

2023 No. 1420 (C. 101)

ELECTRONIC COMMUNICATIONS

**The Online Safety Act 2023 (Commencement No. 2) Regulations
2023**

Made - - - - *19th December 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 240(1) and (2) of the Online Safety Act 2023(a).

Citation

1. These Regulations may be cited as the Online Safety Act 2023 (Commencement No. 2) Regulations 2023.

Provisions coming into force on 10th January 2024

2. The following provisions of the Online Safety Act 2023 come into force on 10th January 2024—

- (a) section 7 (providers of user-to-user services: duties of care), except subsection (5)(f);
- (b) section 8 (scope of duties of care);
- (c) sections 9 and 10 (illegal content duties for user-to-user services);
- (d) sections 11 to 13 (user-to-user services likely to be accessed by children);
- (e) sections 14 to 17 and 19 (Category 1 services);
- (f) section 20 (duty about content reporting), except subsection (7)(b);
- (g) section 21 (duties about complaints procedures), except subsections (6)(c) and (9)(b);
- (h) section 22 (duties about freedom of expression and privacy);
- (i) section 23 (record-keeping and review duties), except in subsection (11), in the closing words of the definition of “relevant duties”, the references to the duties in sections 18, 71, 72(2) to (9) and (12), and 75;
- (j) sections 24 to 34 (providers of search services: duties of care), except in subsection 34(10), the closing words of the definition of “relevant duties”;
- (k) sections 35 to 37 (children’s access assessments);
- (l) sections 38 to 40 (duties about fraudulent advertising);
- (m) section 41(4) (codes of practice about duties);
- (n) sections 49 to 51 (further provision about codes of practice and duties);

- (o) section 52(1) and (2) (OFCOM's guidance about certain duties in Part 3);
- (p) section 53(2) (OFCOM's guidance: content that is harmful to children and user empowerment);
- (q) section 54 (OFCOM's guidance about protecting women and girls);
- (r) section 65 (OFCOM's guidance about user identity verification);
- (s) section 67 (regulations about reports to the NCA);
- (t) section 68 (NCA: information sharing);
- (u) subsections 72(1), (10) and (11) (further duties about terms of service);
- (v) section 73 (OFCOM's guidance about duties set out in section 71 and 72);
- (w) section 76 (OFCOM's guidance about duties set out in section 75);
- (x) sections 77 and 78 (transparency reporting) and Schedule 8, except paragraphs 11, 12, 13 in respect of section 71 and section 72(2) to (9) and (12), 14, 29 and 30;
- (y) section 80(1) to (3) and (5) to (8) (scope of duties about regulated provider pornographic content) and Schedule 9;
- (z) sections 83 to 89 (duties of providers of regulated services: fees) and Schedule 10;
- (z1) section 92 (duties in relation to strategic priorities);
- (z2) section 95 (register of categories of certain Part 3 services);
- (z3) section 96 (duty to maintain register);
- (z4) section 97 (list of emerging Category 1 services);
- (z5) section 100 (power to require information), except subsection (6)(a)(ii), (iii), (iv) in respect of sections 71 and 72(2) to (9) and (12), (v) and (vii);
- (z6) section 102 (information notices) in respect of notices given under section 100;
- (z7) section 103 (requirement to name a senior manager);
- (z8) section 104 (reports by skilled persons), except subsection (13)(a)(xi), (xii), (xiii) in respect of sections 71 and 72(2) to (9) and (12), (xiv) and (xvi);
- (z9) sections 105 and 106 (investigations and interviews);
- (z10) sections 107 and 108 (powers of entry, inspection and audit), and Schedule 12;
- (z11) sections 109 to 113 (information offences and penalties);
- (z12) section 114(1) and (3) to (6) (co-operation and disclosure of information: overseas regulators);
- (z13) section 118 (amendment of Enterprise Act 2002);
- (z14) section 119 (information for users of regulated services);
- (z15) section 120 (admissibility of statements), except subsection (2)(a);
- (z16) sections 121 to 128 (regulated user-to-user services and regulated search services: notices to deal with terrorism content and CSEA content);
- (z17) sections 130 to 143, Schedule 13, and sections 144 to 150 (enforcement powers), except sections 136(2)(b) and 138(2)(c) and (d);
- (z18) sections 152, 153, 154 (so far as it is not already in force), 155 to 159 and 161 to 164 (committees, research and reports), except section 162(7) to (10);
- (z19) sections 165 and 166 (media literacy);
- (z20) sections 167 and 168 (appeals);
- (z21) section 171 (OFCOM's guidance about super-complaints);

- (z22) sections 172 to 178 (Secretary of State's functions in relation to regulated services);
- (z23) section 192 (providers' judgements about the status of content);
- (z24) sections 195 to 198 (liability of providers etc) and Schedule 15;
- (z25) sections 199 to 203, 204(2) to (4) and section 205, except in respect of section 69 (information offences: supplementary and general);
- (z26) section 206 (payment of sums into Consolidated Fund);
- (z27) section 208 (service of notices);
- (z28) section 209 (amendments of Part 4B of the Communications Act) and Schedule 16;
- (z29) section 211 (repeal of Part 4B of the Communications Act: transitional provision etc) and Schedule 17;
- (z30) section 213 (offence under the Obscene Publications Act 1959: OFCOM defence);
- (z31) sections 215 and 216 (power to amend Act to regulate app stores);
- (z32) section 217 (power to impose duty about alternative dispute resolution procedure);
- (z33) section 218 (power to amend section 40);
- (z34) section 220 (powers to amend or repeal provisions relating to exempt content or services);
- (z35) Schedule 3 (timing of providers' assessments);
- (z36) Schedule 13 (penalties imposed by OFCOM under Chapter 6 of Part 7).

Provisions coming into force on 1st April 2024

3. The following provisions of the Online Safety Act 2023 come into force on 1st April 2024

- (a) section 101 (information in connection with an investigation into the death of a child);
- (b) section 102 (information notices) in respect of notices given under section 101.

19th December 2023

Saqib Bhatti
Parliamentary Under Secretary of State
Department for Science, Innovation and Technology

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the second commencement regulations under the Online Safety Act 2023 (c. 50) (“the 2023 Act”). They bring into force all provisions of the 2023 Act which have not otherwise been brought into force, except:

- (a) Section 18 (Duties to protect news publisher content)
- (b) Section 64 (User identity verification)
- (c) Section 66 (Requirement to report CSEA content to the NCA)
- (d) Section 69 (Offence in relation to CSEA reporting)
- (e) Section 71 (Duty not to act against users except in accordance with terms of service)
- (f) Section 72(2) to (9) and (12) (Further duties about terms of service)
- (g) Section 75 (Disclosure of information about use of service by deceased child users)
- (h) Section 81 (Duties about regulated provider pornographic content)
- (i) Part 10 and Schedule 14
- (j) Section 160 (Ofcom's report about reporting and complaints procedures)
- (k) Section 193(2)(b) (Ofcom's guidance about illegal content judgements)
- (l) Section 210 (Repeal of Part 4B of the Communications Act)

Regulation 2 specifies the provisions of the 2023 Act which are to be brought into force on 10th January 2024

Regulation 3 specifies the provisions of the 2023 Act which are to be brought into force on 1st April 2024 - these provisions relate to information requests in connection with an investigation into the death of a child.

A full impact assessment has been published in relation the Act and copies can be obtained from the UK Parliament website at <https://bills.parliament.uk/bills/3137> or from the Department for Science, Innovation and Technology at 100 Parliament Street, London, SW1A 2BQ, United Kingdom.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Online Safety Act 2023 have been brought into force by commencement Regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 114(2)	22 November 2023	2023/1242
section 114(7)	22 November 2023	2023/1242

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