) shall not be paid by users of communication service providers.”

LORD CLEMENT-JONES

Page 2, line 23, at end insert—

**“72B Universal service order: annual report**

- (1) OFCOM must publish an annual report on the implementation of the universal service order for all areas pursuant to the provisions of this Act.
- (2) The annual report must include information on—
  - (a) the number of premises that have been supplied with the minimum download speed as specified by the universal service order;
  - (b) the number of premises that have been required to cover some of the cost of connection;

**Clause 1 - continued**

- (c) of the premises under subsection (2)(b), the average cost of connection per premises covered by residents, disaggregated by local authority area;
- (d) the number of premises that have chosen not to be connected via the universal service order after being provided with an estimate;
- (e) the amount of time on average it takes to provide an estimate and connect a premise, disaggregated by local authority area;
- (f) the percentage of premises nationally connected via fibre to the premises (FTTP);
- (g) the take-up of superfast broadband as a proportion of connected premises;
- (h) the measures taken by OFCOM, Government and others to increase take-up of superfast broadband;
- (i) the average time taken by named service providers to reconnect broken connections;
- (j) the number of community schemes set up in that year and the level of subsidy delivered to achieve this; and
- (k) the extent to which the rights of consumers are explained to them.”

**Clause 3**

LORD GORDON OF STRATHBLANE

Page 2, line 37, after “obligation” insert “, permit the end-user to roam (at no extra charge) to other providers which do meet the specified standard or obligation, or deem the contract to have been terminated by a consistent breach”

**Clause 4**

LORD GRANTCHESTER  
LORD STEVENSON OF BALMACARA

Page 3, line 20, at end insert –

“( ) Any rent savings made by mobile network operators as a result of provisions in this section must be invested in efforts to increase geographical coverage.”

**After Clause 4**

LORD GRANTCHESTER  
LORD STEVENSON OF BALMACARA

Insert the following new Clause –

**“Applications to OFCOM to become beneficiary of code**

- (1) The Communications Act 2003 is amended as follows.
- (2) In section 106 (application of the electronic communications code) after subsection (4)(b) insert –

**After Clause 4 - continued**

“(c) the purposes of the provision by him of a collection of 10 or more land or property rights, the sole purpose of which is to hold such lands and rights for the benefit and use by providers of electronic communications networks to enable the proper and efficient provision of their networks.””

**Clause 6**

LORD GRANTCHESTER  
LORD STEVENSON OF BALMACARA

Page 4, leave out lines 19 to 24

Page 4, leave out lines 27 to 29

**Clause 8**

LORD GRANTCHESTER  
LORD STEVENSON OF BALMACARA

Page 6, line 5, after “make” insert “written”

Page 7, line 29, at end insert –

“(g) specifies a right of appeal which the person has against a decision made by OFCOM.”

**After Clause 8**

LORD GRANTCHESTER  
LORD STEVENSON OF BALMACARA

Insert the following new Clause –

**“OFCOM power to impose caps upon wireless telegraphy licenses**

In paragraph 3 of Schedule 1 to the Wireless Telegraphy Act 2006 (information to be provided in connection with applications), at the end insert “, or

(b) that the applicant owns more than 30% of the total useable mobile phone spectrum in the UK and OFCOM has a reasonable belief that the award of further licences would have a damaging impact upon competition in a given electronic communications market.””

**Clause 22**

BARONESS JONES OF WHITCHURCH  
LORD STEVENSON OF BALMACARA

Page 24, line 6, leave out paragraph (b)

Page 24, line 28, leave out “or prohibited material”

**Clause 22 - continued**

Page 24, line 33, leave out “or prohibited material”

Page 24, line 42, leave out “or prohibited material”

**After Clause 29**

LORD STEVENSON OF BALMACARA

Insert the following new Clause –

**“Code of practice on search engines and copyright infringement**

- (1) The Secretary of State may impose by order a code of practice (“the code”) for search engine providers with the purpose of minimising the availability and promotion of copyright infringing services, including those which facilitate copyright infringement by their users.
- (2) Any order made under subsection (1) must include appropriate provisions to ensure compliance with the code by the providers.
- (3) Before imposing the code under subsection (1), the Secretary of State shall publish a draft of the code and consider any representations made to him or her by –
  - (a) search engine providers,
  - (b) rights-holders and their representatives, and
  - (c) any other interested parties.
- (4) The Secretary of State shall regularly review the code to ensure that it provides the most appropriate mechanism to satisfy the purposes set out in subsection (1).”

**After Clause 30**

LORD STOREY

LORD CLEMENT-JONES

Insert the following new Clause –

**“Disclosure of information by local authorities: free school meals**

- (1) The appropriate national authority must make regulations under section 30(6) providing that the disclosure of information held by a local authority to a relevant school to enable them to carry out the duty in section 512 of the Education Act 1996 is a specified objective.
- (2) For the purposes of this section, “disclosure of information” refers to the disclosure of information to a relevant school on the names of –
  - (a) pupils who live within a household that claims council tax benefit;
  - (b) pupils who live within a household that claims housing benefit;
  - (c) pupils who live within a household that claims any other benefits administered by the local authority.
- (3) The objective under subsection (1) may be specified by regulations only if and to the extent that it complies with the condition set in subsection (4).

**After Clause 30 - continued**

- (4) The condition is that the disclosure is for the purpose of assisting children eligible for free school meals to have access to the entitlement under section 512 of the Education Act 1996.
- (5) The local authority must provide a relevant school with information which is sufficient to enable them to identify the children who are eligible for free school meals.
- (6) For the purposes of this Act, a school is “relevant” to a local authority if that school has on its pupil roll a qualifying child resident within that local authority’s area.
- (7) For the purposes of this Act, a “school” is any local authority maintained school, free school or academy, or voluntary-sector alternative provision working with the local authority.
- (8) Local authorities must provide the means for a parent or guardian of a qualifying child to—
  - (a) be notified before their information is shared for the purposes under this section;
  - (b) opt out of the arrangements in subsections (1) to (4);
  - (c) consider opting in to free school meals at the beginning of each academic year, having previously chosen to opt out.
- (9) Local authorities and schools must take all reasonable steps to preserve the confidentiality and right to privacy of qualifying children and their parents or guardians in respect of the information, information-sharing and administrative arrangements provided.”

**After Clause 87**

BARONESS FINLAY OF LLANDAFF

Insert the following new Clause—

**“Active consent of online buyers required for retention and use of contact information**

- (1) A seller of goods or services via the internet must not retain, share or use any contact information provided by buyers for any purpose except directly facilitating the sale of the good or service, unless the buyer has actively consented to the retention, sharing or use of the information.
- (2) For the condition in subsection (1) to be satisfied, the seller must have specified any purposes to which the buyer is consenting.
- (3) The condition in subsection (1) may be satisfied by the buyer ticking a box on the seller’s web page, but it may not be satisfied by the buyer failing to untick such a box which has been pre-filled.
- (4) A seller who contravenes the requirement in subsection (1) is guilty of an offence.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding 10% of the seller’s annual gross operating profit.”

**Schedule 1**

## LORD FOSTER OF BATH

Page 95, line 34, at end insert –

“(e) must be notified to Land Registry, Registers of Scotland or Land and Property Services, whichever is appropriate.”

## LORD GRANTCHESTER

## LORD STEVENSON OF BALMACARA

Page 100, line 14, after “person” insert “where no subsisting contractual agreement exists”

Page 102, line 12, after “be)” insert “taking into account all the terms of that agreement save as provided below and assessed at the date the market value is assessed”

Page 102, line 24, leave out “relevant person” and insert “operator”

Page 148, line 35, at end insert –

“( ) The standard terms must include the code of practice by reference as set out in sub-paragraph (1).”

Page 148, line 42, after “operators” insert “, representative landowners, third party infrastructure providers”

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*26 January 2017*

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