

# Digital Economy Bill

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## AMENDMENTS TO BE MOVED ON REPORT

*[Supplementary to the Revised Marshalled List]*

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### Clause 31

LORD ASHTON OF HYDE

Page 30, line 23, leave out “a specified objective” and insert “an objective which is a specified objective in relation to each of those persons”

Page 30, line 24, leave out “Chapter” and insert “section”

Page 30, line 25, leave out “regulations made by the appointed national authority” and insert “Schedule (*Public service delivery: specified persons for the purposes of section 31*)”

Page 30, line 26, leave out subsection (3) and insert –

- “(3) The appropriate national authority may by regulations amend Schedule (*Public service delivery: specified persons for the purposes of section 31*) so as to add, remove or modify an entry relating to a person or description of person.
- (3A) Regulations under subsection (3) may add an entry relating to a person or a description of person to Schedule (*Public service delivery: specified persons for the purposes of section 31*) only if –
  - (a) the person is a public authority or (as the case may be) each person of that description is a public authority, or
  - (b) the person provides services to a public authority or (as the case may be) each person of that description provides services to a public authority.”

Page 30, line 33, leave out “(2)” and insert “(3)”

Page 30, line 38, leave out from “which” to “, whether” in line 39 and insert “remove a person from Schedule (*Public service delivery: specified persons for the purposes of section 31*)”

**Clause 31 - continued**

Page 31, line 1, after first “objective” insert “, in relation to a specified person,”

Page 31, line 1, after “specified” insert “in relation to that specified person”

Page 31, line 16, at end insert –

- “( ) The third condition is that the objective has as its purpose the supporting of –
- (a) the delivery of a specified person’s functions, or
  - (b) the administration, monitoring or enforcement of a specified person’s functions.”

**Clause 32**

## LORD ASHTON OF HYDE

Page 31, line 40, at end insert –

- “( ) In this section and section 33 “specified person” means a person specified, or of a description specified, in Schedule (*Public service delivery: specified persons for the purposes of sections 32 and 33*).”

Page 31, line 41, at end insert –

- “(za) amend Schedule (*Public service delivery: specified persons for the purposes of sections 32 and 33*) so as to add, remove or modify an entry relating to a person or description of person;”

Page 31, line 44, at end insert “so as to add, modify or remove a reference to a fuel poverty measure”

Page 31, line 44, at end insert –

- “( ) Regulations under subsection (4)(za) may add an entry relating to a person or a description of person to Schedule (*Public service delivery: specified persons for the purposes of sections 32 and 33*) only if –
- (a) the person is a public authority or (as the case may be) each person of that description is a public authority, or
  - (b) the person provides services to a public authority or (as the case may be) each person of that description provides services to a public authority.”

Page 31, line 44, at end insert –

- “( ) Regulations under subsection (4)(a) may add a person or a description of person to subsection (1) only if the person or (as the case may be) each person of that description –
- (a) provides assistance of a kind mentioned in subsection (2) to people living in fuel poverty,
  - (b) monitors or enforces the provision of such assistance to such people,

**Clause 32 - continued**

- (c) administers a fuel poverty measure, or
- (d) provides services to a person within paragraph (a), (b) or (c)."

Page 32, line 1, leave out "(4)(a)" and insert "(4)(za) or (a)"

Page 32, line 6, after "from" insert "Schedule (*Public service delivery: specified persons for the purposes of sections 32 and 33*) or"

Page 32, line 17, at end insert –

““fuel poverty measure” means –

- (a) a scheme, arrangement or set of arrangements, or
- (b) a function or set of functions,

which has as its purpose (or one of its purposes) the provision of assistance of a kind mentioned in subsection (2) to people living in fuel poverty;”

**Clause 34**

## LORD ASHTON OF HYDE

Page 33, line 8, at end insert –

- “( ) In this section and section 35 “specified person” means a person specified, or of a description specified, in Schedule (*Public service delivery: specified persons for the purposes of sections 34 and 35*).”

Page 33, line 8, at end insert –

“(3A) The appropriate national authority may by regulations –

- (a) amend Schedule (*Public service delivery: specified persons for the purposes of sections 34 and 35*) so as to add, remove or modify an entry relating to a person or description of person;
- (b) amend subsection (1) so as to add or remove a person or description of person to whom information may be disclosed;
- (c) amend subsection (3) so as to add, modify or remove a reference to a water poverty measure.”

Page 33, line 8, at end insert –

- “( ) Regulations under subsection (3A)(a) may add an entry relating to a person or a description of person to Schedule (*Public service delivery: specified persons for the purposes of sections 34 and 35*) only if –

- (a) the person is a public authority or (as the case may be) each person of that description is a public authority, or
- (b) the person provides services to a public authority or (as the case may be) each person of that description provides services to a public authority.”

**Clause 34 - continued**

Page 33, line 8, at end insert –

- “( ) Regulations under subsection (3A)(b) may add a person or a description of person to subsection (1) only if the person or (as the case may be) each person of that description –
- (a) provides assistance of a kind mentioned in subsection (2) to people living in water poverty,
  - (b) monitors or enforces the provision of such assistance to such people,
  - (c) administers a water poverty measure, or
  - (d) provides services to a person within paragraph (a), (b) or (c).”

Page 33, line 8, at end insert –

- “( ) In determining whether to make regulations under subsection (3A)(a) or (b) in relation to a person or description of person the appropriate national authority must have regard, in particular, to –
- (a) the systems and procedures for the secure handling of information by that person or persons of that description, and
  - (b) in the case of regulations which remove a person from Schedule (*Public service delivery: specified persons for the purposes of sections 34 and 35*) or subsection (1), whether that person, or any person providing services to that person, has had regard to the code of practice under section 39 as required by that section.”

Page 33, line 12, at end insert –

- “( ) In this section “water poverty measure” means –
- (a) a scheme, arrangement or set of arrangements, or
  - (b) a function or set of functions,
- which has as its purpose (or one of its purposes) the provision of assistance of a kind mentioned in subsection (2) to people living in water poverty.”

**Clause 39**

LORD ASHTON OF HYDE

Page 36, line 38, at end insert –

- “(6A) The relevant Minister may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
- (6B) Before reissuing the code the relevant Minister must lay a draft of the code as proposed to be reissued before Parliament.
- (6C) The relevant Minister may not reissue the code if, within the 40-day period, either House of Parliament resolves not to approve it.
- (6D) In subsection (6C) “the 40 day period” means –
- (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or

**Clause 39 - continued**

(b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.

(6E) For the purposes of subsection (6D) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”

Page 36, line 42, leave out paragraph (a)

**Clause 40**

LORD ASHTON OF HYDE

Page 37, line 14, leave out subsection (3)

Page 37, line 19, leave out from “of” to first “this” in line 20 and insert “–

- ( ) regulations under section 31 (3) which amend Schedule (*Public service delivery: specified persons for the purposes of section 31*) so as to add an entry relating to a person or description of person,
- ( ) regulations under section 32 (4)(za) which amend Schedule (*Public service delivery: specified persons for the purposes of sections 32 and 33*) so as to add an entry relating to a person or description of person, or
- ( ) regulations under section 34 (3A)(a) which amend Schedule (*Public service delivery: specified persons for the purposes of sections 34 and 35*) so as to add an entry relating to a person or description of person,”

Page 37, line 20, leave out “provision amending this Chapter so as” and insert “power”

Page 37, line 39, leave out “or 32(4)(b)” and insert “, 32(4)(b) or 34(3A)(c)”

Page 38, line 7, leave out “31(2) or 32(4)(a)” and insert “ 31(3), 32(4)(za) or (a) or 34(3A)(a) or (b)”

**Clause 41**

LORD ASHTON OF HYDE

Page 38, leave out line 32

Page 38, line 34, leave out “31(2) which specify” and insert “ 31(3) or 32(4)(za) which add, modify or remove an entry relating to”

Page 39, line 1, leave out “31(2) which specify” and insert “ 31(3), 32(4)(za) or 34(3A)(a) which add, modify or remove an entry relating to”

Page 39, line 3, after “32(4)(a)” insert “or 34(3A)(b)”

**Clause 41 - continued**

Page 39, line 5, leave out “or 32(4)(b)” and insert “, 32(4)(b) or 34(3A)(c)”

Page 39, line 7, leave out “relates to a matter” and insert “could be specified by provision falling”

Page 39, line 16, leave out “31(2) which specify” and insert “ 31(3) which add, modify or remove an entry relating to”

Page 39, line 35, at end insert –

“( ) The power of the Secretary of State in section 69(2) of the Wales Act 2017 to amend an enactment contained in primary legislation in consequence of any provision of that Act includes power to amend this Chapter, and section 97 so far as relating to this Chapter, in consequence of section 48 (water and sewerage) of that Act.”

**Clause 42**

LORD ASHTON OF HYDE

Page 41, leave out lines 37 to 39 and insert –

- “(6) The Registrar General may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
- (7) Before reissuing the code the Registrar General must lay a draft of the code as proposed to be reissued before Parliament.
- (8) The Registrar General may not reissue the code if, within the 40-day period, either House of Parliament resolves not to approve it.
- (9) In subsection (8) “the 40 day period” means –
- (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
  - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (10) For the purposes of subsection (9) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”

**Clause 44**

LORD ASHTON OF HYDE

Page 42, line 30, leave out “specified person” and insert “public authority”

Page 42, line 32, after “section” insert “and Schedule (*Specified persons for purposes of the debt provisions*)”

**Clause 44** - *continued*

Page 42, line 32, leave out “specified person” and insert “public authority”

Page 42, line 34, leave out “specified person” and insert “public authority”

Page 42, line 38, leave out “The reference in subsection (1) to” and insert “For the purposes of this section and Schedule (*Specified persons for purposes of the debt provisions*)”

Page 42, line 39, leave out “specified person” and insert “public authority”

Page 43, line 4, leave out “regulations made by the appropriate national authority” and insert “Schedule (*Specified persons for purposes of the debt provisions*)”

Page 43, line 5, leave out subsection (5) and insert –

- “(5) The appropriate national authority may by regulations amend Schedule (*Specified persons for purposes of the debt provisions*) so as to add, remove or modify an entry relating to a person or description of person.
- (5A) Regulations under subsection (5) may add an entry relating to a person or a description of person to Schedule (*Specified persons for purposes of the debt provisions*) only if the following conditions are satisfied.
- (5B) The first condition is that –
  - (a) the person is a public authority or (as the case may be) each person of that description is a public authority, or
  - (b) the person provides services to a public authority or (as the case may be) each person of that description provides services to a public authority.
- (5C) The second condition is that the person or (as the case may be) a person of that description (“P” in either case) –
  - (a) requires information from a public authority or a person providing services to a public authority to improve P’s ability to identify, manage or recover debt owed to a public authority or to the Crown,
  - (b) has information which, if shared with a public authority or a person providing services to a public authority, has the potential to improve that authority’s or that person’s ability to identify, manage or recover such debt, or
  - (c) has functions relating to the management or recovery of such debt the exercise of which may be improved by the disclosure of information by or to P.”

Page 43, line 12, leave out “(4)” and insert “(5)”

Page 43, line 17, leave out from “which” to “whether” in line 18 and insert “remove a person from Schedule (*Specified persons for purposes of the debt provisions*),”

**Clause 44 - continued**

Page 43, line 21, leave out “(4)” and insert “(5)”

Page 43, line 26, leave out “(4)” and insert “(5)”

**Clause 48**

LORD ASHTON OF HYDE

Page 46, line 38, at end insert –

- “(6A) The relevant Minister may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
- (6B) Before reissuing the code the relevant Minister must lay a draft of the code as proposed to be reissued before Parliament.
- (6C) The relevant Minister may not reissue the code if, within the 40-day period, either House of Parliament resolves not to approve it.
- (6D) In subsection (6C) “the 40 day period” means –
- (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
  - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (6E) For the purposes of subsection (6D) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”

Page 46, line 42, leave out paragraph (a)

**Clause 49**

LORD ASHTON OF HYDE

Page 47, line 25, at end insert –

- “( ) The power in subsection (5) to amend this Chapter –
- (a) may be exercised for the purposes only of improving the effectiveness of the operation of the power in section 44 (1), and
  - (b) may not be used to remove any of the safeguards relating to the use or disclosure of information in section 45, 46 or 47 .”

Page 47, line 30, leave out “44(4)” and insert “ 44(5)”

Page 47, line 42, leave out “44(4)” and insert “ 44(5)”

Page 48, line 10, leave out “44(4)” and insert “ 44(5)”



**Clause 50**

LORD ASHTON OF HYDE

Page 48, line 34, leave out subsection (3)

Page 48, line 39, leave out “44(4) which specify” and insert “ 44(5) which amend Schedule (*Specified persons for purposes of the debt provisions*) so as to add an entry relating to”

Page 48, line 40, leave out “provision amending this Chapter so as” and insert “power”

Page 49, line 1, leave out “44(4)” and insert “ 44(5)”

Page 49, line 3, leave out “44(4)” and insert “ 44(5)”

Page 49, line 6, leave out “44(4)” and insert “ 44(5)”

Page 49, line 9, leave out “44(4)” and insert “ 44(5)”

**Clause 51**

LORD ASHTON OF HYDE

Page 50, line 14, leave out “44(4) which specify” and insert “ 44(5) which add, modify or remove an entry relating to”

Page 50, line 17, leave out “44(4) which specify” and insert “ 44(5) which add, modify or remove an entry relating to”

Page 50, line 20, leave out “44(4) which specify” and insert “ 44(5) which add, modify or remove an entry relating to”

**Clause 52**

LORD ASHTON OF HYDE

Page 50, line 28, after “section” insert “and in Schedule (*Specified persons for purposes of the fraud provisions*)”

Page 50, line 37, leave out “The reference in subsection (1) to” insert “For the purposes of this section and Schedule (*Specified persons for purposes of the fraud provisions*)”

Page 51, line 2, leave out from “in” to end of line and insert “Schedule (*Specified persons for purposes of the fraud provisions*)”

**Clause 52 - continued**

Page 51, line 3, leave out subsection (6) and insert –

- “(6) The appropriate national authority may by regulations amend Schedule (*Specified persons for purposes of the fraud provisions*) so as to add, remove or modify an entry relating to a person or description of person.
- (6A) Regulations under subsection (6) may add an entry relating to a person or a description of person to Schedule (*Specified persons for purposes of the fraud provisions*) only if the following conditions are satisfied.
- (6B) The first condition is that –
  - (a) the person is a public authority or (as the case may be) each person of that description is a public authority, or
  - (b) the person provides services to a public authority or (as the case may be) each person of that description provides services to a public authority.
- (6C) The second condition is that the person or (as the case may be) a person of that description (“P” in either case) –
  - (a) requires information from a public authority or a person providing services to a public authority to improve P’s ability to identify or reduce the risk of fraud against P or a public authority to which P provides services,
  - (b) has information which, if shared with a public authority or a person providing services to a public authority, has the potential to improve that authority’s or that person’s ability to identify or reduce the risk of fraud against that authority, or
  - (c) has functions of taking action in connection with fraud against a public authority, the exercise of which may be improved by the disclosure of information by or to P.”

Page 51, line 10, leave out “(5)” and insert “(6)”

Page 51, line 15, leave out from “which” to “, whether” in line 16 and insert “remove a person from Schedule (*Specified persons for purposes of the fraud provisions*)”

Page 51, line 19, leave out “(5)” and insert “(6)”

Page 51, line 24, leave out “(5)” and insert “(6)”

**Clause 56**

LORD ASHTON OF HYDE

Page 55, line 7, at end insert –

- “(6A) The relevant Minister may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.

**Clause 56 - continued**

- (6B) Before reissuing the code the relevant Minister must lay a draft of the code as proposed to be reissued before Parliament.
- (6C) The relevant Minister may not reissue the code if, within the 40-day period, either House of Parliament resolves not to approve it.
- (6D) In subsection (6C) “the 40 day period” means –
  - (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
  - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (6E) For the purposes of subsection (6D) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”

Page 55, line 11, leave out paragraph (a)

**Clause 57**

LORD ASHTON OF HYDE

Page 55, line 37, at end insert –

- “( ) The power in subsection (5) to amend this Chapter –
  - (a) may be exercised for the purposes only of improving the effectiveness of the operation of the power in section 52 (1), and
  - (b) may not be used to remove any of the safeguards relating to the use or disclosure of information in section 53 , 54 or 55 .”

Page 55, line 42, leave out “52(5)” and insert “ 52(6)”

Page 56, line 10, leave out “52(5)” and insert “ 52(6)”

Page 56, line 22, leave out “52(5)” and insert “ 52(6)”

**Clause 58**

LORD ASHTON OF HYDE

Page 56, line 46, leave out subsection (3)

Page 57, line 5, leave out “52(5) which specify” and insert “ 52(6) which amend Schedule (*Specified persons for purposes of the fraud provisions*) so as add an entry relating to”

Page 57, line 6, leave out “provision amending this Chapter so as” and insert “power”

Page 57, line 13, leave out “52(5)” and insert “ 52(6)”

**Clause 58 - continued**

Page 57, line 15, leave out “52(5)” and insert “ 52(6)”

Page 57, line 18, leave out “52(5)” and insert “ 52(6)”

Page 57, line 21, leave out “52(5)” and insert “ 52(6)”

**Clause 59**

LORD ASHTON OF HYDE

Page 58, line 19, leave out “52(5) which specify” and insert “ 52(5) which add, modify or remove an entry relating to”

Page 58, line 22, leave out “52(5) which specify” and insert “ 52(5) which add, modify or remove an entry relating to”

Page 58, line 25, leave out “52(5) which specify” and insert “ 52(5) which add, modify or remove an entry relating to”

**Clause 66**

LORD ASHTON OF HYDE

Page 66, line 17, at end insert—

- “(8A) The Statistics Board may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
- (8B) Before reissuing the code the Statistics Board must lay a draft of the code as proposed to be reissued before Parliament.
- (8C) The Statistics Board may not reissue the code if, within the 40-day period, either House of Parliament resolves not to approve it.
- (8D) In subsection (8C) “the 40 day period” means—
- (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
  - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (8E) For the purposes of subsection (8D) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”

Page 66, line 20, leave out paragraph (a)

**After Clause 70**

LORD ASHTON OF HYDE

Insert the following new Clause—

**“Disclosure of non-identifying information by the Welsh Revenue Authority**

- (1) A relevant official of the Welsh Revenue Authority may disclose relevant information to any person if—
  - (a) the information is non-identifying information, and
  - (b) the official thinks that the disclosure would be in the public interest.
- (2) Information is non-identifying information for the purposes of this section if—
  - (a) it is not, and has never been, identifying information, or
  - (b) it has been created by combining identifying information, but is not itself identifying information.
- (3) Information is identifying information for the purposes of this section if it relates to a person whose identity—
  - (a) is specified in the information,
  - (b) can be deduced from the information, or
  - (c) can be deduced from the information taken together with any other information.
- (4) In this section—
  - (a) “relevant official of the Welsh Revenue Authority” means a person within any of paragraphs (a) to (d) of section 17(2) of the Tax Collection and Management (Wales) Act 2016, and
  - (b) “relevant information” means information which—
    - (i) is held by the Welsh Revenue Authority in connection with its functions, or
    - (ii) is held by a person to whom any of the functions of the Welsh Revenue Authority have been delegated in connection with those functions.”

Insert the following new Clause—

**“Disclosure of non-identifying information by Revenue Scotland**

- (1) A relevant official of Revenue Scotland may disclose to any person information held by a relevant person in connection with a relevant function if—
  - (a) the information is non-identifying information, and
  - (b) the official thinks that the disclosure would be in the public interest.
- (2) Information is non-identifying information for the purposes of this section if—
  - (a) it is not, and has never been, identifying information, or
  - (b) it has been created by combining identifying information, but is not itself identifying information.
- (3) Information is identifying information for the purposes of this section if it relates to a person whose identity—
  - (a) is specified in the information,
  - (b) can be deduced from the information, or

**After Clause 70 - continued**

- (c) can be deduced from the information taken together with any other information.
- (4) In this section—
  - (a) “relevant official of Revenue Scotland” means a relevant official as defined by section 15(2) of the Revenue Scotland and Tax Powers Act 2014,
  - (b) “relevant person” has the meaning given by section 13(2) of that Act, and
  - (c) “relevant function” means a function mentioned in section 13(3)(a), (b)(i) or (c)(i) of that Act.”

**Clause 73**

## LORD ASHTON OF HYDE

Page 76, line 12, at end insert—

- “(9A) The Board may not publish the original statement under this section unless a draft of the statement has been laid before, and approved by a resolution of, each House of Parliament.
- (9B) Before publishing a revised statement under this section the Board must lay a draft of the statement as proposed to be published before Parliament.
- (9C) The Board may not publish the revised statement if, within the 40-day period, either House of Parliament resolves not to approve it.
- (9D) In subsection (9C) “the 40 day period” means—
  - (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
  - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (9E) For the purposes of subsection (9D) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”

Page 76, leave out line 15

Page 77, line 26, at end insert—

- “(5A) The Board may not publish the original code of practice under this section unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
- (5B) Before publishing a revised code of practice under this section the Board must lay a draft of the code as proposed to be published before Parliament.
- (5C) The Board may not publish the revised code of practice if, within the 40-day period, either House of Parliament resolves not to approve it.
- (5D) In subsection (5C) “the 40 day period” means—

**Clause 73 - continued**

- (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
  - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (5E) For the purposes of subsection (5D) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.”

Page 77, leave out line 29

**After Clause 86**

LORD WOOD OF ANFIELD  
LORD STEVENSON OF BALMACARA

Insert the following new Clause –

**“Public sector broadcasting prominence**

- (1) The Communications Act 2003 is amended as follows.
- (2) In the title of section 232, at end insert **“and “electronic programme guide”**”.
- (3) After section 232(5) insert –
  - “(5A) In this section “electronic programme guide” means a service which consists of a –
    - (a) linear electronic programme guide; or
    - (b) qualifying connected electronic programme guide.”
- (4) In section 232(6) for “electronic programme guide” substitute “linear electronic programme guide”.
- (5) In section 232(6)(b) after “for” insert “finding, selecting or”.
- (6) After section 232(6) insert –
  - “(7) In this section “qualifying connected electronic programme guide” means a “connected electronic programming guide” which is used by a significant number of its intended audiences as a means of receiving television programmes or TV-like content.
- (8) In this section “connected electronic programming guide” means a service which consists of –
  - (a) the listing or promotion, or both the listing and the promotion, of some or all of the programmes included in any one or more programme services the providers of which are or include persons other than the provider of the guide; and
  - (b) the listing or promotion, or both the listing and the promotion, of –
    - (i) some or all of the programmes included in any one or more on-demand programme services, or
    - (ii) some or all of the on-demand programme services, the providers of which are or include persons other than the provider of the guide; and

**After Clause 86 - continued**

- (c) the facility for finding, selecting or obtaining access, in whole or in part, to the programme service or services and the on-demand programme service or services listed or promoted in the guide.
- (9) The Secretary of State may by order amend the definition of an electronic programme guide in this section.
- (10) Before making an order under subsection 9 the Secretary of State must consult OFCOM.”
- (7) In section 310(1) for “from time to time” substitute “on 1 December 2017 and at intervals of no more than three years thereafter”.
- (8) In section 310(2) omit “such degree of” and “as OFCOM consider appropriate”.
- (9) In section 310(4)(a) after “BBC” insert “, including on-demand programme services,”.
- (10) After section 310(4)(h) insert—
  - “(i) any on-demand programme service provided by a public service broadcaster.
  - (4A) A service is an on-demand programme service provided by a public service broadcaster for the purposes of subsection (4)(i) if it —
    - (a) is provided by any of the following—
      - (i) a person licensed under Part 1 of the 1990 Act to provide a Channel 3 service;
      - (ii) the Channel 4 Corporation;
      - (iii) a person licensed under Part 1 of the 1990 Act to provide Channel 5;
      - (iv) the Welsh Authority; and
    - (b) provides access to programmes broadcast on a licensed public service channel.”
- (11) In section 310(5)(a) after first “service” insert “, including on-demand programme services,”.
- (12) After section 310(5) insert—
  - “(5A) In making any order under subsection (5) the Secretary of State must have regard to the desirability of investment in original productions.
  - (5B) In this section “original productions” means programmes commissioned by or for the provider of a service for the purposes of subsection (5) with a view to their first showing on television in the United Kingdom on that service.”
- (13) After section 310(7)(a) insert—
  - “(b) if the service is a public service channel dedicated to children, persons under the age of 16;”.
- (14) For section 310(8) substitute—
  - “(8) In this section “electronic programme guide” means a service which consists of the programme service or services listed or promoted in the guide.”
- (15) In section 311(2) for “310” substitute “232(5A)”.



**Before Schedule 4**

## LORD ASHTON OF HYDE

Insert the following new Schedule—

“PUBLIC SERVICE DELIVERY: SPECIFIED PERSONS FOR THE PURPOSES OF SECTION 31

- 1 The Secretary of State for the Home Department.
- 2 The Secretary of State for Defence.
- 3 The Lord Chancellor.
- 4 The Secretary of State for Justice.
- 5 The Secretary of State for Education.
- 6 The Secretary of State for Business, Energy and Industrial Strategy.
- 7 The Secretary of State for Work and Pensions.
- 8 The Secretary of State for Communities and Local Government.
- 9 The Secretary of State for Culture, Media and Sport.
- 10 Her Majesty’s Revenue and Customs.
- 11 A county council in England.
- 12 A district council in England.
- 13 A London borough council.
- 14 A combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.
- 15 The Common Council of the City of London in its capacity as a local authority.
- 16 The Council of the Isles of Scilly.
- 17 The Greater London Authority.
- 18 A metropolitan county fire and rescue authority.
- 19 The London Fire Commissioner.
- 20 A fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.
- 21 A fire and rescue authority created by a scheme under section 4A of the Fire and Rescue Services Act 2004.
- 22 A chief officer of police for a police area in England and Wales.
- 23 The proprietor of a school within the meaning of the Education Act 1996.
- 24 The proprietor of an Academy within the meaning of that Act.
- 25 The responsible person in relation to an educational institution as defined by section 72(5) of the Education and Skills Act 2008 (other than a person within paragraph 23 or 24).
- 26 The Gas and Electricity Markets Authority.
- 27 The Chief Land Registrar.
- 28 A person providing services in connection with a specified objective (within the meaning of section 31) to a specified person who is a public authority.”

**Before Schedule 4 - continued**

Insert the following new Schedule—

“PUBLIC SERVICE DELIVERY: SPECIFIED PERSONS FOR THE PURPOSES OF SECTIONS 32 AND 33

- 1 The Secretary of State for Business, Energy and Industrial Strategy.
- 2 The Secretary of State for Work and Pensions.
- 3 The Secretary of State for Communities and Local Government.
- 4 Her Majesty’s Revenue and Customs.
- 5 A county council in England.
- 6 A district council in England.
- 7 A London borough council.
- 8 A combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.
- 9 The Common Council of the City of London in its capacity as a local authority.
- 10 The Council of the Isles of Scilly.
- 11 The Greater London Authority.
- 12 A metropolitan county fire and rescue authority.
- 13 The London Fire Commissioner.
- 14 A fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.
- 15 A fire and rescue authority created by a scheme under section 4A of the Fire and Rescue Services Act 2004.
- 16 The Gas and Electricity Markets Authority.
- 17 The Chief Land Registrar.
- 18 A person providing services in connection with a fuel poverty measure (within the meaning of section 32) to a specified person who is a public authority.”

Insert the following new Schedule—

“PUBLIC SERVICE DELIVERY: SPECIFIED PERSONS FOR THE PURPOSES OF SECTIONS 34 AND 35

- 1 The Secretary of State for Work and Pensions.
- 2 The Secretary of State for Communities and Local Government.
- 3 Her Majesty’s Revenue and Customs.
- 4 A county council in England.
- 5 A district council in England.
- 6 A London borough council.
- 7 A combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.
- 8 The Common Council of the City of London in its capacity as a local authority.

**Before Schedule 4 - continued**

- 9 The Council of the Isles of Scilly.
- 10 The Greater London Authority.
- 11 The Chief Land Registrar.
- 12 A person providing services in connection with a water poverty measure (within the meaning of section 34) to a specified person who is a public authority.”

Insert the following new Schedule—

“SPECIFIED PERSONS FOR THE PURPOSES OF THE DEBT PROVISIONS

- 1 The Secretary of State for the Home Department.
- 2 The Lord Chancellor.
- 3 The Secretary of State for Justice.
- 4 The Secretary of State for Education.
- 5 The Secretary of State for Business, Energy and Industrial Strategy.
- 6 The Secretary of State for Work and Pensions.
- 7 The Secretary of State for Transport.
- 8 Her Majesty’s Revenue and Customs.
- 9 The Minister for the Cabinet Office.
- 10 A county council in England.
- 11 A district council in England.
- 12 A London borough council.
- 13 The Common Council of the City of London in its capacity as a local authority.
- 14 The Council of the Isles of Scilly.
- 15 The Greater London Authority.
- 16 The Student Loans Company.
- 17 A person providing services to a specified person who is a public authority in respect of the taking of action in connection with debt owed to a public authority or to the Crown.”

Insert the following new Schedule—

“SPECIFIED PERSONS FOR THE PURPOSES OF THE FRAUD PROVISIONS

- 1 The Secretary of State for the Home Department.
- 2 The Secretary of State for Defence.
- 3 The Lord Chancellor.
- 4 The Secretary of State for Justice.
- 5 The Secretary of State for Education.
- 6 The Secretary of State for Business, Energy and Industrial Strategy.
- 7 The Secretary of State for Work and Pensions.

**Before Schedule 4 - continued**

- 8 The Secretary of State for Transport.
- 9 The Secretary of State for Communities and Local Government.
- 10 The Secretary of State for the Environment, Food and Rural Affairs.
- 11 The Secretary of State for International Development.
- 12 The Secretary of State for Culture, Media and Sport.
- 13 The Minister for the Cabinet Office.
- 14 Her Majesty's Revenue and Customs.
- 15 The Export Credits Guarantee Department.
- 16 A county council in England.
- 17 A district council in England.
- 18 A London borough council.
- 19 The Common Council of the City of London in its capacity as a local authority.
- 20 The Council of the Isles of Scilly.
- 21 The Greater London Authority.
- 22 The Chief Land Registrar.
- 23 The Big Lottery Fund.
- 24 The Nuclear Decommissioning Authority.
- 25 The Environment Agency.
- 26 The Homes and Communities Agency.
- 27 The Higher Education Funding Council for England.
- 28 The Historic Buildings and Monuments Commission for England.
- 29 The Student Loans Company.
- 30 The British Council.
- 31 The Arts Council of England.
- 32 The English Sports Council.
- 33 The Technology Strategy Board.
- 34 The Arts and Humanities Research Council.
- 35 The Medical Research Council.
- 36 The Natural Environment Research Council.
- 37 The Biotechnology and Biological Sciences Research Council.
- 38 The Economic and Social Research Council.
- 39 The Engineering and Physical Sciences Research Council.
- 40 The Science and Technology Facilities Council.
- 41 A person providing services to a specified person who is a public authority in respect of the taking of action in connection with fraud against a public authority."

**Clause 97**

LORD ASHTON OF HYDE

Page 101, line 5, leave out “Chapter 5, so far as that Chapter relates” and insert “Chapters 5 and 6, so far as those Chapters relate”

Page 101, line 9, leave out subsections (5) and (6) and insert –

“( ) The provisions mentioned in subsection (4)(a) and (c) come into force on whatever day the Welsh Ministers appoint by regulations made by statutory instrument.”

# Digital Economy Bill

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AMENDMENTS  
TO BE MOVED  
ON REPORT

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*2 March 2017*

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