Digital Economy Act 2017

CHAPTER 30

DIGITAL ECONOMY ACT 2017

PART 1
ACCESS TO DIGITAL SERVICES

1 Universal service broadband obligations
2 General conditions: switching communications provider
3 Automatic compensation for failure to meet performance standards

PART 2
DIGITAL INFRASTRUCTURE

Electronic communications code

4 The electronic communications code
5 Power to make transitional provision in connection with the code
6 Power to make consequential provision etc in connection with the code
7 Application of the code: protection of the environment

Dynamic spectrum access services

8 Regulation of dynamic spectrum access services

Other regulation of spectrum

9 Penalties for contravention of wireless telegraphy licences
10 Fixed penalties under Wireless Telegraphy Act 2006
11 Search warrants under Wireless Telegraphy Act 2006
12 Disposal of seized property under Wireless Telegraphy Act 2006
13 Time limits for prosecutions under Wireless Telegraphy Act 2006
PART 3
ONLINE PORNOGRAPHY

14 Internet pornography: requirement to prevent access by persons under 18
15 Meaning of “pornographic material”
16 The age-verification regulator: designation and funding
17 Parliamentary procedure for designation of age-verification regulator
18 Regulator’s power to require information
19 Enforcement by regulator of sections 14 and 18
20 Financial penalties imposed by regulator
21 Notice by regulator to payment-services providers and ancillary service providers
22 Meaning of “extreme pornographic material”
23 Regulator’s power to require internet service providers to block access to material
24 No power to give notice under section 23(1) where detrimental to national security etc
25 Guidance to be published by regulator
26 Exercise of functions by regulator
27 Guidance by Secretary of State to regulator
28 Requirements for notices given by regulator under this Part
29 Report on this Part
30 Interpretation and general provisions relating to this Part

PART 4
INTELLECTUAL PROPERTY

31 Lending of e-books by public libraries
32 Offences: infringing copyright and making available right
33 Registered designs: infringement: marking product with internet link
34 Copyright etc where broadcast retransmitted by cable

PART 5
DIGITAL GOVERNMENT

CHAPTER 1
PUBLIC SERVICE DELIVERY

35 Disclosure of information to improve public service delivery
36 Disclosure of information to gas and electricity suppliers etc
37 Disclosure of information by gas and electricity suppliers etc
38 Disclosure of information to water and sewerage undertakers etc
39 Disclosure of information by water and sewerage undertakers etc
40 Further provisions about disclosures under any of sections 35 to 39
41 Confidentiality of personal information
42 Information disclosed by the Revenue and Customs
43 Code of practice
44 Regulations under this Chapter
45 Interpretation of this Chapter etc
CHAPTER 2
CIVIL REGISTRATION

46 Disclosure of information by civil registration officials
47 Consequential provision

CHAPTER 3
DEBT OWED TO THE PUBLIC SECTOR

48 Disclosure of information to reduce debt owed to the public sector
49 Further provisions about power in section 48
50 Confidentiality of personal information
51 Information disclosed by the Revenue and Customs
52 Code of practice
53 Duty to review operation of Chapter
54 Regulations under this Chapter
55 Interpretation of this Chapter

CHAPTER 4
FRAUD AGAINST THE PUBLIC SECTOR

56 Disclosure of information to combat fraud against the public sector
57 Further provisions about power in section 56
58 Confidentiality of personal information
59 Information disclosed by the Revenue and Customs
60 Code of practice
61 Duty to review operation of Chapter
62 Regulations under this Chapter
63 Interpretation of this Chapter

CHAPTER 5
SHARING FOR RESEARCH PURPOSES

64 Disclosure of information for research purposes
65 Provisions supplementary to section 64
66 Bar on further disclosure of personal information
67 Information disclosed by the Revenue and Customs
68 Information disclosed by the Welsh Revenue Authority
69 Information disclosed by Revenue Scotland
70 Code of practice
71 Accreditation for the purposes of this Chapter
72 Delegation of functions of the Statistics Board
73 Interpretation of this Chapter

CHAPTER 6
DISCLOSURE BY REVENUE AUTHORITIES

74 Disclosure of non-identifying information by the Revenue and Customs
CHAPTER 7

STATISTICS

Disclosure of non-identifying information by the Welsh Revenue Authority
Disclosure of non-identifying information by Revenue Scotland
Disclosure of employer reference information by the Revenue and Customs

PART 6

MISCELLANEOUS

OFCOM: reports etc
OFCOM reports on infrastructure etc
Comparative overviews of quality and prices

OFCOM: information
Conditions about allocation of telephone numbers
Provision of information to OFCOM
Information required from communications providers

Appeals
Appeals from decisions of OFCOM and others: standard of review

Regulation and functions of BBC
Functions of OFCOM in relation to the BBC
TV licence fee concessions by reference to age

Provision of children's programmes
Provision of children’s programmes

OFCOM powers relating to criminal content etc
Suspension of radio licences for inciting crime or disorder
Digital additional services: seriously harmful extrinsic material

On-demand programme services
On-demand programme services: accessibility for people with disabilities
On-demand programme services: specially restricted material

Electronic Programme Guides
Electronic programme guides and public service channels
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>96</td>
<td>Direct marketing code</td>
</tr>
<tr>
<td>97</td>
<td>Televising events of national interest: power to amend qualifying conditions</td>
</tr>
<tr>
<td>98</td>
<td>Strategic priorities and provision of information</td>
</tr>
<tr>
<td>99</td>
<td>OFCOM and Northern Ireland</td>
</tr>
<tr>
<td>100</td>
<td>Retention by OFCOM of amounts paid under Wireless Telegraphy Act 2006</td>
</tr>
<tr>
<td>101</td>
<td>International recognition of satellite frequency assignments: power of OFCOM to charge fees</td>
</tr>
<tr>
<td>102</td>
<td>Billing limits for mobile phones</td>
</tr>
<tr>
<td>103</td>
<td>Code of practice for providers of online social media platforms</td>
</tr>
<tr>
<td>104</td>
<td>Internet filters</td>
</tr>
<tr>
<td>105</td>
<td>Secondary ticketing: duty to provide information about tickets</td>
</tr>
<tr>
<td>106</td>
<td>Power to create offence of breaching limits on internet and other ticket sales</td>
</tr>
<tr>
<td>107</td>
<td>Prevention or restriction of use of communication devices for drug dealing</td>
</tr>
<tr>
<td>108</td>
<td>Regulations about charges payable to the Information Commissioner</td>
</tr>
<tr>
<td>109</td>
<td>Functions relating to regulations under section 108</td>
</tr>
<tr>
<td>110</td>
<td>Supplementary provision relating to section 108</td>
</tr>
<tr>
<td>111</td>
<td>Amendments relating to section 108</td>
</tr>
<tr>
<td>112</td>
<td>Power to apply settlement finality regime to payment institutions</td>
</tr>
<tr>
<td>113</td>
<td>Bank of England oversight of payment systems</td>
</tr>
<tr>
<td>114</td>
<td>Qualifications in information technology: payment of tuition fees</td>
</tr>
</tbody>
</table>
Guarantee of pension liabilities under Telecommunications Act 1984

PART 7
GENERAL

117 Financial provisions
118 Commencement
119 Extent
120 Short title

SCHEDULES

SCHEDULE 1 — The electronic communications code

SCHEDULE 2 — The electronic communications code: transitional provision
1 Interpretation
2 Effect of subsisting agreement
3 Limitation of code rights
4 Limitation of persons bound
5 Exclusion of assignment, upgrading and sharing provisions
6 Termination and modification of agreements
7 (1) Subject to paragraph 6, Part 5 of the new...
8 Apparatus, works etc
9 Any agreement given in accordance with paragraph 26(3) of the...
10 Any agreement that has effect under paragraph 15 of the...
11 Court applications for required rights etc
12 (1) This paragraph applies where before the time when the...
13 Temporary code rights
14 Compensation
15 Objections in relation to apparatus
16 (1) Subject to the following provisions of this paragraph, the...
17 Part 12 of the new code does not apply in...
18 Tree lopping
19 (1) This paragraph applies where before the time when the...
20 Right to require removal of apparatus
21 Undertaker's works
22 Supplementary
23 Part 15 of the new code applies in relation to...
24 Paragraphs 24 to 27 of the existing code continue to...
25 A person entitled to compensation by virtue of this Schedule...

SCHEDULE 3 — Electronic communications code: consequential amendments

PART 1 — GENERAL PROVISION
1 Interpretation
2 References to the code or provisions of the code
3 References to a conduit system

PART 2 — AMENDMENTS OF PARTICULAR ENACTMENTS
4 Landlord and Tenant Act 1954 (c. 56)
5 Opencast Coal Act 1958 (c. 69)
6 Land Drainage (Scotland) Act 1958 (c. 24)
7 Pipe-lines Act 1962 (c. 58)
8 Harbours Act 1964 (c. 40)
9 Fair Trading Act 1973 (c. 41)
10 Highways Act 1980 (c. 66)
11 In section 177(12) (restriction of construction over highways: application of...
12 (1) Section 334 (savings relating to electronic communications apparatus) is...
13 Roads (Scotland) Act 1984 (c. 54)
14 (1) Section 50 (planting of trees etc by roads authority)... 
15 (1) Section 75 (bridges over and tunnels under navigable waterways)...
16 (1) Section 132 (saving for operators of telecommunications code systems)...
17 Housing Act 1985 (c. 68)
18 For the heading substitute “Electronic communications apparatus”.
19 In subsection (2) for “paragraph 21 of the electronic communications...
20 In subsection (3) for “paragraph 23” substitute “Part 10”.
21 Food and Environment Protection Act 1985 (c. 48)
22 In section 8A (electronic communications apparatus: operations in tidal waters...
23 In section 9(8) (defence to operating without licence under Part...
24 Airports Act 1986 (c. 31)
25 (1) Section 62 (electronic communications apparatus) is amended as follows....
26 Landlord and Tenant Act 1987 (c. 31)
27 Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22)
28 Electricity Act 1989 (c. 29)
29 Town and Country Planning Act 1990 (c. 8)
30 Water Industry Act 1991 (c. 56)
31 Water Resources Act 1991 (c. 57)
33 Cardiff Bay Barrage Act 1993 (c. 42)
34 Roads (Northern Ireland) Order 1993 (S.I. 1993/3160)
36 Landlord and Tenant (Covenants) Act 1995 (c. 30)
37 Gas Act 1995 (c. 45)
38 Channel Tunnel Rail Link Act 1996 (c. 61)
39 Gas (Northern Ireland) Order 1996 (S.I. 1996/275)
40 Business Tenancies (Northern Ireland) Order 1996 (SI 1996/725 (NI 5))
41 Town and Country Planning (Scotland) Act 1997 (c. 8)
42 Enterprise Act 2002 (c. 40)
43 In section 128(5) (mergers: references to supply of services) for...
44 In section 234(5) (enforcement of consumer legislation: references to supply...
45 Communications Act 2003 (c. 21)
46 (1) Section 394 (service of notifications and other documents) is...
47 (1) Section 402 (power of Secretary of State to make...
48 Schedule 3 is repealed.
49 Land Reform (Scotland) Act 2003 (asp 2)
50 Housing and Regeneration Act 2008 (c. 17)
51 In section 2(3) (objects of the Homes and Communities Agency:...
52 In section 57(1) (interpretation of Part 1) omit the definition...
53 In the table in section 58 (index of defined expressions... 
54 Crossrail Act 2008 (c. 18) 
55 Marine (Scotland) Act 2010 (asp 5) 
56 In section 36(1) (electronic communications apparatus) for the words from...
57 (1) Section 41 (defence to offences: electronic communications: emergency works)... 

SCHEDULE 4 — Public service delivery: specified persons for the purposes of section 35 
1 The Secretary of State for the Home Department. 
2 The Secretary of State for Defence. 
3 The Lord Chancellor. 
4 The Secretary of State for Justice. 
5 The Secretary of State for Education. 
6 The Secretary of State for Business, Energy and Industrial Strategy.... 
7 The Secretary of State for Work and Pensions. 
8 The Secretary of State for Communities and Local Government. 
9 The Secretary of State for Culture, Media and Sport. 
10 Her Majesty’s Revenue and Customs. 
11 A county council in England. 
12 A district council in England. 
13 A London borough council. 
14 A combined authority established under section 103 of the Local... 
15 The Common Council of the City of London in its... 
16 The Council of the Isles of Scilly. 
17 The Greater London Authority. 
18 A metropolitan county fire and rescue authority. 
19 The London Fire Commissioner. 
20 A fire and rescue authority in England constituted by a... 
21 A fire and rescue authority created by a scheme under... 
22 A chief officer of police for a police area in... 
23 The proprietor of a school within the meaning of the... 
24 The proprietor of an Academy within the meaning of that... 
25 The responsible person in relation to an educational institution as... 
26 The Gas and Electricity Markets Authority. 
27 The Chief Land Registrar. 
28 A person providing services in connection with a specified objective... 

SCHEDULE 5 — Public service delivery: specified persons for the purposes of sections 36 and 37 
1 The Secretary of State for Business, Energy and Industrial Strategy.... 
2 The Secretary of State for Work and Pensions. 
3 The Secretary of State for Communities and Local Government. 
4 Her Majesty’s Revenue and Customs. 
5 A county council in England. 
6 A district council in England. 
7 A London borough council. 
8 A combined authority established under section 103 of the Local... 
9 The Common Council of the City of London in its... 
10 The Council of the Isles of Scilly. 
11 The Greater London Authority.
12 A metropolitan county fire and rescue authority.
13 The London Fire Commissioner.
14 A fire and rescue authority in England constituted by a...
15 A fire and rescue authority created by a scheme under...
16 The Gas and Electricity Markets Authority.
17 The Chief Land Registrar.
18 A person providing services in connection with a fuel poverty...

SCHEDULE 6 — Public service delivery: specified persons for the purposes of sections 38 and 39
1 The Secretary of State for Work and Pensions.
2 The Secretary of State for Communities and Local Government.
3 Her Majesty’s Revenue and Customs.
4 A county council in England.
5 A district council in England.
6 A London borough council.
7 A combined authority established under section 103 of the Local...
8 The Common Council of the City of London in its...
9 The Council of the Isles of Scilly.
10 The Greater London Authority.
11 The Chief Land Registrar.
12 A person providing services in connection with a water poverty...

SCHEDULE 7 — Specified persons for the purposes of the debt provisions
1 The Secretary of State for the Home Department.
2 The Lord Chancellor.
3 The Secretary of State for Justice.
4 The Secretary of State for Education.
5 The Secretary of State for Business, Energy and Industrial Strategy....
6 The Secretary of State for Work and Pensions.
7 The Secretary of State for Transport.
8 Her Majesty’s Revenue and Customs.
9 The Minister for the Cabinet Office.
10 A county council in England.
11 A district council in England.
12 A London borough council.
13 The Common Council of the City of London in its...
14 The Council of the Isles of Scilly.
15 The Greater London Authority.
16 The Student Loans Company.
17 A person providing services to a specified person who is...

SCHEDULE 8 — Specified persons for the purposes of the fraud provisions
1 The Secretary of State for the Home Department.
2 The Secretary of State for Defence.
3 The Lord Chancellor.
4 The Secretary of State for Justice.
5 The Secretary of State for Education.
6 The Secretary of State for Business, Energy and Industrial Strategy....
7 The Secretary of State for Work and Pensions.
8 The Secretary of State for Transport.
9 The Secretary of State for Communities and Local Government.
10 The Secretary of State for the Environment, Food and Rural...
The Secretary of State for International Development.
The Secretary of State for Culture, Media and Sport.
The Minister for the Cabinet Office.
Her Majesty’s Revenue and Customs.
The Export Credits Guarantee Department.
A county council in England.
A district council in England.
A London borough council.
The Common Council of the City of London in its...
The Council of the Isles of Scilly.
The Greater London Authority.
The Chief Land Registrar.
The Big Lottery Fund.
The Nuclear Decommissioning Authority.
The Environment Agency.
The Homes and Communities Agency.
The Student Loans Company.
The British Council.
The Arts Council of England.
The English Sports Council.
The Technology Strategy Board.
The Arts and Humanities Research Council.
The Medical Research Council.
The Natural Environment Research Council.
The Biotechnology and Biological Sciences Research Council.
The Economic and Social Research Council.
The Engineering and Physical Sciences Research Council.
The Science and Technology Facilities Council.
A person providing services to a specified person who is...

SCHEDULE 9 — Bank of England oversight of payment systems

PART 1 — EXTENSION OF BANK OF ENGLAND OVERSIGHT OF PAYMENT SYSTEMS

1 The Banking Act 2009 is amended as follows.
2 In the heading to Part 5 (inter-bank payment systems) omit...
3 In section 181 (overview) for “payments between financial institutions” substitute...
4 (1) Section 182 (interpretation: “inter-bank payment system”) is amended as...
5 In section 183 (interpretation: other expressions), in paragraph (a) for...
6 (1) Section 184 (recognition order) is amended as follows.
7 In section 185 (recognition criteria), in subsection (1) for “an...
8 In section 186A (amendment of recognition order), in subsections (2) (b)...
9 In section 187 (de-recognition), in subsections (2), (3)(b) and (5)....
10 In section 188 (principles), in subsection (1) omit “inter-bank”.
11 In section 189 (codes of practice) omit “inter-bank”.
12 In section 190 (system rules), in subsection (1) omit “inter-bank”....
13 In section 191 (directions), in subsection (1) omit “inter-bank”.
14 In section 192 (role of FCA and PRA), in subsections...
15 In section 193 (inspection), in subsections (1) and (2), omit...
16 In section 194 (inspection: warrant), in subsection (1)(a) omit “inter-
bank”.
17 In section 195 (independent report), in subsection (1) omit “inter-
bank”.
18 In section 196 (compliance failure) omit “inter-bank”.
19 In section 197 (publication), in subsection (1) omit “inter-bank”.
20 In section 198 (penalty), in subsection (1) omit “inter-bank”.
21 In section 199 (closure), in subsection (2) omit “inter-bank”.
22 In section 200 (management disqualification), in subsections (1) and
(2),
23 In section 201 (warning), in subsection (1) for “an inter-bank”...
24 In section 202A (injunctions), in subsections (2)(a) and (3)(a), omit...
25 In section 203 (fees), in subsection (1) omit “inter-bank”.
26 In section 204 (information), in subsections (1A), (2) and (4)(c),
27 In section 205 (pretending to be recognised), in subsection (1)...
28 In section 206A (services forming part of recognised inter-bank
payment... 
29 In section 259 (statutory instruments), in the Table in subsection...
30 In section 261 (index of defined terms), in the Table—
PART 2 — CONSEQUENTIAL AMENDMENTS
31 Financial Services Act 2012
32 (1) Section 68 (cases in which Treasury may arrange independent...
33 In section 85 (relevant functions in relation to complaints scheme),
...
34 In section 110 (payment to Treasury of penalties received by...
35 Financial Services (Banking Reform) Act 2013
36 In section 45 (procedure), in subsection (1)(a) omit “inter-bank”.
37 In section 46 (amendment of designation order), in subsection (2)(a)...
38 In section 47 (revocation of designation orders), in subsection (3)(a)...
39 In section 98 (duty of regulators to ensure co-ordinated exercise...
40 In section 110 (interpretation), in subsection (1), in the definition...
41 In section 112 (interpretation: infrastructure companies), in subsections
(2)(a), (4)(b)...
42 In section 113 (interpretation: other expressions), in subsection (1)—
43 In section 115 (objective of FMI administration), in subsection (1)...
44 In section 120 (power to direct FMI administrator), in subsection...
45 In section 127 (interpretation of Part 6), in subsection (1),...