

2017 No. 765 (C. 60)

BROADCASTING

CONSUMER PROTECTION

DATA PROTECTION

DISCLOSURE OF INFORMATION

ELECTRONIC COMMUNICATIONS

INTELLECTUAL PROPERTY

**The Digital Economy Act 2017 (Commencement No. 1)
Regulations 2017**

Made - - - -

12th July 2017

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 118(4), (6) and (7) of the Digital Economy Act 2017(a).

Citation and interpretation

1.—(1) These Regulations may be cited as the Digital Economy Act 2017 (Commencement No. 1) Regulations 2017.

(2) In these Regulations “the 2017 Act” means the Digital Economy Act 2017.

Provisions coming into force on 31st July 2017

2. The following provisions of the 2017 Act come into force on 31st July 2017—

- (a) section 5 (power to make transitional provision in connection with the code);
- (b) section 6 (power to make consequential provision etc in connection with the code);
- (c) section 8 (regulation of dynamic spectrum access services);
- (d) section 14 (internet pornography: requirement to prevent access by persons under 18) but only for the purpose of making regulations under subsection (2);
- (e) section 15 (meaning of “pornographic material”) so far as it relates to the purpose specified in paragraph (d) and to the provisions specified in paragraphs (h), (j) and (l);
- (f) section 16 (the age-verification regulator: designation and funding);

- (g) section 17 (parliamentary procedure for designation of age-verification regulator);
- (h) section 21(5) (meaning of “ancillary service provider”) so far as it relates to the provision specified in paragraph (l);
- (i) section 22 (meaning of “extreme pornographic material”) so far as it relates to the provisions specified in paragraphs (e), (h) and (j);
- (j) section 25 (guidance to be published by regulator);
- (k) section 26(2) (exercise of functions by regulator);
- (l) section 27 (guidance by Secretary of State to regulator);
- (m) section 30(1) and (2) (interpretation and general provisions relating to this Part) so far as it relates to the provisions specified in paragraphs (d) to (l);
- (n) section 34 (copyright etc where broadcast retransmitted by cable);
- (o) section 46 (disclosure of information by civil registration officials), but only for the purpose of issuing the code of practice under section 19AC of the Registration Service Act 1953(a);
- (p) section 47 (consequential provision: civil registration) so far as it relates to the purpose specified in paragraph (o);
- (q) section 74 (disclosure of non-identifying information by the Revenue and Customs);
- (r) section 76 (disclosure of non-identifying information by Revenue Scotland);
- (s) section 77 (disclosure of employer reference information by the Revenue and Customs);
- (t) section 78 (disclosure of information by the Revenue and Customs to the Statistics Board);
- (u) section 79 (disclosure of information by public authorities to the Statistics Board), except for subsection (3), and in relation to England and Wales and Scotland only;
- (v) section 81 (disclosure by the Statistics Board to devolved administrations), in relation to England and Wales and Scotland only;
- (w) section 87 (appeals from decisions of OFCOM and others: standard of review);
- (x) section 92 (digital additional services: seriously harmful extrinsic material);
- (y) section 93 (on-demand programme services: accessibility for people with disabilities), except subsection (3);
- (z) section 95 (electronic programme guides and public service channels);
- (aa) section 98 (strategic priorities and provision of information);
- (bb) section 100 (retention by OFCOM of amounts paid under Wireless Telegraphy Act 2006);
- (cc) section 101 (international recognition of satellite frequency assignments: power of OFCOM to charge fees);
- (dd) section 104 (internet filters);
- (ee) section 106 (power to create offence of breaching limits on internet and other ticket sales), in relation to England and Wales and Scotland only;
- (ff) section 108 (regulations about charges payable to the Information Commissioner);
- (gg) section 109 (functions relating to regulations under section 108);
- (hh) section 110 (supplementary provision relating to section 108);
- (ii) Schedule 1 (the electronic communications code), but only for the purpose of making regulations under paragraph 95 (power to confer jurisdiction on other tribunals) of

(a) 1953 c. 37.

Schedule 3A to the Communications Act 2003^(a), and section 4 (the electronic communications code) so far as is necessary for that purpose;

- (jj) paragraph 47 of Schedule 3 (electronic communications code: consequential amendments), and section 4 (the electronic communications code) so far as it relates to that paragraph.

Provisions coming into force on 1st October 2017

3. The following provisions of the 2017 Act come into force on 1st October 2017—

- (a) section 32 (offences: infringing copyright and making available right);
- (b) section 33 (registered designs: infringement: marking product with internet link);
- (c) section 35 (disclosure of information to improve public service delivery), but only for the purpose of making regulations, and in relation to England and Wales (except so far as it relates to the disclosure of information to or by a water or sewerage undertaker for an area which is wholly or mainly in Wales) and Scotland only;
- (d) section 36 (disclosure of information to gas and electricity suppliers etc), but only for the purpose of making regulations;
- (e) section 43 (code of practice: public service delivery), except so far as it relates to the disclosure of information to or by a water or sewerage undertaker for an area which is wholly or mainly in Wales, and in relation to England and Wales and Scotland only;
- (f) section 44 (regulations under this Chapter) so far as it relates to the purposes specified in paragraphs (c) and (d);
- (g) section 48 (disclosure of information to reduce debt owed to the public sector), but only for the purpose of making regulations, and in relation to England and Wales and Scotland only;
- (h) section 52 (code of practice: debt owed to the public sector), in relation to England and Wales and Scotland only;
- (i) section 54 (regulations under this Chapter) so far as it relates to the purpose specified in paragraph (g);
- (j) section 56 (disclosure of information to combat fraud against the public sector), but only for the purpose of making regulations, and in relation to England and Wales and Scotland only;
- (k) section 60 (code of practice: fraud against the public sector), in relation to England and Wales and Scotland only;
- (l) section 62 (regulations under this Chapter) so far as it relates to the purpose specified in paragraph (j);
- (m) section 70 (code of practice: sharing for research purposes), except so far as it relates to the disclosure of information by the Welsh Revenue Authority, and in relation to England and Wales and Scotland only;
- (n) section 80 (access to information by the Statistics Board), but only for the purposes of preparing and publishing the statement under section 45E, and the code of practice under section 45G, of the Statistics and Registration Service Act 2007^(b), and in relation to England and Wales and Scotland only.

Provision coming into force on 1st October 2018

4. Section 102 (billing limits for mobile phones) of the 2017 Act comes into force on 1st October 2018.

(a) 2003 c. 21.

(b) 2007 c. 18.

12th July 2017

Matthew Hancock
Minister of State
Department for Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Digital Economy Act 2017 (c.30) (“the 2017 Act”). The dates of commencement of certain other provisions are set out in section 118 of the 2017 Act.

Regulation 2 lists provisions which come into force on 31st July 2017 and regulation 3 lists provisions which come into force on 1st October 2017. Regulation 4 brings into force a provision on 1st October 2018.

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