

Digital Markets, Competition and Consumers Bill

SIXTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 5th December 2023, as follows –

Clauses 1 to 36	Schedule 16
Schedule 1	Clauses 208 to 213
Clauses 37 to 57	Schedule 17
Schedule 2	Clause 214
Clauses 58 to 124	Schedule 18
Schedule 3	Clauses 215 to 223
Clauses 125 to 127	Schedule 19
Schedule 4	Clauses 224 to 253
Clause 128	Schedule 20
Schedule 5	Clause 254
Clause 129	Schedule 21
Schedule 6	Clauses 255 to 282
Clauses 130 to 136	Schedule 22
Schedule 7	Clauses 283 to 293
Clause 137	Schedule 23
Schedule 8	Clauses 294 to 299
Clauses 138 to 142	Schedule 24
Schedules 9 to 11	Clauses 300 to 307
Clause 143	Schedule 25
Schedule 12	Clauses 308 to 323
Clause 144	Schedule 26
Schedule 13	Clauses 324 and 325
Clauses 145 to 149	Schedule 27
Schedules 14 and 15	Clauses 326 to 335
Clauses 150 to 207	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Schedule 21

LORD LUCAS

168 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.

BARONESS JONES OF WHITCHURCH

169 Schedule 21, page 372, line 37, after “diminished,” insert “including (but not limited to) the user of a digital service having already consumed content prior to the consumer’s request to cancel the contract,”

Member's explanatory statement

This amendment is to probe whether the Government is confident that the Bill’s subscription provisions provide sufficient protection for digital platforms which host copyrighted content (e.g. on-demand video) and may be disadvantaged if they have to provide a full refund even if a consumer has accessed paid-for content during a cooling-off period.

LORD BLACK OF BRENTWOOD
LORD CLEMENT-JONES

170 Schedule 21, page 373, line 29, leave out paragraphs 29 to 39

Member's explanatory statement

See explanatory statement to amendment at Clause 256, page 170, line 28 in the name of Lord Black of Brentwood.

Clause 255

LORD CLEMENT-JONES

171 [Withdrawn]

LORD CLEMENT-JONES

172 Clause 255, page 168, line 38, at end insert –

- “(2A) For contracts entered into online such express acknowledgement can be achieved by the consumer activating a button with the words “order with obligation to pay” or a corresponding unambiguous formulation indicating that placing the order entails an obligation to pay the trader.”

LORD CLEMENT-JONES

This amendment replaces Amendment 171 and corrects its position on the Marshalled List.

172A Clause 255, page 168, line 39, leave out subsections (3) and (4)

After Clause 255

BARONESS JONES OF WHITCHURCH

173 After Clause 255, insert the following new Clause –

“Contract renewal: option to opt in

- (1) Before a trader enters into a subscription contract with a consumer where section 252(2) applies, the trader must ask the consumer whether they wish to opt-in to an arrangement under which the contract renews automatically at one or more of the following times –
 - (a) after a period of six months and every six months thereafter, or
 - (b) if the period between the consumer being charged for the first and second time is longer than six months, each time payment is due.
- (2) If the consumer does not opt-in to such an arrangement, the trader must provide a date by which the consumer must notify the trader of the consumer’s intention to renew the contract, which must be no earlier than 28 days before the renewal date.
- (3) If the consumer has not –
 - (a) opted into an arrangement under subsection (1), or
 - (b) given notification of the consumer’s intention to renew by the date specified under subsection (2),the contract will lapse on the renewal date.”

Member's explanatory statement

This new Clause would allow the consumer to opt-out of their subscription auto-renewing every six months, or if the period between payments is longer than six months, before every payment. If the consumer does not opt-in to auto-renewal, they would be required to notify the trader manually about renewing.

BARONESS JONES OF WHITCHURCH
LORD CLEMENT-JONES

174 After Clause 255, insert the following new Clause –

“Contract renewal: variable rate contracts

- (1) Before a trader enters into a subscription contract with a consumer where section 252(3) applies, the trader must ask the consumer whether they wish to opt into an arrangement under which the contract renews automatically on the date the consumer becomes liable for the first charge or the first higher charge.
- (2) If the consumer does not opt into an arrangement under subsection (1), the trader must provide a date by which the consumer must notify the trader of the consumer’s intention to renew the contract, which must be no earlier than five days before the renewal date.
- (3) The trader must also ask the consumer whether they wish to opt into an arrangement under which the contract renews automatically –
 - (a) after a period of either six months from the first charge or higher charge and every six months thereafter, or
 - (b) if the period between the consumer being charged for the first and second time is longer than six months, each time payment is due.
- (4) If the consumer does not opt into an arrangement under subsection (3), the trader must provide a date by which the consumer must notify the trader of the consumer’s intention to renew the contract, which must be no earlier than 28 days before the renewal date.
- (5) If the consumer has not –
 - (a) opted into an arrangement under subsection (1) or subsection (3), or
 - (b) given notification of the consumer’s intention to renew by the date specified under (as the case may be) subsection (2) or subsection (4),
 the contract will lapse on the next renewal date.”

Member’s explanatory statement

This new Clause would introduce an option for the consumer to opt-out of their subscription auto-renewing after their free or discounted trial. Otherwise, they would have to notify the trader manually about the subscription continuing. It also introduces an option for the consumer to opt-out of their subscription auto-renewing.

Clause 256

LORD BLACK OF BRENTWOOD

175 Clause 256, page 169, line 37, leave out “six-month” and insert “twelve-month”

Member's explanatory statement

This amendment, and others making the same change in this clause, would provide for traders to have to issue reminder notices to consumers about ongoing subscription contracts only every twelve months, rather than every six.

LORD BLACK OF BRENTWOOD

176 Clause 256, page 169, line 38, leave out “six-month” and insert “twelve-month”

Member's explanatory statement

This amendment, and others making the same change in this clause, would provide for traders to have to issue reminder notices to consumers about ongoing subscription contracts only every twelve months, rather than every six.

LORD BLACK OF BRENTWOOD

177 Clause 256, page 169, line 39, leave out “6” and insert “12”

Member's explanatory statement

This amendment, and others making the same change in this clause, would provide for traders to have to issue reminder notices to consumers about ongoing subscription contracts only every twelve months, rather than every six.

LORD BLACK OF BRENTWOOD

178 Clause 256, page 170, line 1, leave out “6” and insert “12”

Member's explanatory statement

This amendment, and others making the same change in this clause, would provide for traders to have to issue reminder notices to consumers about ongoing subscription contracts only every twelve months, rather than every six.

LORD BLACK OF BRENTWOOD

179 Clause 256, page 170, line 11, leave out “six-month” and insert “twelve-month”

Member's explanatory statement

This amendment, and others making the same change in this clause, would provide for traders to have to issue reminder notices to consumers about ongoing subscription contracts only every twelve months, rather than every six.

LORD BLACK OF BRENTWOOD

180 Clause 256, page 170, line 12, leave out “six-month” and insert “twelve-month”

Member's explanatory statement

This amendment, and others making the same change in this clause, would provide for traders to have to issue reminder notices to consumers about ongoing subscription contracts only every twelve months, rather than every six.

LORD BLACK OF BRENTWOOD

181 Clause 256, page 170, line 13, leave out “6” and insert “12”

Member's explanatory statement

This amendment, and others making the same change in this clause, would provide for traders to have to issue reminder notices to consumers about ongoing subscription contracts only every twelve months, rather than every six.

LORD BLACK OF BRENTWOOD

182 Clause 256, page 170, line 16, leave out “six-month” and insert “twelve-month”

Member's explanatory statement

This amendment, and others making the same change in this clause, would provide for traders to have to issue reminder notices to consumers about ongoing subscription contracts only every twelve months, rather than every six.

LORD BLACK OF BRENTWOOD

183 Clause 256, page 170, line 28, leave out subsection (8) and insert—

“(8) The Secretary of State may, by regulations, make reasonable provision for the content and timing of reminder notices.”

Member's explanatory statement

This amendment, together with three other Amendments in the name of Lord Black of Brentwood, would remove the detailed provision about the content and timing of reminder notices from the face of the Bill and instead give the Secretary of State the power to make such provision by regulation.

LORD BLACK OF BRENTWOOD

184 Clause 256, page 170, line 33, leave out “and section 257”

Member's explanatory statement

See explanatory statement to the amendment at Clause 256, page 170, line 28 in the name of Lord Black of Brentwood.

Clause 257

LORD BLACK OF BRENTWOOD

Lord Black of Brentwood gives notice of his intention to oppose the Question that Clause 257 stand part of the Bill.

Member's explanatory statement

See explanatory statement to the amendment at Clause 256, page 170, line 28 in the name of Lord Black of Brentwood.

Clause 258

LORD BLACK OF BRENTWOOD

LORD CLEMENT-JONES

- 185 Clause 258, page 171, line 40, leave out “in a single communication” and insert “in a manner that is straightforward, timely and does not impose unreasonable cost on a consumer”

Member's explanatory statement

This amendment, together with other amendments in the name of Lord Black of Brentwood, would remove from the Bill the existing detailed provisions for ending a subscription contract, intending that they should be covered by provision made in secondary legislation under the provisions of Clause 275(1)(c), and instead set principles for how a contract may be ended.

LORD BLACK OF BRENTWOOD

LORD CLEMENT-JONES

- 186 Clause 258, page 172, line 3, leave out subsection (2)

Member's explanatory statement

See explanatory statement to Amendment at Clause 258, page 171, line 40 in the name of Lord Black of Brentwood.

LORD BLACK OF BRENTWOOD

LORD CLEMENT-JONES

- 187 Clause 258, page 172, line 8, leave out subsection (4)

Member's explanatory statement

See explanatory statement to Amendment at Clause 258, page 171, line 40 in the name of Lord Black of Brentwood.

LORD BLACK OF BRENTWOOD

LORD CLEMENT-JONES

- 188 Clause 258, page 172, line 16, leave out subsection (6)

Member's explanatory statement

See explanatory statement to Amendment at Clause 258, page 171, line 40 in the name of Lord Black of Brentwood.

Clause 259

LORD BLACK OF BRENTWOOD

189 Clause 259, page 172, line 30, leave out subsections (3) to (5)

Member's explanatory statement

See explanatory statement to Amendment at Clause 258, page 171, line 40 in the name of Lord Black of Brentwood.

VISCOUNT COLVILLE OF CULROSS
LORD CLEMENT-JONES
BARONESS JONES OF WHITCHURCH

190 Clause 259, page 173, line 15, at end insert –

- “(7) At the end of the contract, the trader must make available to the consumer any digital content other than personal data which the consumer has provided or created during the contract.
- (8) The consumer must be able to access and transfer such digital content without charge and for a reasonable period of time after the contract ended.
- (9) The obligations in subsections (7) and (8) do not extend to any digital content other than personal data which –
- (a) cannot be used by the consumer after the contract has ended;
 - (b) has been combined with other data and cannot be disaggregated by taking proportionate steps.
- (10) After the contract has ended, the trader must not continue to use any digital content other than personal data provided or created by the consumer, except in the situations in subsection (9).
- (11) In subsections (7) and (9), “personal data” has the same meaning as in Article 4(1) of the UK-GDPR.
- (12) For the consumer’s right to retrieve personal data and the trader’s obligations to cease processing personal data after the contract has ended, the relevant provisions of the UK-GDPR apply.”

Member's explanatory statement

This amendment will ensure that at the end of a contract a consumer’s non personal data can be returned to them and the trader will not be able to continue using their data. As the bill stands personal data which identifies a person is protected in law, but their other data does not receive such protection.

Clause 262

LORD LUCAS

- 191** 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.

LORD BLACK OF BRENTWOOD
LORD CLEMENT-JONES

The above-named Lords give notice of their intention to oppose the Question that Clause 262 stand part of the Bill.

Member's explanatory statement

This amendment, together with other Amendments in the name of Lord Black of Brentwood, would remove the provision for a mandatory cooling-off period for a subscription contract but maintain the cooling-off right under the Consumer Contracts (Information Cancellation and Additional Charges) Regulations 2013.

Clause 263

LORD LUCAS

- 192** 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.

LORD BLACK OF BRENTWOOD

Lord Black of Brentwood gives notice of his intention to oppose the Question that Clause 263 stand part of the Bill.

Member's explanatory statement

See explanatory statement to the italic notice to oppose Clause 262 standing part of the bill.

Clause 264

BARONESS JONES OF WHITCHURCH

- 193** Clause 264, page 176, line 25, after “diminished,” insert “including (but not limited to) the user of a digital service having already consumed content prior to the consumer’s request to cancel the contract,”

Member's explanatory statement

This amendment is to probe whether the Government is confident that the Bill’s subscription provisions provide sufficient protection for digital platforms which host copyrighted content (e.g. on-demand video) and may be disadvantaged if they have to provide a full refund even if a consumer has accessed paid-for content during a cooling-off period.

LORD BLACK OF BRENTWOOD
LORD CLEMENT-JONES

The above-named Lords give notice of their intention to oppose the Question that Clause 264 stand part of the Bill.

Member's explanatory statement

See explanatory statement to the italic notice to oppose Clause 262 standing part of the bill.

Clause 277LORD BLACK OF BRENTWOOD
LORD CLEMENT-JONES

- 194** Clause 277, page 184, line 31, leave out subsection (6)

Member's explanatory statement

See explanatory statement to the italic notice to oppose Clause 262 standing part of the bill.

Clause 285

LORD OFFORD OF GARVEL

- 195** Clause 285, page 190, line 2, leave out “or” and insert “and”

Member's explanatory statement

This amendment ensures that both limbs of the test of whether a trustee is independent of the trader in relation to a trust need to be satisfied.

After Clause 288

BARONESS JONES OF WHITCHURCH
LORD CLEMENT-JONES
LORD MOYNIHAN

196 After Clause 288, insert the following new Clause –

“Consultation: CMA powers to address issues relating to ticket sales

- (1) Within the period of three months beginning with the day on which this Act is passed, the Secretary of State must lay before both Houses of Parliament a statement summarising –
 - (a) work already undertaken by the CMA in relation to the sale and resale of event tickets, and,
 - (b) proposals for the granting of new powers or duties for –
 - (i) the CMA,
 - (ii) trading standards officers, or
 - (iii) other relevant regulators or actors in this area.
- (2) Within the period of six months beginning with the day on which this Act is passed, the Secretary of State must consult on the detail of the proposals mentioned in subsection (1)(b).
- (3) In preparing and consulting on the proposals, the Secretary of State must consult –
 - (a) ticket sellers and resellers,
 - (b) artists and performers, or their representatives,
 - (c) consumers and representative organisations, and
 - (d) any other persons the Secretary of State deems appropriate.”

Member's explanatory statement

This amendment is to probe what steps (if any) the Government is taking to tackle long-standing issues in the event ticket sales and resales markets. The CMA reported on its work in this field in August 2021, making a number of recommendations to Government.

LORD CLEMENT-JONES
BARONESS JONES OF WHITCHURCH
LORD MOYNIHAN

197 After Clause 288, insert the following new Clause –

“Requirements on secondary ticketing facilities

After section 92 of the Consumer Rights Act 2015 insert –

“92A 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.

LORD CLEMENT-JONES

198 After Clause 288, insert the following new Clause –

“Reporting requirement: secondary ticketing market

- (1) Within 12 months of the day on which this Act is passed and every 12 months thereafter, the Secretary of State must lay a report before Parliament on how the secondary ticketing market in the United Kingdom is functioning.
- (2) The report must cover –
- (a) inflated ticket prices: examining the extent of tickets being resold at prices significantly above face value and the impact this is having on the market;
 - (b) bulk buying: reviewing the extent and impact of bulk buying in the secondary ticketing market, including an analysis of the quantities of tickets acquired by individuals or entities, and its effects on ticket availability and pricing;
 - (c) use of bots: examining the prevalence and impact of automated bots in the acquisition of tickets;
 - (d) speculative selling: assessing the prevalence of speculative selling, where tickets are offered for sale on the secondary market before the seller has obtained possession of the actual ticket.”

Member's explanatory statement

This amendment would require the Secretary of State to lay a report before Parliament on how the secondary ticketing market in the UK is functioning.

LORD HOLMES OF RICHMOND

199 After Clause 288, insert the following new Clause –

“Review of consumer protection legislation in relation to artificial intelligence

Within six months of the passing of the Act, the Government must undertake a review of all consumer protection legislation to assess its suitability to address the challenges and opportunities presented by artificial intelligence.”

LORD HOLMES OF RICHMOND

200 After Clause 288, insert the following new Clause –

“Consumer protection: artificial intelligence labelling

Any person supplying a product or service involving artificial intelligence must give consumers clear and unambiguous information regarding any relevant health warnings and opportunities to give or withhold their informed consent to use of artificial intelligence in advance of consuming any product or service.”

LORD HOLMES OF RICHMOND

201 After Clause 288, insert the following new Clause –

“Consumer protection: right for consumer to be informed about reparability of goods

In the Consumer Rights Act 2015, after section 10, insert –

“10A Information to be provided on whether goods are repairable

- (1) Traders must provide information before a consumer enters into a contract or makes a purchase about the extent to which the trader’s goods are repairable and have been designed for reparability.
- (2) The information required under subsection (1) must include –
 - (a) whether there are spare parts or repair services available for the goods in question, and if so, how to access them and how much they are likely to cost; and
 - (b) whether the trader provides additional information on how to make repairs to the goods in question and, if so, how to access that information.””

LORD CLEMENT-JONES

202 After Clause 288, insert the following new Clause –

“Labelling of digital content

In Section 36(1) of the Consumer Rights Act 2015 (digital content to be as described), after “consumer” insert “, which specifically includes the labelling of digital content generated by artificial intelligence whether assisted or generated””

Member's explanatory statement

This amendment introduces labelling requirements into the Consumer Rights Act 2015.

Clause 295

LORD OFFORD OF GARVEL

203 Clause 295, page 199, line 20, leave out “more limited” and insert “different”

Member's explanatory statement

The amendment would ensure that when an application to vary an accreditation is made, the Secretary of State can make variations that differ in any way from what is applied for, and not just variations that are less onerous.

LORD OFFORD OF GARVEL

204 Clause 295, page 199, line 26, leave out from beginning of line to “the” in line 27 and insert “If the Secretary of State decides to vary the accreditation under subsection (8)(b)(i) or (ii),”

Member's explanatory statement

The amendment would ensure that the Secretary of State can alter or impose conditions whenever an accreditation is varied, and not just in cases where limitations are imposed or altered.

Clause 296

LORD OFFORD OF GARVEL

205 Clause 296, page 200, line 37, at end insert “, varying any existing condition or removing any existing condition”

Member's explanatory statement

The amendment would ensure that the Secretary of State has power under clause 296(4)(a) to vary or remove existing conditions, in addition to being able to impose new conditions on an accreditation.

Clause 302

LORD OFFORD OF GARVEL

206 Clause 302, page 205, line 24, leave out subsection (7)

Member's explanatory statement

This amendment would omit subsection (7) of Clause 302, which is superseded by the new Clause in my name on data protection.

Clause 303

LORD OFFORD OF GARVEL

207 Clause 303, page 206, line 3, leave out subsection (4)

Member's explanatory statement

This amendment would omit subsection (4) of Clause 303, which is superseded by the new Clause in my name on data protection.

Clause 304

LORD OFFORD OF GARVEL

208 Clause 304, page 207, leave out lines 4 and 5

Member's explanatory statement

This amendment would omit the definition of “data protection legislation” in Clause 304, as my amendment to Clause 328 would define that term for the purposes of the whole Bill.

Clause 306

BARONESS JONES OF WHITCHURCH

208A Clause 306, page 208, line 15, at end insert “, including the name and website address of an ADR provider; and

- (b) provide the name and website address of an ADR provider –
 - (i) on an easily accessible page on the trader’s website (if available), and
 - (ii) in the general terms and conditions of sales contracts or service contracts of the trader, where such general terms and conditions exist.”

Member's explanatory statement

This amendment would restate the existing notification requirements for traders to notify consumers of ADR arrangements.

After Clause 306LORD ETHERTON
LORD CLEMENT-JONES
BARONESS JONES OF WHITCHURCH

209 After Clause 306, insert the following new Clause –

“Review of ADR provision

- (1) The Secretary of State must, after consultation with persons they consider appropriate, within 12 months of the commencement of this Chapter complete a review of the provision of ADR in relation to consumer contract disputes in each relevant economic sector.

- (2) The Secretary of State must publish a report stating what steps they intend to take to ensure the provision in each sector of accessible and affordable ADR for the resolution of consumer contract disputes.”

Member's explanatory statement

This amendment requires the Secretary of State to undertake a review of the availability of accessible and affordable ADR for resolving consumer contract disputes.

BARONESS JONES OF WHITCHURCH

209A After Clause 306, insert the following new Clause –

“Enforcement of ADR awards

A money award, including interest where applicable, made after the final stage of a resolution of an ADR process in relation to a consumer contract dispute carried out in accordance with this Chapter is enforceable by a consumer in the appropriate court as if it were payable under a judgement or order of that court.”

Member's explanatory statement

This amendment would clarify that ADR awards are enforceable in court in the same way as existing court orders, reducing the impact of traders failing to compensate consumers.

BARONESS JONES OF WHITCHURCH

209B After Clause 306, insert the following new Clause –

“Review of accreditation and ADR in the aviation sector

- (1) The Secretary of State must conduct a detailed review of how the provision of ADR processes that are mandatory and binding on traders in the aviation sector may best be implemented and present a report to Parliament with the results and recommendations of such a review before, or on, 30 April 2025.
- (2) The review must include consideration of what further legislative or regulatory measures, including safeguards around accreditation processes and any necessary amendments to aviation licensing legislation, may be necessary to implement such ADR processes.
- (3) The review must consider what further steps may be necessary to ensure the provision of accessible, affordable, impartial and consistent ADR in the sector.
- (4) In conducting the review, the Secretary of State must consult relevant regulators and such other persons likely to be affected by the review, including the representatives of consumer and passenger organisations, as they consider appropriate.”

Member's explanatory statement

This amendment would compel the Government to conduct a review of ADR provisions in the aviation sector.

Schedule 25

LORD OFFORD OF GARVEL

210 Schedule 25, page 381, line 2, at end insert –

“Prescription and Limitation (Scotland) Act 1973

- A1 (1) Section 14 of the Prescription and Limitation (Scotland) Act 1973 (computation of prescriptive periods) is amended as follows.
- (2) In the following places, for “relevant consumer dispute” or “relevant dispute” substitute “consumer contract dispute” –
- (a) subsection (1D);
 - (b) subsection (1F);
 - (c) subsection (1G) (in each place where it occurs).
- (3) In subsection (1D) –
- (a) after “this Act is” (in the opening words) insert “, in a case where ADR is carried out in respect of the dispute,”;
 - (b) in paragraph (a) –
 - (i) for “the non-binding ADR procedure” substitute “the ADR”, and
 - (ii) for “such a procedure” substitute “it”;
 - (c) in each of paragraphs (b) and (c), for “a non-binding ADR procedure” substitute “the ADR”.
- (4) In the following places, for “the non-binding ADR procedure” substitute “the ADR” –
- (a) subsection (1E);
 - (b) subsection (1G)(b) and (f);
 - (c) subsection (2) (in the definition of “qualifying request”).
- (5) In subsections (1F) and (1G), for “a non-binding ADR procedure” substitute “ADR”.
- (6) In subsection (2) –
- (a) omit the following definitions –
 - “ADR entity”;
 - “ADR procedure”;
 - “consumer”;
 - “non-binding ADR procedure”;
 - “relevant consumer dispute”;
 - “sales contract”;
 - “service contract”;
 - “trader”;

- (b) before the definition of “holiday” insert the following definitions –
- ““ADR” has the same meaning as in Chapter 4 of Part 4 of the Digital Markets, Competition and Consumers Act 2024;
 - “ADR entity” means a person who carries out ADR in compliance with section 291(1) of that Act (which prohibits persons from carrying out ADR unless exempt, accredited, or acting under special ADR arrangements, in accordance with Chapter 4 of Part 4 of that Act);
 - “consumer contract dispute” has the same meaning as in Chapter 4 of Part 4 of that Act.”

Limitation Act 1980

- A2 (1) Section 33B of the Limitation Act 1980 (extension of time limits because of alternative dispute resolution) is amended as follows.
- (2) In the heading, for “cross border or domestic contractual” substitute “consumer contract”.
- (3) For subsection (1) substitute –
- “(1) In this section –
 - “ADR” has the same meaning as in Chapter 4 of Part 4 of the Digital Markets, Competition and Consumers Act 2024;
 - “ADR entity” means a person who carries out ADR in compliance with section 291(1) of that Act (which prohibits persons from carrying out ADR unless exempt, accredited, or acting under special ADR arrangements, in accordance with Chapter 4 of Part 4 of that Act);
 - “consumer contract dispute” has the same meaning as in Chapter 4 of Part 4 of that Act.”
- (4) In the following places, for “relevant dispute” substitute “consumer contract dispute” –
- (a) subsection (2)(a) and (b);
 - (b) subsection (5);
 - (c) subsection (6);
 - (d) subsection (7) (in each place where it occurs);
 - (e) subsection (9).
- (5) In the following places, for “a non-binding ADR procedure” substitute “ADR” –
- (a) subsection (2)(b);
 - (b) subsection (6);
 - (c) subsection (9).
- (6) In the following places, for “the non-binding ADR procedure” substitute “the ADR” –
- (a) subsection (2)(c);
 - (b) subsection (3);
 - (c) subsection (7) (in each place where it occurs);

- (d) subsection (8);
- (e) subsection (9).

Foreign Limitation Periods Act 1984

- A3 (1) Section 1B of the Foreign Limitation Periods Act 1984 (extension of limitation periods because of alternative dispute resolution) is amended as follows.
- (2) In the heading, for “cross border or domestic contractual” substitute “consumer contract”.
 - (3) For subsection (1) substitute –
 - “(1) In this section –
 - “ADR” has the same meaning as in Chapter 4 of Part 4 of the Digital Markets, Competition and Consumers Act 2024;
 - “ADR entity” means a person who carries out ADR in compliance with section 291(1) of that Act (which prohibits persons from carrying out ADR unless exempt, accredited, or acting under special ADR arrangements, in accordance with Chapter 4 of Part 4 of that Act);
 - “consumer contract dispute” has the same meaning as in Chapter 4 of Part 4 of that Act.”
 - (4) In the following places, for “relevant dispute” substitute “consumer contract dispute” –
 - (a) subsection (2)(a) and (b);
 - (b) subsection (5);
 - (c) subsection (6) (in each place where it occurs);
 - (d) subsection (8).
 - (5) In the following places, for “a non-binding ADR procedure” substitute “ADR” –
 - (a) subsection (2)(b);
 - (b) subsection (5);
 - (c) subsection (8).
 - (6) In the following places, for “the non-binding ADR procedure” substitute “the ADR” –
 - (a) subsection (2)(c);
 - (b) subsection (3);
 - (c) subsection (6) (in each place where it occurs);
 - (d) subsection (7);
 - (e) subsection (8).

Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11))

- A4 (1) Article 51B of the Limitation (Northern Ireland) Order 1989 (extension of time limits: non-binding ADR procedure) is amended as follows.
- (2) In the heading, for “: Non-binding ADR procedure” substitute “because of alternative dispute resolution in certain consumer contract disputes”.

- (3) In paragraphs (1)(a) and (3), for “a non-binding ADR procedure” substitute “ADR”.
- (4) In the following places, for “the non-binding ADR procedure” substitute “the ADR” –
- (a) paragraph (1)(b) (in each place where it occurs);
 - (b) paragraph (2);
 - (c) paragraph (4) (in each place where it occurs).
- (5) In paragraph (1)(b)(i), for “that such a procedure” substitute “on which it”.
- (6) In the following places, for “relevant dispute” substitute “consumer contract dispute” –
- (a) paragraph (1)(a);
 - (b) paragraph (3);
 - (c) paragraph (4) (in each place where it occurs).
- (7) For paragraph (5) substitute –
- “(5) In this Article –
- “ADR” has the same meaning as in Chapter 4 of Part 4 of the Digital Markets, Competition and Consumers Act 2024;
- “ADR entity” means a person who carries out ADR in compliance with section 291(1) of that Act (which prohibits persons from carrying out ADR unless exempt, accredited, or acting under special ADR arrangements, in accordance with Chapter 4 of Part 4 of that Act);
- “consumer contract dispute” has the same meaning as in Chapter 4 of Part 4 of that Act;
- “qualifying request” is a request by a party that another (A) confirm to all parties that A is continuing with the ADR.””

Member's explanatory statement

This amendment makes consequential amendments in connection with Chapter 4 of Part 4 of the Bill (alternative dispute resolution for consumer contract disputes).

LORD OFFORD OF GARVEL

211 Schedule 25, page 381, line 18, at end insert –

“Regulatory Enforcement and Sanctions Act 2008

2A In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008, at the appropriate place insert –

“Digital Markets, Competition and Consumers Act 2024, Chapter 4 of Part 4”.

Equality Act 2010

2B (1) Section 140AA of the Equality Act 2010 (extension of time limits because of alternative dispute resolution) is amended as follows.

- (2) In the heading, for “cross border or domestic contractual” substitute “consumer contract”.
- (3) For subsection (1) substitute –
 - “(1) In this section –
 - “ADR” has the same meaning as in Chapter 4 of Part 4 of the Digital Markets, Competition and Consumers Act 2024;
 - “ADR entity” means a person who carries out ADR in compliance with section 291(1) of that Act (which prohibits persons from carrying out ADR unless exempt, accredited, or acting under special ADR arrangements, in accordance with Chapter 4 of Part 4 of that Act);
 - “consumer contract dispute” has the same meaning as in Chapter 4 of Part 4 of that Act.”
- (4) In each of the following places, for “relevant dispute” substitute “consumer contract dispute” –
 - (a) subsection (2)(a) and (b);
 - (b) subsection (5);
 - (c) subsection (6);
 - (d) subsection (7) (in each place where it occurs);
 - (e) subsection (9).
- (5) In each of the following places, for “a non-binding ADR procedure” substitute “ADR” –
 - (a) subsection (2)(b);
 - (b) subsection (6);
 - (c) subsection (9).
- (6) In each of the following places, for “the non-binding ADR procedure” substitute “the ADR” –
 - (a) subsection (2)(c);
 - (b) subsection (3);
 - (c) subsection (7) (in each place where it occurs);
 - (d) subsection (8);
 - (e) subsection (9).
- (7) In subsection (8), for “(6)” substitute “(7)”.

Member's explanatory statement

This amendment makes consequential amendments in connection with Chapter 4 of Part 4 of the Bill (alternative dispute resolution for consumer contract disputes).

After Clause 308

BARONESS WHEATCROFT
BARONESS SHEEHAN
BARONESS ALTMANN

212 After Clause 308, insert the following new Clause –

“Consumer information: vote reporting

- (1) The FCA must make rules requiring relevant FCA-regulated persons to –
 - (a) give consumers information on request in a machine-readable form about the exercise by the persons or on their behalf of all voting rights attached to assets in which the consumers have an interest, including in respect of any specified description of scheme or investment vehicle, within 30 days of that request being received;
 - (b) have regard to guidance in respect of the format of the information provided under subsection (1)(a).

- (2) The FCA may discharge the duty in subsection (1) in respect of –
 - (a) beneficiaries of occupational pension schemes within the meaning of section 1 of the Pension Schemes Act 1993,
 - (b) beneficiaries of the local government pension scheme,
 - (c) clients of personal pension schemes within the meaning of an order under section 22 of Financial Services and Markets Act 2000, and
 - (d) clients of stakeholder pension schemes within the meaning of such an order,

by making rules requiring relevant FCA-regulated persons to give the information described in subsection (1)(a) to a relevant intermediary, or make it publicly available.

- (3) In this section –

“relevant FCA-regulated persons” means –

 - (a) persons managing investments within the meaning of an order under section 22 of FSMA 2000, including the activity described in paragraph 6 of Schedule 2 of that Act, and
 - (b) persons effecting or carrying out a contract of insurance within the meaning of an order under section 22 of FSMA 2000;

“relevant intermediary” means –

 - (a) in respect of subsection (2)(a), the trustees of the scheme,
 - (b) in respect of subsection (2)(b), an administering authority of the scheme in which the consumers have an interest, and
 - (c) in respect of subsection (2)(c) and (2)(d), the managers of the scheme.”

Member's explanatory statement

This amendment would require the FCA to make rules requiring on-request standardised reporting on company voting by investment managers and life insurers, and to provide guidance to firms on the format of that reporting. The FCA could discharge that duty in respect of the members of

pension schemes by passing the information to the trustees, administering authorities and managers of the schemes, or to publish it.

Schedule 26

LORD OFFORD OF GARVEL

213 Schedule 26, page 383, line 30, at end insert –

“5A In Schedule 14 to EA 2002 (specified functions), at the appropriate place insert –
“Chapter 2 of Part 5 of the Digital Markets, Competition and Consumers Act 2024.”

5B In Schedule 15 to EA 2002 (enactments conferring functions), at the appropriate place insert –
“Chapter 2 of Part 5 of the Digital Markets, Competition and Consumers Act 2024.””

Member's explanatory statement

This amendment ensures that: (a) information that comes to a public authority in connection with the exercise of its functions under Chapter 2 of Part 5 of the Bill is information to which section 237 of the Enterprise Act 2002 applies (which imposes a general restriction on disclosure of certain kinds of information unless permitted under Part 9 of that Act), and (b) that information to which section 237 applies can be disclosed to a public authority for the purposes of enabling that authority to carry out its functions under Chapter 2 of Part 5.

After Schedule 27

LORD OFFORD OF GARVEL

214 After Schedule 27, insert the following new Schedule –

“SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO ACTS OF PARLIAMENT

Competition Act 1980 (c. 21)

- 1 The Competition Act 1980 is amended as follows.
- 2 In section 11B(1) (references under section 11: powers of investigation and penalties), in the words before paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force and,”;

- (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
- 3 In section 11C(1) (references under section 11: further supplementary provisions), in the words before paragraph (a) –
 - (a) after “shall apply” insert “, as it had effect immediately before the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force,”; and
 - (b) for “applies” substitute “applied immediately before that date”.
- 4 In section 11D(7) (interim orders), in paragraph (d), after “penalties)” insert “as it had effect immediately before the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force”.

Telecommunications Act 1984 (c. 12)

- 5 In section 101 of the Telecommunications Act 1984 (general restrictions on disclosure of information), in subsection (3) –
 - (a) omit paragraph (v);
 - (b) after paragraph (w) insert –
 - “(x) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Companies Act 1985 (c. 6)

- 6 In paragraph 17 of Schedule 15D to the Companies Act 1985 (disclosures), after sub-paragraph (m) insert –
 - “(n) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Airports Act 1986 (c. 31)

- 7 In section 74 of the Airports Act 1986 (restriction on disclosure of information), in subsection (3) –
 - (a) omit paragraph (v);
 - (b) after paragraph (y) insert –
 - “(z) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Gas Act 1986 (c. 44)

- 8 (1) Section 41EB of the Gas Act 1986 (references under section 41E: application of EA 2002) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a)–
- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
- (3) In subsection (4)–
- (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;
 - (b) for “applies” substitute “applied immediately before that date”.
- (4) In subsection (5)–
- (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
- (5) After subsection (6) insert–
- “(7) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”

Water Act 1989 (c. 15)

- 9 In section 174 of the Water Act 1989 (general restrictions on disclosure of information), in subsection (3)–
- (a) omit paragraph (lp);
 - (b) after paragraph (o) insert–
 - “(p) the following provisions of the Digital Markets, Competition and Consumers Act 2024–
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Electricity Act 1989 (c. 29)

- 10 (1) Section 56CB of the Electricity Act 1989 (references under section 56C: application of EA 2002) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a)–
- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.

- (3) In subsection (4) –
 - (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;
 - (b) for “applies” substitute “applied immediately before that date”.
- (4) In subsection (5) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
- (5) After subsection (6) insert –
 - “(7) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”

Water Industry Act 1991 (c. 56)

- 11 The Water Industry Act 1991 is amended as follows.
- 12 (1) Section 14B (references under section 14: powers of investigation) is amended as follows.
 - (2) In subsection (1), in the words before paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In subsection (4) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (4) After subsection (5) insert –
 - “(6) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 13 (1) Section 16B (CMA’s power of veto following report: supplementary) is amended as follows.
 - (2) In subsection (6), in the words before paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In subsection (9) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;

- (b) at the end insert “as those provisions had effect immediately before that date”.
 - (4) After subsection (10) insert –
 - “(11) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 14 (1) Section 17M (references under section 17K: powers of investigation) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In subsection (4) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (4) After subsection (5) insert –
 - “(6) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 15 (1) Section 17Q (section 17P: supplementary) is amended as follows.
- (2) In subsection (6), in the words before paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In subsection (9) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (4) After subsection (10) insert –
 - “(11) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 16 In Part 2 of Schedule 15 (enactments etc in respect of which disclosure may be made) –

- (a) at the end of the list insert –
 - “The following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (a) Part 3;
 - (b) Chapter 1 of Part 4;
 - (c) Chapter 2 of Part 5.”;
- (b) omit the entry for subordinate legislation made for the purpose of securing compliance with Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market.

Railways Act 1993 (c.43)

- 17 The Railways Act 1993 is amended as follows.
- 18 (1) Section 13B (references under section 13: application of EA 2002) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In subsection (4) –
 - (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;
 - (b) for “applies” substitute “applied immediately before that date”.
 - (4) In subsection (5) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (5) After subsection (6) insert –
 - “(7) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 19 (1) Section 15C (sections 15A and 15B: supplementary) is amended as follows.
- (2) In subsection (2D), in the words before paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In subsection (2G) –
 - (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;

- (b) for “applies” substitute “applied immediately before that date”.
- (4) In subsection (2H) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
- (5) After subsection (4) insert –
 - “(5) In this section “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 20 In section 145 (general restrictions on disclosure of information), in subsection (3) –
 - (a) omit paragraph (qu);
 - (b) after paragraph (v) insert –
 - “(w) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”
- 21 Schedule 4A (review of access charges by the Office of Rail and Road) is amended as follows.
- 22 (1) Paragraph 10A (references under paragraph 9: application of EA 2002) is amended as follows.
 - (2) In sub-paragraph (1), in the words before paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In sub-paragraph (4) –
 - (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;
 - (b) for “applies” substitute “applied immediately before that date”.
 - (4) In sub-paragraph (5) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (5) After sub-paragraph (6) insert –
 - “(7) In this paragraph “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”

- 23 (1) Paragraph 15 (paragraphs 13 and 14: supplementary) is amended as follows.
- (2) In sub-paragraph (2D), in the words before paragraph (a) –
- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
- (3) In sub-paragraph (2G) –
- (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;
 - (b) for “applies” substitute “applied immediately before that date”.
- (4) In sub-paragraph (2H) –
- (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
- (5) After sub-paragraph (4) insert –
- “(5) In this paragraph “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”

Coal Industry Act 1994 (c. 21)

- 24 In section 59 of the Coal Industry Act 1994 (information to be kept confidential by the Coal Authority), in subsection (4) –
- (a) omit paragraph (q);
 - (b) after paragraph (t) insert –
 - “(u) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Greater London Authority Act 1999 (c. 29)

- 25 In section 235 of the Greater London Authority Act 1999 (restrictions on disclosure of information), in subsection (3) –
- (a) omit paragraph (ru);
 - (b) after paragraph (v) insert –
 - “(w) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Utilities Act 2000 (c. 27)

- 26 In section 105 of the Utilities Act 2000 (general restrictions on disclosure of information), in subsection (6) –
- (a) omit paragraph (w);
 - (b) after paragraph (z1) insert –
 - “(z2) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Transport Act 2000 (c. 38)

- 27 In Schedule 9 to the Transport Act 2000 (air traffic: information), in paragraph 3(3) –
- (a) after paragraph (rh) insert –
 - “(ri) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”
 - (b) omit paragraph (sa).

Communications Act 2003 (c. 21)

- 28 In section 393 of the Communications Act 2003 (general restrictions on disclosure of information), in subsection (5) –
- (a) omit paragraph (q);
 - (b) after paragraph (s) insert –
 - “(t) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Wireless Telegraphy Act 2006 (c. 36)

- 29 In section 111 of the Wireless Telegraphy Act 2006 (general restrictions), in subsection (6) –
- (a) omit paragraph (o);
 - (b) after paragraph (p) insert –
 - “(q) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;

- (ii) Chapter 1 of Part 4;
- (iii) Chapter 2 of Part 5.”

Companies Act 2006 (c. 46)

- 30 In Part 2 of Schedule 2 to the Companies Act 2006 (specified descriptions of disclosures), in section (A) (United Kingdom), in paragraph 25, after paragraph (l) insert –
- “(m) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
- (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Legal Services Act 2007 (c. 29)

- 31 In section 60(9) of the Legal Services Act 2007 (duties of the CMA), in the words before paragraph (a) –
- (a) after “apply”, in the first place it occurs, insert “, as they had effect immediately before the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force,”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.

Postal Services Act 2011 (c. 5)

- 32 In section 60(6) of the Postal Services Act 2011 (section 59: supplementary), in paragraph (a), after “CMA),” insert “as they had effect immediately before the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force,”.

Civil Aviation Act 2012 (c. 19)

- 33 In Schedule 6 to the Civil Aviation Act 2012 (restrictions on disclosure of information), in paragraph 4 –
- (a) in sub-paragraph (3), in the list of relevant statutory provisions, after the entry for “Water Act 2014” insert –
 - “the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (a) Part 3;
 - (b) Chapter 1 of Part 4;
 - (c) Chapter 2 of Part 5.”;
 - (b) in sub-paragraph (4), omit paragraph (b).

PART 2

AMENDMENTS TO OTHER LEGISLATION

Energy (Northern Ireland) Order 2003 (S.I. 2003/419 (N.I. 6))

- 34 The Energy (Northern Ireland) Order 2003 is amended as follows.
- 35 In Article 63 (general restrictions on disclosure of information), in paragraph (6) –
- (a) omit sub-paragraph (w);
 - (b) after sub-paragraph (x) insert –
 - “(y) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”
- 36 (1) In Schedule 2 (orders altering licensable activities), paragraph 5 (references under paragraph 3: application of EA 2002) is amended as follows.
- (2) In sub-paragraph (1), in the words before paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In sub-paragraph (4) –
 - (a) after “shall apply” insert “, as it had effect immediately before the relevant date,”;
 - (b) for “applies” substitute “applied immediately before that date”.
 - (4) In sub-paragraph (5) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (5) After sub-paragraph (6) insert –
 - “(7) In this paragraph “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”

Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/3172)

- 37 The Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 is amended as follows.
- 38 (1) Article 5 (references: powers of investigation) is amended as follows.
- (2) In paragraph (1), in the words before sub-paragraph (a) –

- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
- (3) In paragraph (5) –
- (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
- (4) After paragraph (5) insert –
- “(6) In this article “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 39 (1) Article 10 (Article 9: supplementary) is amended as follows.
- (2) In paragraph (3), in the words before sub-paragraph (a) –
- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
- (3) In paragraph (7) –
- (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
- (4) After paragraph (7) insert –
- “(8) In this Article “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”

Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21))

- 40 The Water and Sewerage Services (Northern Ireland) Order 2006 is amended as follows.
- 41 (1) Article 23 (references under Article 21: powers of investigation) is amended as follows.
- (2) In paragraph (1), in the words before sub-paragraph (a) –
- (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
- (3) In paragraph (4) –
- (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;

- (b) at the end insert “as those provisions had effect immediately before that date”.
- (4) After paragraph (5) insert –
 - “(6) In this Article “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 42 (1) Article 27 (CMA’s power of veto following report: supplementary) is amended as follows.
 - (2) In paragraph (6), in the words before sub-paragraph (a) –
 - (a) after “shall apply,” insert “as they had effect immediately before the relevant date and”;
 - (b) for “apply”, in the second place it occurs, substitute “applied immediately before that date”.
 - (3) In paragraph (9) –
 - (a) for “have”, in the first place it occurs, substitute “, immediately before the relevant date, had”;
 - (b) at the end insert “as those provisions had effect immediately before that date”.
 - (4) After paragraph (10) insert –
 - “(11) In this Article “the relevant date” means the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force.”
- 43 In Article 265 (restrictions on disclosure of information), in paragraph (5) –
 - (a) omit sub-paragraph (s);
 - (b) after paragraph (t) insert –
 - “(u) the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (i) Part 3;
 - (ii) Chapter 1 of Part 4;
 - (iii) Chapter 2 of Part 5.”

Postal Services (Appeals to the Competition Commission) (Investigations and Extension of Time Limits) Order 2011 (S.I. 2011/2749)

- 44 In Article 3 of the Postal Services (Appeals to the Competition Commission) (Investigations and Extension of Time Limits) Order 2011 (application of sections 109 to 117 of the 2002 Act), in the words before paragraph (a), after “shall apply,” insert “as they had effect immediately before the date on which section 142 of the Digital Markets, Competition and Consumers Act 2024 came into force and”.

Postal Services Act 2011 (Disclosure of Information) Order 2012 (S.I. 2012/1128)

- 45 In Article 4 of the Postal Services Act 2011 (Disclosure of Information) Order 2012, in the list of prescribed enactments –
- (a) omit the entry for the Consumer Protection from Unfair Trading Regulations 2008;
 - (b) after the entry relating to the Consumer Rights Act 2015 insert –
 - “the following provisions of the Digital Markets, Competition and Consumers Act 2024 –
 - (a) Part 3;
 - (b) Chapter 1 of Part 4;
 - (c) Chapter 2 of Part 5.”

Member's explanatory statement

See the explanatory statement for my amendment inserting a new Clause after Clause 330.

After Clause 327

BARONESS JONES OF WHITCHURCH

215

After Clause 327, insert the following new Clause –

“Review: tax rates for digital and high street businesses

- (1) Within the period of 6 months beginning with the day on which this Act is passed, the Secretary of State must undertake a review of the implications for competition of tax rates paid by business which operate –
 - (a) wholly online,
 - (b) wholly through physical premises, and
 - (c) both online and through physical premises.
- (2) In undertaking the review under subsection (1), the Secretary of State must –
 - (a) identify the number of high street shop closures in each of the last three years,
 - (b) calculate an indicative average tax rate for each of the business categories mentioned in subsection (1),
 - (c) consider the consequences of any differences in the average tax rates mentioned in paragraph (b) on competition, and
 - (d) if there are significant differences between the average tax rates mentioned in paragraph (b), consider the case for reforming different forms of business taxation to reduce such differences.
- (3) In undertaking the review under subsection (1), the Secretary of State may carry out specific sectoral case studies which consider the particular impacts of differences in tax rates on businesses operating in those sectors.
- (4) Upon completion of the review, the Secretary of State must lay its findings before Parliament.”

Member's explanatory statement

This new Clause, which would require the Secretary of State to carry out a review of the implications for competition of effective tax rates of digital and high street businesses, is designed to probe the Government's plans for balancing the economic opportunities presented by firms operating in digital markets with the ongoing health of established brick-and-mortar businesses.

BARONESS JONES OF WHITCHURCH

215A After Clause 327, insert the following new Clause –

“Review: impact of infant formula sale and promotion legislation on consumers

- (1) Within 12 months of the passing of this Act, the Secretary of State must publish a review considering the impact of infant formula legislation on consumers.
- (2) The review under subsection (1) should consider –
 - (a) the clarity of existing infant formula legislation;
 - (b) the impact of existing infant formula legislation on the pricing and affordability of infant formula;
 - (c) the impact of any current prohibition within infant formula legislation of –
 - (i) using coupons, vouchers, loyalty or gift cards, or other similar means to purchase infant formula at a discount;
 - (ii) provision of free samples of infant formula;
 - (iii) distribution of infant formula at a food bank by other similar means;
 - (iv) the use of premiums, sales, discounts, loss leaders, and other similar means to induce the sale of infant formula by retail;
 - (v) any other promotional activity to induce the sale of infant formula by retail.
- (3) In this section –

“infant formula” means food intended for use by infants during the first months of life and satisfying by itself the nutritional requirements of such infants until the introduction of appropriate complementary feeding and which meets any requirements imposed by any enactment about the composition or ingredients of infant formula;

“existing infant formula legislation” means any primary or secondary legislation which refers to infant formula, including but not limited to the Food Safety Act 1990, the Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020, the Nutrition (Amendment etc.) (EU Exit) Regulations 2019 and Nutrition (Amendment etc.) (EU Exit) Regulations 2020.”

Member's explanatory statement

This new Clause would require the Secretary of State to publish a review on the impact of current legislation on the sale and promotion of infant formula.

LORD LUCAS

215B After Clause 327, insert the following new Clause –

“Home improvements: additional protections

- (1) The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (2013/3134) is amended as follows.
- (2) In paragraph 28(1)(b), at end insert “, except when the goods relate to home improvements””

Member's explanatory statement

The intended effect of this amendment is to bring double glazing back into the fold for the 14 day “right to cancel”. Double glazing windows currently meet the definition of “made to the consumers specification”.

LORD CLEMENT-JONES

215C After Clause 327, insert the following new Clause –

“Standard Essential Patent Review

- (1) Within 60 days of the day on which this Act is passed, the Secretary of State must publish a report containing the conclusions and recommendations of the Intellectual Property Office’s review of the licensing in the United Kingdom of Standard Essential Patents (SEPs), including how to address any harms to consumers or competition caused by the seeking and imposition of injunctions on SEPs by SEP holders.
- (2) The CMA must, within 90 days of the day on which the report under subsection (1) is published, publish a response stating how it proposes to deal with any competition concerns identified in the report in relation to the licensing of SEPs that are subject to a voluntary, fair, reasonable and non-discriminatory terms commitment made by their owners at industry led standards setting organisations, including potential harms caused by the leverage of SEP injunctions on competition and thereby on consumers.
- (3) Subsections (1) and (2) apply only with respect to SEPs that their owners have voluntarily committed at industry-led standard setting organisations to license on fair, reasonable and non-discriminatory terms and not any other intellectual property rights.
- (4) Within 21 sitting days of the publication of the CMA's response under subsection (2), a Minister of the Crown must lay a statement before Parliament setting out how they propose to proceed in light of the response.
- (5) A Minister of the Crown must make a statement in Parliament within one year of the day on which this Act is passed.”

Member's explanatory statement

This amendment sets a timetable for the government to publish the IPO's report on the licensing of Standard Essential Patents, and a subsequent timetable for the CMA to respond to this review. It also provides for subsequent debates in both Houses of Parliament.

Clause 328

LORD OFFORD OF GARVEL

216 Clause 328, page 232, line 1, at end insert –

““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”

Member's explanatory statement

This amendment would define “the data protection legislation” for the purposes of the whole Bill.

After Clause 328

LORD OFFORD OF GARVEL

217 After Clause 328, insert the following new Clause –

“Data protection

- (1) This section applies to a duty or power to process information that is imposed or conferred by or under any provision of this Act.
- (2) A duty or power to which this section applies does not require or authorise the processing of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the processing would contravene that legislation).”

Member's explanatory statement

This amendment would make it clear that provisions in the Bill imposing or conferring duties or powers to process information do not require or authorise the processing of information which would contravene the data protection legislation.

After Clause 329

LORD OFFORD OF GARVEL

218 After Clause 329, insert the following new Clause –

“Consultation

A duty to consult under or by virtue of this Act may be satisfied by consultation that took place wholly or partly before the passing of this Act.”

Member's explanatory statement

This amendment clarifies that consultation required under or by virtue of the Bill may begin before the Bill is passed (so long as it is in compliance with the requirements for consultation as enacted).

After Clause 330

LORD OFFORD OF GARVEL

219 After Clause 330, insert the following new Clause –

“Minor and consequential amendments

Schedule (*Minor and consequential amendments*) contains minor and consequential amendments.”

Member's explanatory statement

This new Clause introduces a new Schedule that contains minor and consequential amendments relating to the Bill generally (there are other Schedules of consequential amendments relating to particular Parts of the Bill).

Clause 332

LORD LUCAS

219A Clause 332, page 234, line 33, at end insert –

“(7) Regulations under Part 4, Chapter 1 must be prefaced with an interpretive section.”

Member's explanatory statement

Now that the new law is UK law, rather than EU law, the way in which the new system operates should be made clear on the face of the regulations.

Clause 334

LORD HOLMES OF RICHMOND

220 Clause 334, page 235, line 4, after “subsections” insert “(1A)”

LORD BLACK OF BRENTWOOD

221 Clause 334, page 235, line 4, leave out “and (3)” and insert “, (3) and (4)”

Member's explanatory statement

This amendment and another amendment in the name of Lord Black of Brentwood would provide for an implementation period of two years before the provision in the Bill relating to subscription contracts comes into force.

LORD HOLMES OF RICHMOND

222 Clause 334, page 235, line 5, at end insert –

“(1A) Regulations commencing sections 19, 21, 46 and 86 may not be made until the Secretary of State has published guidance on how the appeals standard for financial penalties, proportionality and the countervailing benefits exemptions set out in those sections will operate.”

LORD OFFORD OF GARVEL

223 Clause 334, page 235, line 9, after “Part” insert “other than section (*Minor and consequential amendments*) (and Schedule (*Minor and consequential amendments*))”

Member's explanatory statement

This amendment provides that the new Clause and Schedule in my name making minor and consequential amendments come into force in accordance with regulations made by the Secretary of State.

LORD BLACK OF BRENTWOOD

224 Clause 334, page 235, line 14, at end insert –

“(3A) Chapter 2 of Part 4 comes into force two years after the day on which this Act is passed.”

Member's explanatory statement

See explanatory statement to Amendment at Clause 334, page 235, line 4 in the name of Lord Black of Brentwood.

Digital Markets, Competition and Consumers Bill

SIXTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

5 February 2024

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