

*Draft Regulations laid before Parliament under section 225(1)(c) of the Online Safety Act 2023
(c. 50), for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2024 No.

ELECTRONIC COMMUNICATIONS

The Online Safety (List of Overseas
Regulators) Regulations 2024

Made - - - -

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 114(2) of the Online Safety Act 2023(1).

In accordance with section 225(1)(c) of that Act a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Online Safety (List of Overseas Regulators) Regulations 2024 and come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

List of overseas regulators

2. The following are specified as overseas regulators for the purposes of section 114—

- (a) l’Autorité de régulation de la communication audiovisuelle et numérique (established in France);
- (b) de Autoriteit Consument & Markt (established in the Netherlands);
- (c) die Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen (established in Germany);
- (d) Coimisiún na Meán (established in Ireland);
- (e) the eSafety Commissioner (established in Australia);
- (f) the European Commission.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK
Statutory Instrument: The Online Safety (List of Overseas Regulators) Regulations 2024 No. 100

Date

[Signature]
Parliamentary Under Secretary of State
Department for Science, Innovation and
Technology

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify those overseas regulators with whom the Office of Communications (“OFCOM”) can co-operate under their power in section 114 of the Online Safety Act 2023 (c. 50) (“the Act”). “Overseas regulator” is defined in section 114(7) as “a person exercising functions in a country outside the United Kingdom which correspond to any of OFCOM’s online safety functions” (defined in section 235).

Under the power in section 114(1) of the Act, OFCOM may only co-operate with an overseas regulator for the purposes of (a) facilitating the exercise by the overseas regulator of any of that regulator’s online regulatory functions, or (b) criminal investigations or proceedings relating to a matter to which the overseas regulator’s online regulatory functions relate. The term “online regulatory functions” is defined in section 114(7).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.