

Digital Markets, Competition and Consumers Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Clause 5

LORD CLEMENT-JONES

Clause 5, page 3, line 24, after “account” insert “evidence of”

Member's explanatory statement

This amendment, and others in the name of Lord Clement-Jones to Clause 5, seek to make the process for assessing substantial and entrenched market power more robust.

LORD CLEMENT-JONES

Clause 5, page 3, line 24, after “developments” insert “currently available to the CMA”

Member's explanatory statement

This amendment, and others in the name of Lord Clement-Jones to Clause 5, seek to make the process for assessing substantial and entrenched market power more robust.

LORD CLEMENT-JONES

Clause 5, page 3, line 25, after “would” insert “reasonably”

Member's explanatory statement

This amendment, and others in the name of Lord Clement-Jones to Clause 5, seek to make the process for assessing substantial and entrenched market power more robust.

Clause 20

LORD CLEMENT-JONES

Clause 20, page 12, line 18, at end insert –

- “(f) communicate the terms of deals reached with third parties to the regulator, which may periodically anonymise and aggregate those terms and make them available to the public.”

Member's explanatory statement

This amendment would allow for increased transparency of the terms of deals reached between the CMA and third parties without compromising confidentiality.

Clause 31

LORD CLEMENT-JONES

Clause 31, page 17, line 3, at end insert –

- “(1A) An enforcement order may require a designated undertaking to agree payment or non-payment terms with a third party that are determined by the CMA to be fair and reasonable.”

Member's explanatory statement

This amendment clarifies that the CMA may impose payment for goods and services as an enforcement order.

Clause 41

LORD CLEMENT-JONES

Clause 41, page 24, line 17, at end, insert, “or

- (iii) the CMA has received final offer payment terms that it does not deem fair and reasonable.”

Member's explanatory statement

This amendment, along with others to Clause 41 in the name of Lord Clement-Jones, would allow the CMA to request one additional round of final offer payment terms from either the SMS firm, the third party (or parties) or both if it receives offers that it deems unreasonable.

LORD CLEMENT-JONES

Clause 41, page 24, line 17, at end, insert –

- “(1A) The CMA must, where section 41(1)(b)(iii) applies, give the designated undertaking or the third party or both one opportunity to resubmit their final offer payment terms.”

Member's explanatory statement

This amendment, along with others to Clause 41 in the name of Lord Clement-Jones, would allow the CMA to request one additional round of final offer payment terms from either the SMS firm, the third party (or parties) or both if it receives offers that it deems unreasonable.

LORD CLEMENT-JONES

Clause 41, page 24, line 18, leave out “section 43(1) applies” and insert “sections 41(2) or 43(1) apply”

Member's explanatory statement

This amendment, along with others to Clause 41 in the name of Lord Clement-Jones, would allow the CMA to request one additional round of final offer payment terms from either the SMS firm, the third party (or parties) or both if it receives offers that it deems unreasonable.

Clause 89

LORD CLEMENT-JONES

Clause 89, page 55, line 33, at end, insert –

“(3) Nothing in this section would extend the appeals standards introduced in subsections (1) and (2) into any other actions or decisions the CMA makes under this Bill.”

Member's explanatory statement

This amendment seeks to ensure that the merits-based appeals process that the Government introduced in regard to imposed penalties does not compromise decisions the CMA makes at the core stages of regulation.

Clause 125

LORD CLEMENT-JONES

Clause 125, page 78, line 14, leave out subsection (1).

Member's explanatory statement

This amendment would restore exemplary damages for collective proceedings, which subsection (1) seeks to remove.

Schedule 19

LORD CLEMENT-JONES

Schedule 19, page 360, line 41, at end insert “or in a manner that is likely to mislead the consumer into believing that the product has the same specifications or has characteristics that are the equivalent of a product made by a particular manufacturer when it does not.”

Member's explanatory statement

This amendment seeks to prevent confusion amongst consumers about packaging that is designed to mimic a well-known brand.

Clause 225

LORD LUCAS

Clause 225, page 151, line 3, leave out from “that” to the end of line 4 and insert “would be likely to be taken into account by an average consumer in making an informed transactional decision and includes information which the trader knows to be available on reasonable terms or which the trader might itself collect at a reasonable cost.”

Member's explanatory statement

This amendment would remove the need to demonstrate need and make it clear that a trader should provide the information that an average consumer would want if it reasonably can, not just if it happens to have it to hand.

After Clause 288

LORD CLEMENT-JONES

After Clause 288, insert the following new Clause –

“Requirements on secondary ticketing facilities

After section 92 of the Consumer Rights Act 2015 insert –

“Requirements on secondary ticketing facilities

- (1) A secondary ticketing facility must not permit a trader or business to list tickets for sale unless the trader or business has provided evidence that they possess the tickets or have permission to resell them.
- (2) A secondary ticketing facility must not permit a reseller to sell more tickets to an event that they can legally purchase from the primary market.””

Member's explanatory statement

This amendment would prevent secondary tickets sites from listing tickets for sale where the seller has not provided proof that they are actually able to sell them, or selling more tickets than they are legally able to purchase from the primary market. Both of these requirements are in line with recommendations made by the CMA.

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