



# Digital Economy Act 2017

## CHAPTER 30

### DIGITAL ECONOMY ACT 2017

#### PART 1

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- 1 Universal service broadband obligations
- 2 General conditions: switching communications provider
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#### PART 2

##### DIGITAL INFRASTRUCTURE

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- 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
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###### *Dynamic spectrum access services*

- 8 Regulation of dynamic spectrum access services

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- 12 Disposal of seized property under Wireless Telegraphy Act 2006
- 13 Time limits for prosecutions under Wireless Telegraphy Act 2006

*Status: Point in time view as at 01/10/2017.*  
*Changes to legislation: There are currently no known outstanding effects  
for the Digital Economy Act 2017. (See end of Document for details)*

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### **PART 3**

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- 15 Meaning of “pornographic material”
- 16 The age-verification regulator: designation and funding
- 17 Parliamentary procedure for designation of age-verification regulator
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- 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
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- 30 Interpretation and general provisions relating to this Part

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- 31 Lending of e-books by public libraries
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#### PUBLIC SERVICE DELIVERY

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- 36 Disclosure of information to gas and electricity suppliers etc
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- 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

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## **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
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- 54 Regulations under this Chapter
- 55 Interpretation of this Chapter

## **CHAPTER 4**

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- 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
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- 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

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- 78 Disclosure of information by the Revenue and Customs to the Statistics Board
- 79 Disclosure of information by public authorities to the Statistics Board
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- 81 Disclosure by the Statistics Board to devolved administrations

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### MISCELLANEOUS

#### *OFCOM: reports etc*

- 82 OFCOM reports on infrastructure etc
- 83 Comparative overviews of quality and prices

#### *OFCOM: information*

- 84 Conditions about allocation of telephone numbers
- 85 Provision of information to OFCOM
- 86 Information required from communications providers

#### *Appeals*

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

#### *Regulation and functions of BBC*

- 88 Functions of OFCOM in relation to the BBC
- 89 TV licence fee concessions by reference to age

#### *Provision of children's programmes*

- 90 Provision of children's programmes

#### *OFCOM powers relating to criminal content etc*

- 91 Suspension of radio licences for inciting crime or disorder
- 92 Digital additional services: seriously harmful extrinsic material

#### *On-demand programme services*

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

#### *Electronic Programme Guides*

- 95 Electronic programme guides and public service channels

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*Direct marketing code*

96 Direct marketing code

*Televising events of national interest*

97 Televising events of national interest: power to amend qualifying conditions

*Other provisions relating to OFCOM*

98 Strategic priorities and provision of information

99 OFCOM and Northern Ireland

100 Retention by OFCOM of amounts paid under Wireless Telegraphy Act 2006

101 International recognition of satellite frequency assignments: power of OFCOM to charge fees

*Billing limits for mobile phones*

102 Billing limits for mobile phones

*Online social media platforms*

103 Code of practice for providers of online social media platforms

*Internet filters*

104 Internet filters

*Ticket sales*

105 Secondary ticketing: duty to provide information about tickets

106 Power to create offence of breaching limits on internet and other ticket sales

*Communication devices used for drug dealing*

107 Prevention or restriction of use of communication devices for drug dealing

*Charges payable to the Information Commissioner*

108 Regulations about charges payable to the Information Commissioner

109 Functions relating to regulations under section 108

110 Supplementary provision relating to section 108

111 Amendments relating to section 108

*Payment and securities settlement systems*

112 Power to apply settlement finality regime to payment institutions

113 Bank of England oversight of payment systems

*Qualifications in information technology*

114 Qualifications in information technology: payment of tuition fees

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*Guarantee of pension liabilities under Telecommunications Act 1984*

- 115 Guarantee of pension liabilities under Telecommunications Act 1984  
116 Regulations under section 115

**PART 7**

GENERAL

- 117 Financial provisions  
118 Commencement  
119 Extent  
120 Short title

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SCHEDULES

SCHEDULE 1 — The electronic communications code  
This is the Schedule to be inserted before Schedule 4...

SCHEDULE 2 — The electronic communications code: transitional provision

*Interpretation*

- 1 (1) This paragraph has effect for the purposes of this...

*Effect of subsisting agreement*

- 2 (1) A subsisting agreement has effect after the new code...

*Limitation of code rights*

- 3 In relation to a subsisting agreement, references in the new...

*Limitation of persons bound*

- 4 (1) A person bound by a code right by virtue...

*Exclusion of assignment, upgrading and sharing provisions*

- 5 (1) Part 3 of the new code (assignment of code...

*Termination and modification of agreements*

- 6 (1) This paragraph applies in relation to a subsisting agreement,...  
7 (1) Subject to paragraph 6, Part 5 of the new...

*Apparatus, works etc*

- 8 (1) Paragraphs 9 to 14 of the existing code (rights...  
9 Any agreement given in accordance with paragraph 26(3) of the...  
10 Any agreement that has effect under paragraph 15 of the...

*Court applications for required rights etc*

- 11 (1) This paragraph applies where— (a) before the time when...  
12 (1) This paragraph applies where before the time when the...

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*Temporary code rights*

- 13 The coming into force of the new code does not...

*Compensation*

- 14 The repeal of the existing code does not affect paragraph...

*Objections in relation to apparatus*

- 15 The repeal of the existing code does not affect paragraphs...  
16 (1) Subject to the following provisions of this paragraph, the...  
17 Part 12 of the new code does not apply in...

*Tree lopping*

- 18 (1) This paragraph applies where— (a) before the time when...  
19 (1) This paragraph applies where before the time when the...

*Right to require removal of apparatus*

- 20 (1) This paragraph applies where before the repeal of the...

*Undertaker's works*

- 21 The repeal of the existing code does not affect the...

*Supplementary*

- 22 Any agreement which, immediately before the repeal of the existing...  
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

*Interpretation*

- 1 In this Part— “the commencement date” means the day on...

*References to the code or provisions of the code*

- 2 (1) In any enactment passed or made before the commencement...

*References to a conduit system*

- 3 In any enactment passed or made before the commencement date,...  
PART 2 — AMENDMENTS OF PARTICULAR ENACTMENTS

*Landlord and Tenant Act 1954 (c. 56)*

- 4 In section 43 of the Landlord and Tenant Act 1954...

*Opencast Coal Act 1958 (c. 69)*

- 5 (1) Section 45 of the Opencast Coal Act 1958 (provisions...

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*Land Drainage (Scotland) Act 1958 (c. 24)*

- 6 In section 17 of the Land Drainage Act (Scotland) Act...

*Pipe-lines Act 1962 (c. 58)*

- 7 In section 40(2) of the Pipe-lines Act 1962 (avoidance of...

*Harbours Act 1964 (c. 40)*

- 8 In section 53 of the Harbours Act 1964 (application of...

*Fair Trading Act 1973 (c. 41)*

- 9 In section 137(3)(f) of the Fair Trading Act 1973 (general...

*Highways Act 1980 (c. 66)*

- 10 The Highways Act 1980 is amended as follows.  
11 In section 177(12) (restriction of construction over highways:  
application of...  
12 (1) Section 334 (savings relating to electronic communications  
apparatus) is...

*Roads (Scotland) Act 1984 (c. 54)*

- 13 The Roads (Scotland) Act 1984 is amended as follows.  
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)...

*Housing Act 1985 (c. 68)*

- 17 Section 298 of the Housing Act 1985 (telecommunications apparatus)  
is...  
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...

*Food and Environment Protection Act 1985 (c. 48)*

- 21 The Food and Environment Protection Act 1985 is amended as...  
22 In section 8A (electronic communications apparatus: operations in tidal  
waters...  
23 In section 9(8) (defence to operating without licence under Part...

*Airports Act 1986 (c. 31)*

- 24 The Airports Act 1986 is amended as follows.  
25 (1) Section 62 (electronic communications apparatus) is amended as  
follows....

*Landlord and Tenant Act 1987 (c. 31)*

- 26 In section 4(2) of the Landlord and Tenant Act 1987...



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*Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22)*

27 In paragraph 4 of Schedule 4 to the Road Traffic...

*Electricity Act 1989 (c. 29)*

28 In paragraph 1(6) of Schedule 16 to the Electricity Act...

*Town and Country Planning Act 1990 (c. 8)*

29 (1) Section 256 of the Town and Country Planning Act...

*Water Industry Act 1991 (c. 56)*

30 In paragraph 4 of Schedule 13 to the Water Industry...

*Water Resources Act 1991 (c. 57)*

31 In Schedule 22 to the Water Resources Act 1991 (protection...

*Electricity (Northern Ireland) Order 1992 (S.I. 1992/231)*

32 In paragraph 3(2) of Schedule 4 to the Electricity (Northern...

*Cardiff Bay Barrage Act 1993 (c. 42)*

33 In paragraph 16 of Schedule 2 to the Cardiff Bay...

*Roads (Northern Ireland) Order 1993 (S.I. 1993/3160)*

34 (1) Schedule 9 to the Roads (Northern Ireland) Order 1993...

*Airports (Northern Ireland) Order 1994 (S.I. 1994/426)*

35 (1) Article 12 of the Airports (Northern Ireland) Order 1994...

*Landlord and Tenant (Covenants) Act 1995 (c. 30)*

36 In section 5 of the Landlord and Tenant (Covenants) Act...

*Gas Act 1995 (c. 45)*

37 In paragraph 2(7) of Schedule 4 to the Gas Act...

*Channel Tunnel Rail Link Act 1996 (c. 61)*

38 (1) Part 4 of Schedule 15 to the Channel Tunnel...

*Gas (Northern Ireland) Order 1996 (S.I. 1996/275)*

39 (1) Schedule 3 to the Gas (Northern Ireland) Order 1996...

*Business Tenancies (Northern Ireland) Order 1996 (SI 1996/725 (NI 5))*

40 In Article 4(1) of the Business Tenancies (Northern Ireland) Order...

*Town and Country Planning (Scotland) Act 1997 (c. 8)*

41 (1) Section 212 of the Town and Country Planning (Scotland)...

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*Enterprise Act 2002 (c. 40)*

- 42 The Enterprise Act 2002 is amended as follows.  
43 In section 128(5) (mergers: references to supply of services) for...  
44 In section 234(5) (enforcement of consumer legislation: references to supply...

*Communications Act 2003 (c. 21)*

- 45 The Communications Act 2003 is amended as follows.  
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.

*Land Reform (Scotland) Act 2003 (asp 2)*

- 49 (1) Schedule 1 to the Land Reform (Scotland) Act 2003...

*Housing and Regeneration Act 2008 (c. 17)*

- 50 The Housing and Regeneration Act 2008 is amended as follows....  
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...

*Crossrail Act 2008 (c. 18)*

- 54 (1) Part 4 of Schedule 17 to the Crossrail Act...

*Marine (Scotland) Act 2010 (asp 5)*

- 55 The Marine (Scotland) Act 2010 is amended as follows.  
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 Digital, 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.

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- 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 Housing, 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.

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- 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 —...

#### 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 Housing, Communities and Local Government....
- 10 The Secretary of State for the Environment, Food and Rural...
- 11 The Secretary of State for International Development.
- 12 The Secretary of State for Digital, Culture, Media and Sport....
- 13 The Minister for the Cabinet Office.
- 14 Her Majesty's Revenue and Customs.
- 15 The Export Credits Guarantee Department.
- 16 A county council in England.
- 17 A district council in England.
- 18 A London borough council.
- 19 The Common Council of the City of London in its...
- 20 The Council of the Isles of Scilly.
- 21 The Greater London Authority.
- 22 The Chief Land Registrar.
- 23 The Big Lottery Fund.
- 24 The Nuclear Decommissioning Authority.
- 25 The Environment Agency.
- 26 The Homes and Communities Agency.
- 27 The Higher Education Funding Council for England.
- 28 The Historic Buildings and Monuments Commission for England.
- 29 The Student Loans Company.
- 30 The British Council.
- 31 The Arts Council of England.
- 32 The English Sports Council.
- 33 The Technology Strategy Board.
- 34 The Arts and Humanities Research Council.
- 35 The Medical Research Council.
- 36 The Natural Environment Research Council.

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- 37 The Biotechnology and Biological Sciences Research Council.
- 38 The Economic and Social Research Council.
- 39 The Engineering and Physical Sciences Research Council.
- 40 The Science and Technology Facilities Council.
- 41 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

#### *Financial Services Act 2012*

- 31 The Financial Services Act 2012 is amended as follows.
- 32 (1) Section 68 (cases in which Treasury may arrange independent...
- 33 In section 85 (relevant functions in relation to complaints scheme),...

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34 In section 110 (payment to Treasury of penalties received by...

*Financial Services (Banking Reform) Act 2013*

- 35 The Financial Services (Banking Reform) Act 2013 is amended as...
- 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),...

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