

# Consumer Rights Bill

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## AMENDMENTS

### TO BE MOVED

### ON REPORT

*[Supplementary to the Marshalled List]*

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#### Clause 81

BARONESS NEVILLE-ROLFE

**44A★** Page 43, line 28, at end insert—

“(4A) Subsections (4B) and (4C) apply to a letting agent engaging in letting agency or property management work in relation to dwelling-houses in England.

(4B) If the agent holds money on behalf of persons to whom the agent provides services as part of that work, the duty imposed on the agent by subsection (2) or (3) includes a duty to display or publish, with the list of fees, a statement of whether the agent is a member of a client money protection scheme.

(4C) If the agent is required to be a member of a redress scheme for dealing with complaints in connection with that work, the duty imposed on the agent by subsection (2) or (3) includes a duty to display or publish, with the list of fees, a statement—

- (a) that indicates that the agent is a member of a redress scheme, and
- (b) that gives the name of the scheme.”

**44B★** Page 43, line 31, at end insert “or (where applicable) a statement within subsection (4B) or (4C)”

**44C★** Page 43, line 32, at end insert—

“(6) In this section—

“client money protection scheme” means a scheme which enables a person on whose behalf a letting agent holds money to be compensated if all or part of that money is not repaid to that person in circumstances where the scheme applies;

“redress scheme” means a redress scheme for which provision is made by order under section 83 or 84 of the Enterprise and Regulatory Reform Act 2013.”

**After Clause 86**

BARONESS HAYTER OF KENTISH TOWN  
LORD STEVENSON OF BALMACARA

**50A★**

Insert the following new Clause —

**“Mandatory caller line identification**

- (1) The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426) (“the Regulations”) are amended as follows.
- (2) In regulation 2(1), between the definitions of “the Directive” and “electronic communications network” insert —  
 ““domestic caller” means any subscriber or user, other than a non-domestic caller, who uses a public electronic communications service for the purpose of making a call;”.
- (3) In regulation 2(1), between the definitions of “local data” and “OFCOM” insert —  
 ““non-domestic caller” means —  
 (a) a corporate subscriber that uses a public electronic communications service for the purpose of making calls; or  
 (b) any other subscriber or user who uses a public electronic communications service for the purpose of making unsolicited calls for direct marketing purposes;”.
- (4) In regulation 10(1), after the words “to outgoing calls” insert the words “made by a domestic caller”.
- (5) After regulation 10 insert —

**“10A Provision of calling and connected line identification—outgoing calls**

- (1) This regulation applies to outgoing calls made by a non-domestic caller.
- (2) A non-domestic caller must receive the direct consent of a consumer prior to sending marketing and advertising messages by electronic means, such as by telephone, fax, email, text, picture or video message, or by using an automated calling system.
- (3) The provider of a public electronic communications service shall provide users originating a call by means of that service with a facility to enable the presentation of calling line identification and connected line identification to the recipient of the call.
- (4) Non-domestic callers shall ensure that calling line identification and connected line identification is presented to the recipient of an outgoing call, unless the recipient makes use of a facility provided under regulation 11(2).
- (5) Where OFCOM determines that there are reasonable grounds to exempt a non-domestic caller or group of non-domestic callers from the requirements in paragraph (4), it may issue a notification under this regulation.

**After Clause 86 – continued**

- (6) A notification under paragraph (5) is one which –
    - (a) states that the non-domestic caller or group of non-domestic callers is exempt from the requirements in paragraph (4);
    - (b) specifies the period during which the exemption applies;
    - (c) imposes any conditions on the exemption that OFCOM believes are appropriate.
  - (7) OFCOM must arrange for the publication of any notifications made under paragraph (5) in such form and manner as it considers appropriate.
  - (8) OFCOM must consider an application for a notification under paragraph (5) made by a non-domestic caller or group of non-domestic callers.
  - (9) OFCOM may prepare and issue guidance (including altered or replacement guidance) in relation to notifications under paragraph (5), including as to –
    - (a) factors that might affect whether a notification under paragraph (5) is or is not given; and
    - (b) the procedure that OFCOM will adopt in considering applications made under paragraph (8).
  - (10) OFCOM must arrange for the publication of any guidance issued under paragraph (9) in such form and manner as it considers appropriate.
  - (11) In this regulation “recipient” means a subscriber whose line is the called line or connected line with regard to an outgoing call made by a non-domestic caller.”
- (6) After regulation 11(1) insert –
- “(1A) The provider of a public electronic communications service shall provide subscribers to the service with a facility enabling the presentation of the calling line identification and connected line identification of incoming calls to the subscriber’s line.
- (1B) The facility to be provided under paragraph (1A) shall be provided free of charge.”
- (7) In regulation 11(2) omit the words “Where a facility enabling the presentation of calling line identification is available”.
  - (8) In regulation 11(3) omit the words –
    - (a) “Where a facility enabling the presentation of calling line identification prior to the call being established is available”; and
    - (b) “where the presentation of the calling line identification has been prevented by the calling user or subscriber”.
  - (9) In regulation 11(4) omit the words “Where a facility enabling the presentation of connected line identification is available”.

*After Clause 86 – continued*

- (10) In regulation 12 for the words “Where a provider of a public electronic communications service provides facilities for calling or connected line identification, he shall provide information to the public regarding the availability of such facilities” substitute the words “A provider of a public electronic communications service shall provide information to the public regarding the availability of calling or connected line identification facilities”.
- (11) The Secretary of State may exempt organisations from the application of this section.
- (12) The Secretary of State must consult with OFCOM and any other relevant organisations on these exemptions.”

LORD STEVENSON OF BALMACARA  
BARONESS HAYTER OF KENTISH TOWN

**50B★** Insert the following new Clause –

**“Payday lenders levy**

The Secretary of State shall produce an annual report on the level at which a levy on lenders in the high cost consumer credit market should be set and bring forward measures to ensure –

- (a) provision of free debt advice for vulnerable consumers; and
- (b) provision of affordable alternative credit through credit unions.”

BARONESS HAYTER OF KENTISH TOWN  
LORD STEVENSON OF BALMACARA

**50C★** Insert the following new Clause –

**“Requirements for statutory regulators**

- (1) Within three months of the passing of this Act, the Secretary of State shall set out in guidance requirements for all statutory regulators to provide –
  - (a) formal representation for consumers on all governance bodies;
  - (b) an annual competition and consumer rights health check within their industry which has been approved by the Consumer Association; and
  - (c) periodic consideration of whether there is a need for independent advice, free at the point of delivery, to ensure consumers’ rights are protected.
- (2) If there is a need under subsection (1)(c), the Secretary of State shall review the case for the introduction of levies to support that provision.”

BARONESS HOWE OF IDLICOTE

**50D★** Insert the following new Clause –

**“Duty to provide an internet service that protects children from digital content**

- (1) Internet service providers must provide to subscribers an internet access service which excludes adult content unless all the conditions of subsection (3) have been fulfilled.

**After Clause 86 – continued**

- (2) Where mobile telephone operators provide a telephone service to subscribers which includes an internet access service, they must ensure this service excludes adult content unless all the conditions of subsection (3) have been fulfilled.
- (3) The conditions are –
  - (a) the subscriber “opts-in” to subscribe to a service that includes adult content;
  - (b) the subscriber is aged 18 or over; and
  - (c) the provider of the service has an age verification policy which meets the standards set out by OFCOM in subsection (4) and which has been used to confirm that the subscriber is aged 18 or over before a user is able to access adult content.
- (4) It shall be the duty of OFCOM, to set, and from time to time to review and revise, standards for the –
  - (a) filtering of adult content in line with the standards set out in section 319 of the Communications Act 2003 (OFCOM’s standards code);
  - (b) age verification policies to be used under subsection (3) before a user is able to access adult content; and
  - (c) filtering of content by age or subject category by providers of internet access services and mobile phone operators.
- (5) The standards set out by OFCOM under subsection (4) must be contained in one or more codes.
- (6) Before setting standards under subsection (5), OFCOM must publish, in such a manner as they think fit, a draft of the proposed code containing those standards.
- (7) After publishing the draft code and before setting the standards, OFCOM must consult relevant persons and organisations.
- (8) It shall be the duty of OFCOM to establish procedures for the handling and resolution of complaints in a timely manner about the observance of standards set under subsection (4), including complaints about incorrect filtering of content.
- (9) OFCOM may designate any body corporate to carry out its duties under this section in whole or in part.
- (10) OFCOM may not designate a body under subsection (9) unless, as respects that designation, they are satisfied that the body –
  - (a) is a fit and proper body to be designated;
  - (b) has consented to being designated;
  - (c) has access to financial resources that are adequate to ensure the effective performance of its functions under this section; and
  - (d) is sufficiently independent of providers of internet access services and mobile phone operators.

**After Clause 86 – continued**

- (11) In this section, internet service providers and mobile telephone operators shall at all times be held harmless of any claims or proceedings, whether civil or criminal, providing that at the relevant time, the internet access provider or the mobile telephone operator –
  - (a) was following the standards and code set out by OFCOM in subsection (4); and
  - (b) acting in good faith.
- (12) For the avoidance of doubt, nothing in subsections (1) and (2) prevents providers of internet access services and mobile phone operators from providing additional levels of filtering content.
- (13) In this section –
  - “adult content” means an internet access service that contains harmful and offensive materials from which persons under the age of eighteen are protected;
  - “harmful and offensive materials” has the same meaning as in section 3 of the Communications Act 2003 (general duties of OFCOM);
  - “material from which persons under the age of eighteen are protected” means material specified in the OFCOM standards under section 319(2)(a) of the Communications Act 2003 (OFCOM’s standards code);
  - “opts-in” means a subscriber notifies the service provider of his or her consent to subscribe to a service that includes adult content.”



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