



Online Safety Act 2023

2023 CHAPTER 50

PART 7

OFCOM'S POWERS AND DUTIES IN RELATION TO REGULATED SERVICES

CHAPTER 6

ENFORCEMENT POWERS

Provisional notices and confirmation decisions

135 Confirmation decisions: children's access assessments

- (1) This section applies if OFCOM are satisfied that a provider of a Part 3 service has failed to comply with a duty set out in section 36 (duties about children's access assessments).
- (2) If OFCOM include in a confirmation decision a requirement to take steps relating to the carrying out of a children's access assessment of a service, they must require that assessment to be completed within three months of the date of the confirmation decision.
- (3) OFCOM may vary a confirmation decision which includes a requirement as mentioned in subsection (2) to extend the deadline for completion of a children's access assessment.
- (4) Subsection (5) applies if, based on evidence that OFCOM have about a service resulting from their investigation into compliance with a duty set out in section 36, OFCOM consider that—
 - (a) it is possible for children to access the service or a part of it, and
 - (b) the child user condition is met in relation to—
 - (i) the service, or
 - (ii) a part of the service that it is possible for children to access.

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 135. (See end of Document for details)

- (5) OFCOM may include in the confirmation decision given to the provider of the service—
- (a) a determination that the duties set out in sections 11 and 12, or (as the case may be) sections 28 and 29, must be complied with—
 - (i) from the date of the confirmation decision, or
 - (ii) from a later date specified in that decision;
 - (b) provision about the circumstances in which that determination may be treated as no longer applying in relation to the service.
- (6) Subsection (4) is to be interpreted consistently with section 35.
- (7) In this section, “children’s access assessment” has the meaning given by section 35.

Commencement Information

- I1** S. 135 not in force at Royal Assent, see [s. 240\(1\)](#)
I2 S. 135 in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(z17\)](#)

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