



# Online Safety Act 2023

## 2023 CHAPTER 50

### PART 7

#### OFCOM'S POWERS AND DUTIES IN RELATION TO REGULATED SERVICES

### CHAPTER 4

#### INFORMATION

##### *Powers of entry, inspection and audit*

#### **108 Amendment of Criminal Justice and Police Act 2001**

- (1) The Criminal Justice and Police Act 2001 is amended as follows.
- (2) In section 57(1) (retention of seized items), after paragraph (t) insert—
  - “(u) paragraph 8 of Schedule 12 to the Online Safety Act 2023.”
- (3) In section 65 (meaning of “legal privilege”)—
  - (a) after subsection (8B) insert—

“(8C) An item which is, or is comprised in, property which has been seized in exercise or purported exercise of the power of seizure conferred by paragraph 7(f), (j) or (k) of Schedule 12 to the Online Safety Act 2023 is to be taken for the purposes of this Part to be an item subject to legal privilege if, and only if, the seizure of that item was in contravention of paragraph 17(3) of that Schedule (privileged information or documents).”;
  - (b) in subsection (9)—
    - (i) at the end of paragraph (d) omit “or”;
    - (ii) at the end of paragraph (e) insert “or”;
    - (iii) before the closing words insert—

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**Changes to legislation:** There are currently no known outstanding effects for the Online Safety Act 2023, Section 108. (See end of Document for details)

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“(g) paragraph 7(f), (j) or (k) of Schedule 12 to the Online Safety Act 2023.”

(4) In Part 1 of Schedule 1 (powers of seizure to which section 50 of the Act applies), after paragraph 73U insert—

“*Online Safety Act 2023*

73V Each of the powers of seizure conferred by paragraph 7(f), (j) and (k) of Schedule 12 to the Online Safety Act 2023.”

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**Commencement Information**

**I1** S. 108 not in force at Royal Assent, see [s. 240\(1\)](#)

**I2** [S. 108](#) in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(z10\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Online Safety Act 2023, Section 108.