

Data (Use and Access) Bill [HL]

MOTION TO BE MOVED

ON CONSIDERATION OF COMMONS REASON

[Clause references are to Bill 179, the Bill as first printed for the Commons]

COMMONS AMENDMENT 49

Clause 137

Baroness Kidron to move, That this House do not insist on its Amendment 49D, to which the Commons have disagreed for their Reason 49E, and do propose the following amendment in lieu of Amendment 49D –

Before Clause 138, insert the following new Clause –

“Statement and bringing forward of a draft Bill: copyright infringement, AI models, and transparency over inputs

- (1) Within three months of the publication of the report required by section (*Report on the use of copyright works in the development of AI systems*), the Secretary of State must make a statement to the House of Commons setting out his or her view on –
 - (a) the scale of copyright infringement of works used as a data input to an artificial intelligence (AI) model, where that infringement is conducted by a relevant trader or by third parties from which they source data inputs, and whether conducted in the United Kingdom or overseas,
 - (b) the impact of such copyright infringement on the United Kingdom economy, businesses, and individual copyright owners,
 - (c) the impact of such copyright infringement on the ability of UK-registered companies, in particular small companies and micro-entities within the meaning of the Companies Act 2006, to compete on a level playing field in the market for AI models with relevant traders that conduct such copyright infringement (especially overseas), and
 - (d) the adequacy of existing statutory and regulatory powers which support copyright owners in identifying and preventing such copyright infringement, including but not limited to transparency requirements on relevant traders.
- (2) On the same date as the statement, the Government must publish a draft Bill containing legislative proposals to provide transparency to copyright owners

regarding the use of their copyright works as data inputs for AI models made available by relevant traders.

- (3) In this section a “relevant trader” is a trader which operates a service which –
 - (a) includes the making available of an AI model, and
 - (b) has links with the United Kingdom within the meaning of subsection (4).
- (4) The service has links with the United Kingdom if –
 - (a) it has a significant number of United Kingdom users, or
 - (b) United Kingdom users form one of the target markets for the service (or the only target market).
- (5) The draft Bill must require relevant traders to provide copyright owners with clear, relevant, accurate and accessible information that will allow them to identify –
 - (a) the use of their copyright works used,
 - (b) the means by which those works were accessed, and
 - (c) the identity of third parties from which data inputs were sourced,in the pre-training, training, fine-tuning and retrieval-augmented generation of the AI model, or any other data input to the AI model.
- (6) The draft Bill may require relevant traders to provide copyright owners with other information from that which is required under subsection (5) to allow them to identify the legal basis for the use of their copyright works as data inputs to the AI models.
- (7) The draft Bill may contain provisions that apply in modified form in order that they apply proportionately to small companies and micro-entities within the meaning of the Companies Act 2006, or apply differently to UK-registered companies within the meaning of the Companies Act 2006 as opposed to companies which are not UK-registered.
- (8) The draft Bill must make provision for enforcement of its provisions.
- (9) The Secretary of State must, in the statement required under subsection (1) or in an accompanying document, set out his or her view on the expected effectiveness of the legislative proposals set out in the draft Bill required under subsection (2) for supporting copyright owners in identifying and preventing copyright infringement by relevant traders and third parties from which they source data inputs, whether that infringement is conducted in the United Kingdom or overseas.
- (10) The Secretary of State must lay the draft Bill before the relevant Parliamentary Committee in both Houses for pre-legislative scrutiny.
- (11) The “relevant Parliamentary Committee” is a reference to the Parliamentary Committee in each House, or the joint Committee of both Houses, which –
 - (a) is charged with responsibility by its House or by both Houses for the purposes of this section, and
 - (b) has notified the Secretary of State that it is a relevant Parliamentary Committee for those purposes.”

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