

Digital Economy Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 1

LORD MENDELSON
LORD STEVENSON OF BALMACARA

Page 2, leave out lines 4 and 5 and insert –

- “(2B) The universal service order must specify that the target for broadband connections and services to be provided before 2020 must have –
- (a) speeds of 2 gigabits or more;
 - (b) fibre to the premises (FTTP) as a minimum standard;
 - (c) appropriate measures to ensure that internet speed levels are not affected by high contention ratios;
 - (d) appropriate measures to ensure service providers run low latency networks.
- (2BA) The universal service order must specify as soon as reasonably practicable 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.
- (2BB) In meeting the requirements set out in section 1 of this Act, internet service providers have a duty to ensure that their networks offer at least the minimum standards specified in section 2BA to every household in areas of low population density, before deploying their networks in urban areas.
- (2BC) The Secretary of State must ensure that –
- (a) the premises of small and medium-sized enterprises are prioritised in the roll-out of the universal service broadband obligation;
 - (b) rollout of universal service broadband obligations is delivered on a fair and competitive basis.
- (2BD) The universal service order shall, in particular, say that mobile network coverage must be provided to the whole of the United Kingdom.”

Clause 1 - continued

BARONESS JANKE
LORD CLEMENT-JONES

Page 2, line 5, at end insert –

“(2BA) If the universal service order says that broadband connections and services must be provided to any extent, it must require the provision of a social tariff for broadband services which has the aim of preventing digital exclusion.”

Clause 2

LORD FOX
LORD CLEMENT-JONES

Page 2, line 38, at end insert “in accordance with the following principles –

- (i) switching must be free to the consumer, unless the consumer is aware of and has consented to fair and reasonable restrictions and charges to do so;
- (ii) the switching process itself must be quick, and on an agreed date;
- (iii) the switching process must be led by the organisation with most interest in making the switching process work effectively (the gaining provider);
- (iv) consumers must have access to their consumption or transaction data, and this must be in a format that can be easily reused (for example, midata) and they must be able to authorise third parties such as comparison sites to access their data to help them to switch;
- (v) sites and tools providing comparisons to consumers that receive payments from suppliers must make clear where the payments affect the presentation of results; and
- (vi) there must be an effective process for consumers to receive redress if there are any problems with the service”

After Clause 2

LORD STEVENSON OF BALMACARA
LORD MENDELSON

Insert the following new Clause –

“Bill limits for mobile phone contracts

- (1) A telecommunications service provider supplying a contract relating to a handheld mobile telephone must, at the time of entering into such a contract –
 - (a) allow the end-user the opportunity to place a financial cap on the monthly bill under that contract;
 - (b) allow the end-user to roam (at no extra charge) to other providers which do meet the specified standards or obligation as set out in section 3, or deem the contract to have been terminated by a consistent breach;

After Clause 2 - continued

- (c) allow the end-user to switch mobile providers according to rules set out by OFCOM.
- (2) A telecommunications service provider under subsection (1) must not begin to supply a contracted service to an end-user unless the end-user has either –
 - (a) requested the monthly cap be put in place and agreed the amount of that cap, or
 - (b) decided, with the decision recorded on a durable medium, not to put a monthly cap in place.
- (3) An end-user may, after the start of the contracted service –
 - (a) contact the service provider to require a cap to be put in place and agree the amount of that cap, or
 - (b) require a cap to be removed, with the requirement recorded on a durable medium.
- (4) The end-user should bear no cost for the supply of any service above the cap if the provider has –
 - (a) failed to impose a cap agreed under subsection (2)(a) or (3)(a); or
 - (b) removed the cap without the end-user’s express consent, provided on a durable medium as required under subsection (2)(b) or (3)(b).”

After Clause 14

LORD FOX
LORD CLEMENT-JONES

Insert the following new Clause –

“Competition in the mobile market

- (1) Within 6 months of the coming into force of this Act, the Secretary of State must commission an evaluation of the distribution of radio spectrum suitable for use for the purpose of mobile telephony.
- (2) The evaluation under subsection (1) must consider –
 - (a) the impact upon competition in the mobile telephony market of the current distribution of spectrum;
 - (b) the impact upon consumers, both financial and in terms of coverage;
 - (c) the efficiency of current spectrum usage; and
 - (d) the impact of preventing any one licence holder from owning more than 30% of the total spectrum useable for mobile telephony.
- (3) The Secretary of State must lay the report of the review before each House of Parliament by 1 July 2018.”

Clause 30

LORD CLEMENT-JONES
LORD FOSTER OF BATH

Page 30, line 10, leave out subsections (3) to (5)

After Clause 30

LORD CLEMENT-JONES
LORD FOSTER OF BATH

Insert the following new Clause –

“Remote e-lending

- (1) Section 5 of the Public Lending Right Act 1979 (citation, etc.) is amended as follows.
- (2) In subsection (2) –
 - (a) in the definition of “book” –
 - (i) after “(an “audio book”)” insert “which has been licensed by the publisher on agreed terms for library lending”,
 - (ii) after “(an “e-book”)” insert “which has been licensed by the publisher on agreed terms for library lending”;
 - (b) in the definition of “lent out”, for paragraph (b) substitute –

“(b) includes communicating by means of electronic transmission to a place other than library premises”.

Insert the following new Clause –

“Transparency and fairness obligations

- (1) Authors, artists and performers (“creators”) shall receive on a regular basis timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights as well as subsequent transferees or licensees, and the information shall include information on modes of exploitation, revenues generated and remuneration due.
- (2) The obligation in subsection (1) may be met by complying with a code of practice collectively bargained between relevant representative organisations of creators and the representative organisations of those who exploit their works, taking into account the characteristics of each sector for the exploitation of works.
- (3) Any such code of practice is to provide that each creator is to be entitled to a statement of income generated under such licence or transfer arrangements at regular intervals during each annual accounting period, and provide an explanation as to how the creator’s remuneration has been calculated referencing any contract terms relevant to the calculation.
- (4) In the event of failure of a transferee or licensee mentioned in subsection (1) to comply with a code of practice, or in the absence of such a code of practice, the creator shall be entitled to apply to the Intellectual Property Enterprise Court for a detailed account of revenues due to the creator generated from the modes of exploitation referred to in subsection (1), and in the event of failure, the Court may award damages in the amount of any shortfall in the total amount due to him.”

After Clause 81

LORD LESTER OF HERNE HILL
LORD PANNICK

Insert the following new Clause –

“The BBC Charter: timing

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 198ZA (inserted by section 81 of this Act) insert –

“198ZB The BBC Charter: timing

- (1) The first BBC Charter to be granted following the day on which this Act is passed must have effect for a term of 11 years beginning with the day on which it is granted, and each subsequent BBC Charter must have effect for a term of 10 years beginning with the day on which it is granted.
- (2) In this section “the BBC Charter” has the meaning given by section 362(1) of the Communications Act 2003.”

Insert the following new Clause –

“The independence and funding of the BBC

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 198ZB (inserted by section *(The BBC Charter: timing)* of this Act) insert –

“198ZC The independence and funding of the BBC

- (1) The BBC is to be independent in all matters concerning the content of its output, the times and manner in which its output is supplied, and the governance and management of its affairs.
- (2) The Prime Minister, the Secretary of State, the BBC, OFCOM, and all other persons and bodies with responsibility for matters relating to the governance and establishment of the BBC must ensure that the BBC is able to operate independently from Ministers and other public authorities in the United Kingdom.
- (3) In carrying out the duty in subsection (2) –
 - (a) the Secretary of State and other Ministers of the Crown must not seek to influence the BBC’s decisions; and
 - (b) the Secretary of State must have regard to –
 - (i) the need to defend the BBC’s independence;
 - (ii) the need for the BBC to have the financial and non-financial support necessary to enable it to exercise its functions and its public purposes as a Public Service Broadcaster; and
 - (iii) the need for the public interest to be considered in regard to matters relating to the BBC.
- (4) The licence fee is to be for the exclusive benefit of and use by the BBC to fund the performance of the BBC’s functions and public purposes.
- (5) Subject to sections 365 and 365A, the Secretary of State may not transfer to the BBC responsibility, including liability and costs, for any public expenditure.

After Clause 81 - continued

- (6) Ofcom is to oversee the BBC's performance of its functions and any increase above the Consumer Price Index in the licence fee.””

Insert the following new Clause—

“The governance of the BBC

- (1) The Communications Act 2003 is amended as follows.
 (2) After section 198ZC (inserted by section *(The independence and funding of the BBC)* of this Act) insert—

“198ZD The governance of the BBC

- (1) The BBC is to be governed by an independent board with the skill, knowledge and experience needed to perform the board's functions as public service broadcaster.
 (2) The members of the board must be drawn from across the nations and regions of the United Kingdom, and must be appointed in accordance with the principles of merit, openness and fairness.””

After Clause 82

LORD LESTER OF HERNE HILL
 LORD PANNICK

Insert the following new Clause—

“Repeal of section 82

Section 82 is repealed at the end of the period of nine years beginning with the day on which this Act is passed.”

Clause 97

LORD LESTER OF HERNE HILL
 LORD PANNICK

Page 100, line 25, at end insert—

“() sections *(The BBC Charter: timing)*, *(The independence and funding of the BBC)* and *(The governance of the BBC)*;

Schedule 1

LORD GRANTCHESTER
 LORD STEVENSON OF BALMACARA

Page 159, line 35, at end insert—

“Duties for OFCOM to regulate codes of practice

- (1) OFCOM shall be the regulator for the purposes of the code of practice.
 (2) OFCOM must appoint an expert to undertake the role of adjudicating on the code of practice.”

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13 February 2017
