

# Digital Economy Bill

---

AMENDMENTS  
TO BE MOVED  
ON REPORT

*[Supplementary to the Revised Marshalled List]*

---

**After Clause 81**

LORD BEST  
LORD INGLEWOOD  
LORD STEVENSON OF BALMACARA  
BARONESS BONHAM-CARTER OF YARNBURY

Insert the following new Clause—

**“BBC Licence Fee Commission**

- (1) The Secretary of State must, by regulations made by statutory instrument, set up an independent body (“the BBC Licence Fee Commission”).
- (2) It is to be the duty of the BBC Licence Fee Commission to make a recommendation to the Secretary of State regarding the level of licence fee required to fund the BBC for the purposes set out in the Royal Charter and Agreement in respect of the settlement from 1 April 2022, and for each successive settlement thereafter.”

LORD BEST  
LORD STEVENSON OF BALMACARA  
BARONESS BONHAM-CARTER OF YARNBURY

Insert the following new Clause—

**“Duty of the Secretary of State to consult and lay recommendation before Parliament**

- (1) The Secretary of State must conduct a full public consultation on appropriate levels of BBC funding.
- (2) The Secretary of State must lay a report before each House of Parliament with a recommendation as to an appropriate level of funding.”

**After Clause 81 - continued**

Insert the following new Clause—

**“Duty of the Secretary of State in determining funding settlement**

- (1) The Secretary of State is to determine the final settlement for BBC funding for the period from 1 April 2022.
- (2) In determining the final settlement, the Secretary of State must consider whether or not to accept the BBC Licence Fee Commission’s recommendation and, if the Secretary of State decides to reject that recommendation, the Secretary of State must publish the reasons for the rejection.
- (3) In determining the final settlement, the Secretary of State must also take account of—
  - (a) the views of the BBC Board;
  - (b) the results of the public consultation under section (*Duty of the Secretary of State to consult and lay recommendations before Parliament*); and
  - (c) the need for effective fulfilment of the BBC’s mission and purposes under the Royal Charter.”

**After Clause 95**

LORD MOYNIHAN

Insert the following new Clause—

**“Duty to provide information about tickets**

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

- “(e) the ticket reference or booking number;
- (f) any specific condition attached to the resale of the ticket.””

Insert the following new Clause—

**“Offence of using digital ticket purchasing software to purchase excessive number of tickets**

- (1) A person commits an offence if he or she utilises digital ticket purchasing software to purchase tickets over and above the number permitted in the condition of sale.
- (2) A person commits an offence if he or she knowingly resells or offers to resell, or allows to be resold or offered for resale on a secondary ticketing facility, a ticket that the person knows, or could reasonably suspect, was obtained using digital ticket purchasing software and while acting in the course of a business.
- (3) For the purposes of subsection (2), a person is to be treated as acting in the course of a business if he or she does anything as a result of which he or she makes a profit or aims to make a profit.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to—
  - (a) imprisonment for a period not exceeding 51 weeks,
  - (b) a fine not exceeding level 5 on the standard scale, or

**After Clause 95 - continued**

(c) both.

(5) In this section—

“digital ticket purchasing software” means any machine, device, computer programme or computer software that, on its own or with human assistance, bypasses security measures or access control systems on a retail ticket purchasing platform that assist in implementing a limit on the number of tickets that can be purchased, to purchase tickets;

“retail ticket purchasing platform” means a retail ticket purchasing website, application, phone system, or other technology platform used to sell tickets.”

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.
- (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.”

# Digital Economy Bill

---

AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*23 February 2017*

---