

# Digital Markets, Competition and Consumers Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Clause 19**

BARONESS STOWELL OF BEESTON  
BARONESS JONES OF WHITCHURCH  
LORD CLEMENT-JONES

Clause 19, page 11, line 3, after “proportionate”, insert “(defined in accordance with prevailing public law standards)”

***Member's explanatory statement***

*This amendment would clarify that the condition for conduct requirements imposed by the CMA to be ‘proportionate’ does not create a novel legal standard for appeals of the decision to impose a conduct requirement.*

**Clause 46**

BARONESS STOWELL OF BEESTON  
BARONESS JONES OF WHITCHURCH  
LORD CLEMENT-JONES

Clause 46, page 26, line 24, after “proportionate”, insert “(defined in accordance with prevailing public law standards)”

***Member's explanatory statement***

*This amendment would clarify that the condition for conduct requirements imposed by the CMA to be ‘proportionate’ does not create a novel legal standard for appeals of the decision to impose a conduct requirement.*

**Clause 89**

BARONESS STOWELL OF BEESTON  
BARONESS JONES OF WHITCHURCH  
LORD CLEMENT-JONES

Clause 89, page 55, line 20, at end insert –

- “(1A) Appeals to a penalty imposed under section 85 (penalties for failure to comply with competition requirements) through the application of section 114 of the EA 2002 do not apply to the CMA’s original decision to impose the requirements as set out in 85(2) or the original finding that an undertaking has failed to comply with a conduct requirement as set out in 85(3).”

***Member's explanatory statement***

*This amendment would clarify that the only CMA decisions subject to full merits review in Part 1 of the Bill are the decision to impose a penalty, the level of the penalty, and the timing of the penalty.*

**Clause 114**

BARONESS STOWELL OF BEESTON  
LORD TYRIE  
LORD CLEMENT-JONES  
BARONESS JONES OF WHITCHURCH

Clause 114, page 70, line 37, leave out paragraph (b) and insert –

- “(b) consult the relevant Parliamentary committees as defined in section (Reporting requirement: provisions in Part 1 of this Act) and publish its response to any recommendations arising at the same time that the guidance or any revised version is published.”

***Member's explanatory statement***

*This amendment aims to ensure the CMA is accountable for its guidance to Parliament rather than the Government. “Relevant parliamentary committees” is defined in another amendment in Baroness Stowell’s name after Clause 115.*

**After Clause 115**

BARONESS STOWELL OF BEESTON  
LORD TYRIE  
LORD CLEMENT-JONES  
BARONESS JONES OF WHITCHURCH

After Clause 115, insert the following new Clause—

**“Reporting requirement: provisions in Part 1 of this Act**

- (1) Within 12 months of the day on which this Act is passed and every 12 months thereafter, regulators with a role in regulating digital markets must publish a report on—
  - (a) the impact the provisions in Part 1 of this Act have had on their activity in the previous 12 months;
  - (b) the effectiveness of those provisions in supporting their ability to regulate digital markets.
- (2) The regulators in subsection (1) include—
  - (a) the CMA;
  - (b) the FCA;
  - (c) the Information Commissioner’s Office;
  - (d) OFCOM;
  - (e) other regulatory bodies identified by the relevant Parliamentary committees as having a role in regulating digital markets.
- (3) The regulators must notify in writing the chair of relevant Parliamentary committees that the report has been published.
- (4) The regulators must respond to any correspondence or response from a relevant Parliamentary committee in regard to the report within two months.
- (5) References in this paragraph to the relevant Parliamentary committees are references to—
  - (a) the committee charged with this responsibility in the House of Commons,
  - (b) the committee charged with this responsibility in the House of Lords, or
  - (c) the Joint Committee of both Houses which—
    - (i) is charged with responsibility by those Houses for the purposes of this paragraph, and
    - (ii) has notified the relevant regulators that it is a relevant Parliamentary Committee for those purposes.”

***Member's explanatory statement***

*This amendment would require regulators to report on the impact of the provisions in Part 1 of this Act on their activity and ability to regulate digital markets. The amendment defines “relevant Parliamentary Committees”.*

**Clause 252**

LORD LUCAS

Clause 252, page 166, line 28, leave out paragraph (c)

***Member's explanatory statement***

*The purpose of this amendment is to focus discussion on the effects of paragraph (c).*

**Schedule 21**

LORD LUCAS

Schedule 21, page 371, line 10, at end insert –

“12 A summary of the charges that the consumer may incur if they use the service during a cooling-off period but then cancel the contract.”

***Member's explanatory statement***

*Alongside another amendment in the name of Lord Lucas, the purpose of this amendment is to focus discussion on how use of a subscription contract during a cooling-off period is charged for if the contract is cancelled within the cooling-off period, and the information that the trader must publish in that regard.*

**Clause 262**

LORD LUCAS

Clause 262, page 175, line 9, at end insert “other than (where the trader has made available to the consumer a schedule of charges which bear a reasonable relationship to the costs of and benefits available under the subscription contract) charges under section 265(3)(c) (cancellation of subscription contract: further provision)”

***Member's explanatory statement***

*Alongside another amendment in the name of Lord Lucas, the purpose of this amendment is to focus discussion on how use of a subscription contract during a cooling-off period is charged for if the contract is cancelled within the cooling-off period, and the information that the trader must publish in that regard.*

**Clause 263**

LORD LUCAS

Clause 263, page 175, leave out line 29 and insert “that the consumer acknowledges that the contract is due for renewal.”

***Member's explanatory statement***

*The purpose of this amendment is to focus discussion on the renewal process.*



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