

DIGITAL ECONOMY BILL

AMENDMENTS TO BE MOVED IN COMMITTEE

Clause 8, page 6, line 5

After “make” insert “written”

Effect

This amendment specifies that a person who wishes to make representation against a determination by OFCOM to revoke or vary a registration must do so in writing.

Reason

Clause 8 inserts a number of new sections into the Wireless Telegraphy Act 2006 about regulation of dynamic spectrum access services. New section 53B concerns the revocation and variation of a registration. OFCOM is obliged when notifying the revocation or variation of a registration. OFCOM is obliged when the revocation or variation of a registration to inform the person registered that he or she has an opportunity to make representations. We take the view that these representations should be in writing and this amendment is designed to achieve this objective.

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Clause 8, page 7, line 29

Add at end –

“(g) specifies a right of appeal which the person has against a decision from OFCOM.

Effect

This amendment ensures the notice issued by OFCOM under new section 53E of the Wireless Telegraphy Act 2006 contains specifications about any right of appeal under the section.

Reason

OFCOM must issue a notification under new section 53E if they believe the registered person is contravening or has contravened any restrictions or conditions. The notice must comply with the terms of section 53E (2). These include that the notice sets out the determination, specifies the steps OFCOM believes should be taken, indicates if OFCOM are minded to suspend or revoke the person’s registration and specifies the penalty contemplated.

These aspects of determination are serious and could result in penalties and other enforcements under sections 53 F and G.

It is important that the person is also notified of the rights of appeal which can be employed if the person disagrees with the content of the notification. This amendment requires that information be given.

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Clause 17, page 19, line 48

Add at end –

“(2) the Secretary of State must only designate a person or persons as the age – verification regulator if he is satisfied that the person designated

–

(a) is independent of political or commercial influence,

(b) meets the standards of training and education which the Secretary of State may prescribe by Regulations; and

(c) is in the circumstances a fit and proper person to be so designated.

Effect

This amendment sets out the qualifications of the age-verification regulator.

Reason

Clause 17 provides that the Secretary of State can by notice designate a person as the age-verification regulator. Clause 17 contains no details about the qualifications or qualities which this person should hold. This amendment supplies that deficiency

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Clause 17, page 20, line 3

Add at end –

“(3) the Secretary of State must revoke a designation if the person designated –

(a) has been convicted of an offence for which the minimum period imprisonment is one year; or

(b) is unfit to be designated by reason of inability neglect of duty or misbehaviour.

Effect

This amendment provides the statutory basis for the removal of a person as the age-verification regulator

Reason

Clause 17 (2) allows the Secretary of State to revoke the designation of a person as an age-verification regulator. There are no provisions which provide statutory reasons for taking this action. This amendment supplies that deficiency.