

Licensing of Child Location Services Bill

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TO

Establish a licensing regime for the sale or promotion of any service providing data on the location of children where these data have been derived from any mobile telephone network, satellite system or other electronic or communications medium.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Provision of location based services

- (1) Owners of electronic communications networks which provide information on the past or present whereabouts of any legal minor shall, where that information is derived from or supplied through any electronic communications network, be required to obtain a licence to offer such services. 5
- (2) The licence referred to in subsection (1) shall be granted on such terms as may be determined by the Secretary of State and in a manner to be prescribed by regulations.

2 Duration of licence

Any license issued under the terms of section 1 shall be for a period to be determined by the Secretary of State but that period shall not, on the first application, exceed five years. 10

3 Subject matter of the licence

In determining whether or not to grant a licence under this Act, and in making regulations pursuant to this Act, the Secretary of State shall have regard to the need to ensure that the owners of the electronic communications networks referred to in section 1— 15

- (a) are fit and proper persons to hold a licence and are not the subject of any restriction on their employment as company directors or subject to any judicial or other orders limiting or restricting their ability to work with children; 20

- (b) have put in place, and maintain, appropriate security systems to guarantee the integrity of their network;
- (c) have put in place appropriate arrangements to maintain the integrity of their service in the event of a systems failure;
- (d) have put in place, and maintain, a suitable system for verifying that any person wishing to place a child on a tracking service has legal authority to do so or has been given such authority by the parent or guardian of the child; 5
- (e) have put in place a suitable system to verify that the child that is to be the subject of a location service has consented to be tracked or, where the child is unable to give informed consent, that the child's parent or legal guardian has given his consent on behalf of the child; 10
- (f) have put in place appropriate arrangements to ensure that any child capable of giving informed consent is able to withdraw his consent with the minimum of difficulty. 15

4 Penalties

- (1) It shall be an offence for any owner of an electronic communications network to provide or seek to provide any location-based service in respect of children without a licence obtained in the manner prescribed in this Act.
- (2) It shall be an offence for any owner of an electronic communications network to provide or seek to provide any location-based service in respect of children in any way which is in breach of the terms of the licence. 20
- (3) An owner of an electronic communications network found guilty of an offence under this Act is liable on summary conviction to a fine not exceeding the statutory maximum. 25

5 Interpretation

In this Act—

“electronic communications networks” has the meaning given by section 32 of the Communications Act 2003 (c. 21);

“prescribed” means prescribed in regulations made by the Secretary of State. 30

6 Regulations and orders

- (1) The power of the Secretary of State to make regulations under this Act is exercisable by statutory instrument.
- (2) Any regulations made under this Act shall be laid before Parliament after being made and are subject to annulment in pursuance of a resolution of either House of Parliament. 35
- (3) The power conferred by this Act on the Secretary of State to make regulations includes power—
 - (a) to make different provision for different cases; 40
 - (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
 - (c) to make such incidental, supplemental and consequential provision as the Secretary of State thinks fit.

7 Expenses

There shall be paid out of money provided by Parliament any expenditure incurred by the Secretary of State for or in connection with the carrying out of any functions under this Act.

8 Short title, commencement and extent

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- (1) This Act may be cited as the Licensing of Child Location Services Act 2006.
- (2) This Act (apart from this section) shall come into force on such day as the Secretary of State may by order appoint.
- (3) This Act extends to Northern Ireland.

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To establish a licensing regime for the sale or promotion of any service providing data on the location of children where these data have been derived from any mobile telephone network, satellite system or other electronic or communications medium.

*Ordered to be brought in by Judy Mallaber,
Kali Mountford, Annette Brooke,
Margaret Moran, Derek Wyatt,
Mrs Betty Williams, Paddy Tipping,
Dr Howard Stoate, Mr Ian Taylor,
Siobhain McDonagh, Roger Berry
and Mary Creagh.*

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to be printed, 14th March 2006.*

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