

Product Security and Telecommunications Infrastructure Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clauses 1 to 66
Schedule

Clauses 67 to 79
Title.

Clause 3

LORD FOX
LORD CLEMENT-JONES

Page 3, line 12, leave out “negative” and insert “affirmative”

Member’s explanatory statement

This amendment would mean regulations with the power to deem compliance with security requirements were subject to the affirmative resolution procedure, as recommended by the DPRRC.

Clause 9

LORD FOX
LORD CLEMENT-JONES

Page 7, line 6, at end insert “with the exception of regulations under subsection (7) which are subject to the affirmative resolution procedure.”

Member’s explanatory statement

This amendment would make regulations under section 9(7) subject to the affirmative resolution procedure, as recommended by the DPRRC.

Clause 11

LORD FOX
LORD CLEMENT-JONES

Page 7, line 43, at end insert –

“(5A) In circumstances where a failure to notify customers is liable to place them at a significant risk the Secretary of State must make regulations under subsection (5).”

Member's explanatory statement

This amendment would place a duty on the Secretary of State to make regulations about the conditions under which manufacturers must notify customers where they are placed at risk, as recommended by the DPRRC.

Clause 19

LORD FOX
LORD CLEMENT-JONES

Page 12, line 16, at end insert –

“(7A) In circumstances where a failure to notify customers is liable to place them at a significant risk the Secretary of State must make regulations under subsection (7).”

Member's explanatory statement

This amendment would place a duty on the Secretary of State to make regulations about the conditions under which importers must notify customers where they are placed at risk, as recommended by the DPRRC.

Clause 24

LORD FOX
LORD CLEMENT-JONES

Page 14, line 45, at end insert –

“(5A) In circumstances where a failure to notify customers is liable to place them at a significant risk the Secretary of State must make regulations under subsection (5).”

Member's explanatory statement

This amendment would place a duty on the Secretary of State to make regulations about the conditions under which distributors must notify customers where they are placed at risk, as recommended by the DPRRC.

Clause 25

LORD FOX
LORD CLEMENT-JONES

Page 16, line 4, at end insert –

“(8A) In circumstances where a failure to notify customers is liable to place them at a significant risk the Secretary of State must make regulations under subsection (8).”

Member's explanatory statement

This amendment would place a duty on the Secretary of State to make regulations about the conditions under which manufacturers must notify customers where they are placed at risk, as recommended by the DPRRC.

After Clause 25

LORD CLEMENT-JONES
LORD FOX

Insert the following new Clause—

“Amendments to consumer protection legislation

- (1) In section 9(3) of the Consumer Rights Act 2015 (goods to be of satisfactory quality), after paragraph (e) insert—
“(f) compliance with security requirements.”
- (2) In Schedule 2 to the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (S.I. 2013/3134), after paragraph (x) insert—
“(y) where applicable, confirmation of compliance with all security requirements as set out in regulations made under section 1 of the Product Security and Telecommunications Infrastructure Act 2022.”
- (3) In section 2(2) of the Consumer Protection Act 1987 (liability for defective products), after paragraph (c) insert—
“(d) in relation to a relevant connectable product within the meaning of Part 1 of the Product Security and Telecommunications Infrastructure Act 2022, any person who is a distributor of the product within the meaning of that Act.””

Member’s explanatory statement

This amendment would clarify the relationship between proposed provisions in this Bill and those already in law under the Consumer Rights Act 2015 and other consumer legislation. This would include defining a security issue as a fault for the purposes of consumer law and ensuring the liability for a defective connectable product is properly defined.

Clause 27

LORD FOX
LORD CLEMENT-JONES

Page 17, line 18, at end insert “and must be authorised by regulations subject to the affirmative resolution procedure.”

Member’s explanatory statement

This amendment would require an agreement to delegate enforcement functions to be made by affirmative regulations, as recommended by the DPRRC.

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16 June 2022
