

Digital Economy Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Second Marshalled List]

Amendment
No.

Clause 24

THE EARL OF ERROLL

68B★ Page 26, line 37, leave out second “large”

Clause 50

LORD STEVENSON OF BALMACARA

LORD COLLINS OF HIGHBURY

138A★ Page 50, line 27, at end insert –

“() for the purposes of journalistic publication, or broadcast transmission, in the public interest.”

Clause 51

LORD STEVENSON OF BALMACARA

LORD COLLINS OF HIGHBURY

146A★ Page 51, line 34, at end insert –

“() for the purposes of journalistic publication, or broadcast transmission, in the public interest.”

After Clause 87

LORD STEVENSON OF BALMACARA

233B★ Insert the following new Clause –

“Amendment to section 90 of the Consumer Rights Act 2015

In section 90 of the Consumer Rights Act 2015 (duty to provide information about tickets), after subsection (4)(d) insert –

“(e) where the ticket is being sold online, the name of the seller of the ticket; the ticket reference or booking number; and any specific condition attached to the resale of the ticket.””

After Clause 87 - continued

233C★ Insert the following new Clause –

“Secondary ticketing: details of seller

- (1) The Consumer Rights Act 2015 is amended as follows.
- (2) In section 90 (duty to provide information about tickets), after paragraph (3)(c) insert –
 - “(d) where the tickets are being sold online, whether or not the seller is a trader, and if so provide the name and address of the business trader, as defined by the Consumer Protection from Unfair Trading Regulations 2008.
- (3A) In subsection (3)(d) a trader is defined as a person who sells more than 10 tickets over a twelve month period through a secondary ticketing facility.”

233D★ Insert the following new Clause –

“Provision of electronic communication services for online secondary ticket sellers

Where a person who provides services for online electronic communication or for the storage of electronic data –

- (a) becomes aware that those services are being used in connection with the commission of a breach of section 90 of the Consumer Rights Act 2015 (duty to provide information about tickets), and
 - (b) does not withdraw the services as soon as reasonably possible,
- the person is guilty of an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale.”

233E★ Insert the following new Clause –

“Primary ticket issuer action against online secondary ticketing facilities

- (1) Where a person has engaged, is engaging, or is proposing to engage, in conduct online which contravenes section 90 of the Consumer Rights Act 2015 (duty to provide information about tickets), the Court may on application by the primary ticket issuer grant an injunction –
 - (a) restraining the person from engaging in the conduct; and
 - (b) if it is desirable to do so in the Court's opinion, requiring the person to take such action as the Court sees fit, including the taking down of any online point of sale.
- (2) The Court may grant an interim injunction pending the determination of an application under subsection (1).
- (3) Where an event ticket issuer suffers loss or damage as a result of any action falling under subsection (1), the amount of the loss or damage may be recovered by action in the Court.
- (4) Where, on the application of an event ticket issuer, the Court is satisfied that a person has engaged in conduct which falls within subsection (1), the Court may make an order granting relief by way of an account of profits.
- (5) For the purpose of this section “Court” means the High Court.

After Clause 87 - continued

- (6) In this section “primary ticket issuer” means an organisation or promoter with primary responsibility for the issuing of tickets to an event, including the setting of terms and conditions for the sale of those tickets.”

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1 February 2017
