

# Digital Markets, Competition and Consumers Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Clause 147**

LORD CLEMENT-JONES

Clause 147, page 93, leave out lines 3 and 4 and insert –

““consumer” means –

- (a) a person (“P”) acting for purposes that are wholly or mainly outside P’s business, or
- (b) a person acting in the name of, or on behalf of, P in relation to P’s purposes;”

***Member's explanatory statement***

*This amendment would expand the definition of a consumer to make it explicit that it includes third parties working on behalf of a consumer, as is the case for traders.*

**Clause 223**

LORD CLEMENT-JONES

Clause 223, page 149, leave out lines 17 and 18 and insert –

““consumer” means –

- (a) a person (“P”) acting for purposes that are wholly or mainly outside P’s business, or
- (b) a person acting in the name of, or on behalf of, P in relation to P’s purposes;”

***Member's explanatory statement***

*This amendment would expand the definition of a consumer to make it explicit that it includes third parties working on behalf of a consumer, as is the case for traders.*

**Schedule 19**

LORD CLEMENT-JONES

Schedule 19, page 362, line 18, at end insert –

- “32 Refusing to enter into (or otherwise blocking) a transaction with a consumer on the basis that the consumer is acquiring the trader’s product through a third party acting on its behalf.
- 33 Refusing (or otherwise blocking) third party agents, acting on a consumer’s behalf, the necessary means to make or manage the consumer’s purchase.
- 34 Making a materially inaccurate or disparaging claim about third party alternatives through which a consumer could otherwise acquire the trader’s product.
- 35 Imposing higher prices for a consumer who chooses to acquire a trader’s product through a third party acting on its behalf than for a consumer who acquires that product directly, in particular without providing such consumer with a clear, accurate and complete explanation as to the reason for such a price increase.
- 36 Any act or omission which deprives a consumer of sufficient freedom to make an informed choice as to whether to purchase a product directly from a trader or to engage a third party to make such purchase on their behalf.”

***Member's explanatory statement***

*This amendment would mean that practices that discriminate against consumers booking through a third party would be classed as unfair commercial practices.*

**Clause 224**

LORD CLEMENT-JONES

Clause 224, page 150, line 25, at end insert –

- “(2A) In subsection (1)(a), the reference to misleading information includes an action where the overall effect is to deter the average consumer from using third party agents to conclude transactions on their behalf, including disparagement relating to such third parties.”

***Member's explanatory statement***

*This amendment makes it explicit that references to misleading information include actions where the overall effect is to deter consumers from using third party agents.*

### Clause 226

LORD CLEMENT-JONES

Clause 226, page 151, line 29, at end insert –

“(g) whether the practice significantly impedes the average consumer’s freedom of choice in respect of whether they choose to make a booking directly with a trader or to use a third-party agent to conclude transactions on their behalf.”

#### ***Member's explanatory statement***

*This amendment makes it explicit that references to aggressive practices include practices which impede consumers’ freedom of choice in respect of whether they choose to make a booking directly with a trader or to use a third-party agent.*

### Clause 230

LORD CLEMENT-JONES

Clause 230, page 155, line 5, at end insert –

“(6A) In this section reference to a contract includes a contract entered into by consumer with traders directly, and indirectly through the use of a third party.”

#### ***Member's explanatory statement***

*This amendment seeks to make it explicit that the consumer protections in this section apply to contracts entered into by consumers with traders both directly and indirectly.*

### Clause 243

LORD CLEMENT-JONES

Clause 243, page 161, line 29, after “consumer” insert “(exercised directly, or indirectly through the use of a third party)”

#### ***Member's explanatory statement***

*This amendment seeks to make it explicit that the consumer protections in this section apply to decisions by consumers exercised both directly and indirectly.*

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*12 January 2024*

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