



Online Safety Act 2023

CHAPTER 50

ONLINE SAFETY ACT 2023

PART 1

INTRODUCTION

- 1 Introduction
- 2 Overview of Act

PART 2

KEY DEFINITIONS

- 3 “User-to-user service” and “search service”
- 4 “Regulated service”, “Part 3 service” etc
- 5 Disapplication of Act to certain parts of services

PART 3

PROVIDERS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES: DUTIES OF CARE

CHAPTER 1

INTRODUCTION

- 6 Overview of Part 3

CHAPTER 2

PROVIDERS OF USER-TO-USER SERVICES: DUTIES OF CARE

Status: This is the original version (as it was originally enacted).

User-to-user services: which duties apply, and scope of duties

- 7 Providers of user-to-user services: duties of care
- 8 Scope of duties of care

Illegal content duties for user-to-user services

- 9 Illegal content risk assessment duties
- 10 Safety duties about illegal content

User-to-user services likely to be accessed by children

- 11 Children's risk assessment duties
- 12 Safety duties protecting children
- 13 Safety duties protecting children: interpretation

Category 1 services

- 14 Assessment duties: user empowerment
- 15 User empowerment duties
- 16 User empowerment duties: interpretation
- 17 Duties to protect content of democratic importance
- 18 Duties to protect news publisher content
- 19 Duties to protect journalistic content

Duties about content reporting and complaints procedures

- 20 Duty about content reporting
- 21 Duties about complaints procedures

Cross-cutting duties

- 22 Duties about freedom of expression and privacy
- 23 Record-keeping and review duties

CHAPTER 3

PROVIDERS OF SEARCH SERVICES: DUTIES OF CARE

Search services: which duties apply, and scope of duties

- 24 Providers of search services: duties of care
- 25 Scope of duties of care

Illegal content duties for search services

- 26 Illegal content risk assessment duties
- 27 Safety duties about illegal content

Search services likely to be accessed by children

- 28 Children's risk assessment duties
- 29 Safety duties protecting children
- 30 Safety duties protecting children: interpretation

Duties about content reporting and complaints procedures

- 31 Duty about content reporting

- 32 Duties about complaints procedures

Cross-cutting duties

- 33 Duties about freedom of expression and privacy
- 34 Record-keeping and review duties

CHAPTER 4

CHILDREN'S ACCESS ASSESSMENTS

- 35 Children's access assessments
- 36 Duties about children's access assessments
- 37 Meaning of "likely to be accessed by children"

CHAPTER 5

DUTIES ABOUT FRAUDULENT ADVERTISING

- 38 Duties about fraudulent advertising: Category 1 services
- 39 Duties about fraudulent advertising: Category 2A services
- 40 Fraud etc offences

CHAPTER 6

CODES OF PRACTICE AND GUIDANCE

Codes of practice

- 41 Codes of practice about duties
- 42 Codes of practice: principles, objectives, content
- 43 Procedure for issuing codes of practice
- 44 Secretary of State's powers of direction
- 45 Procedure for issuing codes of practice following direction under section 44
- 46 Publication of codes of practice
- 47 Review of codes of practice
- 48 Minor amendments of codes of practice
- 49 Relationship between duties and codes of practice
- 50 Effects of codes of practice
- 51 Duties and the first codes of practice

Guidance

- 52 OFCOM's guidance about certain duties in Part 3
- 53 OFCOM's guidance: content that is harmful to children and user empowerment
- 54 OFCOM's guidance about protecting women and girls

CHAPTER 7

INTERPRETATION OF PART 3

- 55 “Regulated user-generated content”, “user-generated content”, “news publisher content”
- 56 “Recognised news publisher”
- 57 “Search content”, “search results” etc
- 58 Restricting users’ access to content
- 59 “Illegal content” etc
- 60 “Content that is harmful to children”
- 61 “Primary priority content that is harmful to children”
- 62 “Priority content that is harmful to children”
- 63 Content harmful to children: OFCOM’s review and report

PART 4

OTHER DUTIES OF PROVIDERS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES

CHAPTER 1

USER IDENTITY VERIFICATION

- 64 User identity verification
- 65 OFCOM’s guidance about user identity verification

CHAPTER 2

REPORTING CHILD SEXUAL EXPLOITATION AND ABUSE CONTENT

- 66 Requirement to report CSEA content to the NCA
- 67 Regulations about reports to the NCA
- 68 NCA: information sharing
- 69 Offence in relation to CSEA reporting
- 70 Interpretation of this Chapter

CHAPTER 3

TERMS OF SERVICE: TRANSPARENCY, ACCOUNTABILITY AND FREEDOM OF EXPRESSION

- 71 Duty not to act against users except in accordance with terms of service
- 72 Further duties about terms of service
- 73 OFCOM’s guidance about duties set out in sections 71 and 72
- 74 Interpretation of this Chapter

CHAPTER 4

DECEASED CHILD USERS

- 75 Disclosure of information about use of service by deceased child users
- 76 OFCOM’s guidance about duties set out in section 75

CHAPTER 5

TRANSPARENCY REPORTING

- 77 Transparency reports about certain Part 3 services
- 78 OFCOM's guidance about transparency reports

PART 5

DUTIES OF PROVIDERS OF REGULATED SERVICES: CERTAIN PORNOGRAPHIC CONTENT

- 79 "Provider pornographic content" and "regulated provider pornographic content"
- 80 Scope of duties about regulated provider pornographic content
- 81 Duties about regulated provider pornographic content
- 82 OFCOM's guidance about duties set out in section 81

PART 6

DUTIES OF PROVIDERS OF REGULATED SERVICES: FEES

- 83 Duty to notify OFCOM
- 84 Duty to pay fees
- 85 Regulations by OFCOM about qualifying worldwide revenue etc
- 86 Threshold figure
- 87 Secretary of State's guidance about fees
- 88 OFCOM's fees statements
- 89 Recovery of OFCOM's initial costs
- 90 Meaning of "charging year" and "initial charging year"

PART 7

OFCOM'S POWERS AND DUTIES IN RELATION TO REGULATED SERVICES

CHAPTER 1

GENERAL DUTIES

- 91 General duties of OFCOM under section 3 of the Communications Act
- 92 Duties in relation to strategic priorities
- 93 Duty to carry out impact assessments

CHAPTER 2

REGISTER OF CATEGORIES OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES

- 94 Meaning of threshold conditions etc
- 95 Register of categories of certain Part 3 services
- 96 Duty to maintain register
- 97 List of emerging Category 1 services

CHAPTER 3

RISK ASSESSMENTS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES

- 98 OFCOM's register of risks, and risk profiles, of Part 3 services
- 99 OFCOM's guidance about risk assessments

CHAPTER 4

INFORMATION

Information powers and information notices

- 100 Power to require information
- 101 Information in connection with an investigation into the death of a child
- 102 Information notices
- 103 Requirement to name a senior manager

Skilled persons' reports

- 104 Reports by skilled persons

Investigations and interviews

- 105 Investigations
- 106 Power to require interviews

Powers of entry, inspection and audit

- 107 Powers of entry, inspection and audit
- 108 Amendment of Criminal Justice and Police Act 2001

Information offences and penalties

- 109 Offences in connection with information notices
- 110 Senior managers' liability: information offences
- 111 Offences in connection with notices under Schedule 12
- 112 Other information offences
- 113 Penalties for information offences

Disclosure of information

- 114 Co-operation and disclosure of information: overseas regulators
- 115 Disclosure of information
- 116 Intelligence service information
- 117 Provision of information to the Secretary of State
- 118 Amendment of Enterprise Act 2002
- 119 Information for users of regulated services
- 120 Admissibility of statements

CHAPTER 5

REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES: NOTICES TO DEAL WITH TERRORISM CONTENT AND CSEA CONTENT

- 121 Notices to deal with terrorism content or CSEA content (or both)
- 122 Requirement to obtain skilled person's report
- 123 Warning notices
- 124 Matters relevant to a decision to give a notice under section 121(1)
- 125 Notices under section 121(1): supplementary
- 126 Review and further notice under section 121(1)
- 127 OFCOM's guidance about functions under this Chapter
- 128 OFCOM's annual report
- 129 Interpretation of this Chapter

CHAPTER 6

ENFORCEMENT POWERS

Provisional notices and confirmation decisions

- 130 Provisional notice of contravention
- 131 Requirements enforceable by OFCOM against providers of regulated services
- 132 Confirmation decisions
- 133 Confirmation decisions: requirements to take steps
- 134 Confirmation decisions: risk assessments
- 135 Confirmation decisions: children's access assessments
- 136 Confirmation decisions: proactive technology
- 137 Confirmation decisions: penalties
- 138 Confirmation decisions: offences

Penalty notices etc

- 139 Penalty for failure to comply with confirmation decision
- 140 Penalty for failure to comply with notice under section 121(1)
- 141 Non-payment of fee
- 142 Information to be included in notices under sections 140 and 141

Amount of penalties etc

- 143 Amount of penalties etc

Business disruption measures

- 144 Service restriction orders
- 145 Interim service restriction orders
- 146 Access restriction orders
- 147 Interim access restriction orders
- 148 Interaction with other action by OFCOM

Publication of enforcement action

- 149 Publication by OFCOM of details of enforcement action
- 150 Publication by providers of details of enforcement action

Guidance

- 151 OFCOM's guidance about enforcement action

CHAPTER 7

COMMITTEES, RESEARCH AND REPORTS

- 152 Advisory committee on disinformation and misinformation
153 Functions of the Content Board
154 Research about users' experiences of regulated services
155 Consumer consultation
156 OFCOM's statement about freedom of expression and privacy
157 OFCOM's reports about use of age assurance
158 OFCOM's reports about news publisher content and journalistic content
159 OFCOM's transparency reports
160 OFCOM's report about reporting and complaints procedures
161 OFCOM's report about use of app stores by children
162 OFCOM's report about researchers' access to information
163 OFCOM's report in connection with investigation into a death
164 OFCOM's reports

CHAPTER 8

MEDIA LITERACY

- 165 Media literacy
166 Media literacy strategy and media literacy statement

PART 8

APPEALS AND SUPER-COMPLAINTS

CHAPTER 1

APPEALS

- 167 Appeals against OFCOM decisions relating to the register under section 95
168 Appeals against OFCOM notices

CHAPTER 2

SUPER-COMPLAINTS

- 169 Power to make super-complaints
170 Procedure for super-complaints
171 OFCOM's guidance about super-complaints

PART 9

SECRETARY OF STATE'S FUNCTIONS IN RELATION TO REGULATED SERVICES

Strategic priorities

- 172 Statement of strategic priorities

173 Consultation and parliamentary procedure

Directions to OFCOM

174 Directions about advisory committees

175 Directions in special circumstances

Guidance

176 Secretary of State's guidance

Annual report

177 Annual report on the Secretary of State's functions

Review

178 Review

PART 10

COMMUNICATIONS OFFENCES

False and threatening communications offences

179 False communications offence

180 Exemptions from offence under section 179

181 Threatening communications offence

182 Interpretation of sections 179 to 181

Offences of sending or showing flashing images

183 Offences of sending or showing flashing images electronically

Offence of encouraging or assisting serious self-harm

184 Offence of encouraging or assisting serious self-harm

Further provision

185 Extra-territorial application and jurisdiction

186 Liability of corporate officers

Offences to be inserted into Sexual Offences Act 2003

187 Sending etc photograph or film of genitals

188 Sharing or threatening to share intimate photograph or film

Repeals and amendments in connection with offences

189 Repeals in connection with offences under sections 179 and 181

190 Repeals in connection with offences under section 188

191 Consequential amendments

PART 11

SUPPLEMENTARY AND GENERAL

Status: This is the original version (as it was originally enacted).

Providers' judgements about the status of content

- 192 Providers' judgements about the status of content
- 193 OFCOM's guidance about illegal content judgements

Time-limits for first guidance

- 194 Time for publishing first guidance under certain provisions of this Act

Liability of providers etc

- 195 Providers that are not legal persons
- 196 Individuals providing regulated services: liability
- 197 Liability of parent entities etc
- 198 Former providers of regulated services

Offences

- 199 Information offences: supplementary
- 200 Offence of failure to comply with confirmation decision: supplementary
- 201 Defences
- 202 Liability of corporate officers for offences
- 203 Application of offences to providers that are not legal persons

Extra-territorial application

- 204 Extra-territorial application
- 205 Offences: extra-territorial application and jurisdiction

Payment of sums into Consolidated Fund

- 206 Payment of sums into the Consolidated Fund

Publication by OFCOM

- 207 Publication by OFCOM

Service of notices

- 208 Service of notices

Repeals and amendments

- 209 Amendments of Part 4B of the Communications Act
- 210 Repeal of Part 4B of the Communications Act
- 211 Repeal of Part 4B of the Communications Act: transitional provision etc
- 212 Repeals: Digital Economy Act 2017
- 213 Offence under the Obscene Publications Act 1959: OFCOM defence
- 214 Offences regarding indecent photographs of children: OFCOM defence

Power to amend Act to regulate app stores

- 215 Power to regulate app stores
- 216 Power to regulate app stores: supplementary

Power to amend Act: alternative dispute resolution

- 217 Power to impose duty about alternative dispute resolution procedure

Other powers to amend Act

- 218 Power to amend section 40
- 219 Powers to amend sections 61 and 62
- 220 Powers to amend or repeal provisions relating to exempt content or services
- 221 Powers to amend Part 2 of Schedule 1
- 222 Powers to amend Schedules 5, 6 and 7

Regulations

- 223 Power to make consequential provision
- 224 Regulations: general
- 225 Parliamentary procedure for regulations

PART 12

INTERPRETATION AND FINAL PROVISIONS

Interpretation

- 226 “Provider” of internet service
- 227 “User”, “United Kingdom user” and “interested person”
- 228 “Internet service”
- 229 “Search engine”
- 230 “Age verification” and “age estimation”
- 231 “Proactive technology”
- 232 Content communicated “publicly” or “privately”
- 233 “Functionality”
- 234 “Harm” etc
- 235 “Online safety functions” and “online safety matters”
- 236 Interpretation: general
- 237 Index of defined terms

Final provisions

- 238 Financial provisions
- 239 Extent
- 240 Commencement and transitional provision
- 241 Short title

SCHEDULES

SCHEDULE 1 — Exempt user-to-user and search services

PART 1 — DESCRIPTIONS OF SERVICES WHICH ARE EXEMPT

- 1 Email services
- 2 SMS and MMS services
- 3 Services offering only one-to-one live aural communications
- 4 Limited functionality services
- 5 Services which enable combinations of user-generated content
- 6 Exception to exemptions in paragraphs 1 to 5
- 7 Internal business services (entire user-to-user service or search service)
- 8 Internal business services (part of user-to-user service or search service)
- 9 Services provided by public bodies
- 10 Services provided by persons providing education or childcare

Status: This is the original version (as it was originally enacted).

- 11 Interpretation
- PART 2 — PARAGRAPH 10 EXEMPTION: DESCRIPTIONS OF EDUCATION AND
CHILD CARE
- 12 England
- 13 Early years provision by a person registered under Chapter 2...
- 14 Later years childminding by a later years childminder registered under...
- 15 Later years provision by a person registered under Chapter 3...
- 16 Education or childcare in a maintained nursery school within the...
- 17 Education or childcare in— (a) an Academy school, within the...
- 18 Education in— (a) an institution in England within the further...
- 19 Education provided by an independent training provider.
- 20 Further education for persons under 19 provided by a local...
- 21 In paragraphs 12 to 15, “early years childminding”, “early years...
- 22 In paragraph 19, “independent training provider” means a provider—
- 23 In paragraphs 20 and 22, “local authority in England” has...
- 24 In paragraph 22— “combined authority” means a combined authority
established...
- 25 Scotland
- 26 Child minding, within the meaning of Part 5 of the...
- 27 Day care of children, within the meaning of Part 5...
- 28 Primary education, secondary education or childcare in—
- 29 Further education provided by a body listed under the heading...
- 30 Further education provided by a college of further education which...
- 31 Wales
- 32 Day care for children by a person who is registered...
- 33 Primary education, secondary education or childcare in a school in...
- 34 Education provided in accordance with section 19A of the Education...
- 35 Further education in an institution in Wales within the further...
- 36 Any other post-16 education or training in Wales, the facilities...
- 37 In paragraphs 31 and 32, “child minding” and “day care...
- 38 Northern Ireland
- 39 Pre-school education, within the meaning of Part 5 of the...
- 40 Education in a nursery school, within the meaning of the...
- 41 Education or childcare in a school, within the meaning of...
- 42 Education which is suitable education otherwise than at school
provided...
- 43 Education in an institution of further education, within the meaning...
- 44 Education in agriculture and related subjects.
- PART 3 — INTERPRETATION
- 45 The following definitions apply for the purposes of this Schedule....
- 46 “Childcare”— (a) in relation to provision in England, has same...
- 47 “Education”— (a) in relation to provision in England, Wales and...
- 48 “Education in agriculture and related subjects”, in relation to provision...
- 49 “Further education”— (a) in relation to provision in England and...
- 50 “Higher education”— (a) in relation to provision in England and...
- 51 “Primary education” and “secondary education”— (a) in relation to
provision...
- SCHEDULE 2 — User-to-user services and search services that include regulated
provider pornographic content
- 1 A user-to-user service described in any of paragraphs 1 to...
- 2 (1) A user-to-user service within sub-paragraph (2) or (3).
- 3 (1) A search service within sub-paragraph (2).

- 4 For the purposes of this Schedule, a service “has links...
- 5 In this Schedule— “the internal business service conditions” means the...

SCHEDULE 3 — Timing of providers’ assessments

PART 1 — TIMING OF ILLEGAL CONTENT RISK ASSESSMENTS AND CHILDREN’S ACCESS ASSESSMENTS

- 1 Part 3 services already in operation at the outset of the regime provided for by this Act
- 2 New Part 3 services which start up, and existing services which become Part 3 services, between publication of the first illegal content risk assessment guidance and the first CAA guidance
- 3 New Part 3 services which start up when illegal content risk assessment guidance and CAA guidance are both available
- 4 Existing services which become Part 3 services when illegal content risk assessment guidance and CAA guidance are both available

PART 2 — TIMING OF CHILDREN’S RISK ASSESSMENTS AND SECTION 15(2) ASSESSMENTS

- 5 Children’s risk assessments
- 6 Section 15(2) assessments

PART 3 — PRE-EXISTING PART 4B SERVICES

- 7 Interpretation of this Part
- 8 (1) In this Part, “assessment start day”, in relation to...
- 9 In this Part “video-sharing platform service” has the same meaning...
- 10 Any reference in this Part to the effect of Part...
 - PRE-EXISTING PART 4B SERVICES WHICH ARE REGULATED USER-TO-USER SERVICES
- 11 Application of paragraphs 12 to 14
- 12 Illegal content risk assessments and children’s access assessments
- 13 If, on the assessment start day, illegal content risk assessment...
- 14 Section 15(2) assessments
 - REGULATED USER-TO-USER SERVICES WHICH INCLUDE A PRE-EXISTING PART 4B SERVICE

- 15 Application of paragraphs 16 to 20
- 16 Illegal content risk assessments and children’s access assessments of Part 4B part
- 17 If, on the assessment start day, illegal content risk assessment...
- 18 Section 15(2) assessments of Part 4B part
- 19 Application of Part 1 and paragraph 6
- 20 Application of paragraph 5

PART 4 — INTERPRETATION, AND EXTENSION OF THREE-MONTH PERIODS

- 21 Interpretation of this Schedule
- 22 For the meaning of “likely to be accessed by children”,...
- 23 In relation to regulated user-to-user services (or in the case...
- 24 In relation to regulated search services and the search engine...
- 25 In relation to regulated user-to-user services (or in the case...
- 26 In relation to regulated search services and the search engine...
- 27 For the purposes of this Schedule, guidance of a particular...
- 28 Extension of three-month periods

SCHEDULE 4 — Codes of practice under section 41: principles, objectives, content

- 1 General principles
- 2 The principles are as follows— (a) providers of Part 3...

Status: This is the original version (as it was originally enacted).

- 3 Online safety objectives
- 4 The online safety objectives for regulated user-to-user services are as...
- 5 The online safety objectives for regulated search services are as...
- 6 In the case of a combined service—
- 7 The Secretary of State may by regulations amend paragraph 4...
- 8 If regulations are made amending the online safety objectives, OFCOM...
- 9 Content of codes of practice
- 10 (1) Measures described in a code of practice which are...
- 11 Measures described in a code of practice may relate only...
- 12 Content of codes of practice: age assurance
- 13 Content of codes of practice: proactive technology
- 14 General
- 15 A code of practice may apply in relation to a...
- 16 Interpretation

SCHEDULE 5 — Terrorism offences

- 1 An offence under any of the following provisions of the...
- 2 An offence under section 113 of the Anti-terrorism, Crime and...
- 3 An offence under any of the following provisions of the...
- 4 Inchoate offences

SCHEDULE 6 — Child sexual exploitation and abuse offences

PART 1 — ENGLAND AND WALES, AND NORTHERN IRELAND

- 1 An offence under section 2 of the Obscene Publications Act...
- 2 An offence under section 1 of the Protection of Children...
- 3 An offence under Article 3 of the Protection of Children...
- 4 An offence under section 160 of the Criminal Justice Act...
- 5 An offence under any of the following provisions of the...
- 6 An offence under any of the following provisions of the...
- 7 An offence under section 62 of the Coroners and Justice...
- 8 An offence under section 69 of the Serious Crime Act...
- 9 Inchoate offences

PART 2 — SCOTLAND

- 10 An offence under either of the following provisions of the...
- 11 An offence under any of the following provisions of the...
- 12 An offence under any of the following provisions of the...
- 13 Inchoate offences

SCHEDULE 7 — Priority offences

- 1 Assisting suicide
- 2 An offence under section 13 of the Criminal Justice Act...
- 3 Threats to kill
- 4 Public order offences, harassment, stalking and fear or provocation of violence
- 5 An offence under any of the following provisions of the...
- 6 An offence under section 50A of the Criminal Law (Consolidation)...
- 7 An offence under any of the following provisions of the...
- 8 An offence under any of the following provisions of the...
- 9 An offence under any of the following provisions of the...
- 10 An offence under any of the following provisions of the...
- 11 An offence under section 76 of the Serious Crime Act...
- 12 Drugs and psychoactive substances

- 13 An offence under section 5 of the Psychoactive Substances Act...
- 14 Firearms and other weapons
- 15 An offence under any of the following provisions of the...
- 16 An offence under any of the following provisions of the...
- 17 An offence under any of the following provisions of the...
- 18 An offence under any of the following provisions of the...
- 19 An offence under any of the following provisions of the...
- 20 An offence under any of the following provisions of the...
- 21 An offence under section 36(1)(c) or (d) of the Violent...
- 22 An offence under any of the following provisions of the...
- 23 Assisting illegal immigration
- 24 Human trafficking
- 25 An offence under section 1 of the Human Trafficking and...
- 26 An offence under section 2 of the Human Trafficking and...
- 27 Sexual exploitation
- 28 An offence under any of the following provisions of the...
- 29 Sexual images
- 30 An offence under section 33 of the Criminal Justice and...
- 31 An offence under section 2 of the Abusive Behaviour and...
- 32 Proceeds of crime
- 33 Fraud
- 34 An offence under section 49(3) of the Criminal Justice and...
- 35 Financial services
- 36 An offence under any of the following provisions of the...
- 37 Foreign interference
- 38 Animal welfare
- 39 Inchoate offences

SCHEDULE 8 — Transparency reports by providers of Category 1 services,
Category 2A services and Category 2B services

PART 1 — MATTERS ABOUT WHICH INFORMATION MAY BE REQUIRED:
USER-TO-USER PART OF SERVICE

- 1 The incidence of illegal content, content that is harmful to...
- 2 The dissemination of illegal content, content that is harmful to...
- 3 The number of users who are assumed to have encountered...
- 4 The formulation, development, scope and application of the terms of...
- 5 The systems and processes for users to report content which...
- 6 The systems and processes that a provider operates to deal...
- 7 Functionalities designed to help users manage risks relating to content...
- 8 Features, including functionalities, that a provider considers may
contribute to...
- 9 The design and operation of algorithms which affect the display,...
- 10 Measures taken or in use by a provider to comply...
- 11 Measures taken or in use by a provider to comply...
- 12 Arrangements that a provider has in place for the reporting...
- 13 Measures taken or in use by a provider to comply...
- 14 Measures taken or in use by a provider to comply...
- 15 The systems and processes by which a provider assesses the...
- 16 The systems and processes that a provider operates—
- 17 Co-operation by a provider with government, regulatory or other
public...
- 18 Measures taken or in use by a provider to provide...
- 19 Measures taken or in use by a provider to improve...

Status: This is the original version (as it was originally enacted).

- 20 Any other measures taken or in use by a provider...
- PART 2 — MATTERS ABOUT WHICH INFORMATION MAY BE REQUIRED:
SEARCH ENGINE
- 21 The incidence of illegal search content and search content that...
- 22 The number of users who are assumed to have encountered...
- 23 The formulation, development, scope and application of the statements
of...
- 24 The systems and processes for users to report search content...
- 25 The systems and processes that a provider operates to deal...
- 26 Functionalities designed to help users manage risks relating to search...
- 27 The design and operation of algorithms which affect the display,...
- 28 Measures taken or in use by a provider to comply...
- 29 Arrangements that a provider has in place for the reporting...
- 30 Measures taken or in use by a provider to comply...
- 31 The systems and processes by which a provider assesses the...
- 32 The systems and processes that a provider operates—
- 33 Co-operation by a provider with government, regulatory or other
public...
- 34 Measures taken or in use by a provider to provide...
- 35 Measures taken or in use by a provider to improve...
- 36 Any other measures taken or in use by a provider...
- PART 3 — FURTHER PROVISION AND INTERPRETATION
- 37 When determining which information to require in a notice under...
- 38 The Secretary of State may by regulations—
- 39 The Secretary of State must consult OFCOM before making
regulations...
- 40 In the application of Part 2 of this Schedule to...
- 41 (1) For the purposes of this Schedule, content of a...
- 42 In this Schedule— “consumer content” has the same meaning as...

SCHEDULE 9 — Certain internet services not subject to duties relating to regulated
provider pornographic content

- 1 Internal business services (entire internet service)
- 2 Internal business services (part of internet service)
- 3 Services provided by public bodies
- 4 Services provided by persons providing education or childcare
- 5 On-demand programme services (entire internet service)
- 6 On-demand programme services (part of internet service)
- 7 Interpretation

SCHEDULE 10 — Recovery of OFCOM’s initial costs

- 1 Recovery of initial costs
- 2 Recovery of initial costs: first phase
- 3 Further recovery of initial costs
- 4 End of the recovery process
- 5 Providers for part of a year only
- 6 Calculation of the recoverable amount
- 7 Regulations about recovery of initial costs
- 8 Interpretation

SCHEDULE 11 — Categories of regulated user-to-user services and regulated search
services: regulations

- 1 Regulations specifying threshold conditions for categories of Part 3 services
- 2 Procedure for first regulations under paragraph 1
- 3 Procedure for amending or replacing regulations under paragraph 1
- 4 Publication of OFCOM’s advice under paragraphs 2 and 3
- 5 Interpretation
- 6 In this Schedule the “characteristics” of a user-to-user part of...
- 7 In this Schedule— “content that is harmful to children” has...

SCHEDULE 12 — OFCOM’s powers of entry, inspection and audit

- 1 Authorised persons
- 2 Power of entry and inspection without a warrant
- 3 Notice requiring information, documents or tests at inspection
- 4 Audit
- 5 Conditions for issue of a warrant
- 6 Evidence of authority
- 7 Powers exercisable by warrant
- 8 Powers of seizure: supplementary
- 9 Further provision about executing warrants
- 10 Entry and search under a warrant must be within the...
- 11 An authorised person executing a warrant may take such other...
- 12 A person taken on to the premises under paragraph 11...
- 13 An authorised person may use reasonable force, if necessary, for...
- 14 A warrant authorises entry on one occasion only, unless it...
- 15 If the premises are unoccupied or the occupier is temporarily...
- 16 Return of warrants
- 17 Restrictions on powers
- 18 Offences
- 19 Interpretation
- 20 References in this Schedule to a person “acting under this...
- 21 In this Schedule “enforceable requirement” has the same meaning as...
- 22 In paragraphs 6 to 17 and 20 “warrant” means a...
- 23 In the application of paragraph 5(1) to Scotland, the reference...
- 24 In the application of paragraph 5(1) to Northern Ireland, the...

SCHEDULE 13 — Penalties imposed by OFCOM under Chapter 6 of Part 7

- 1 Meaning of “penalty” in this Schedule
- 2 Amount of penalties: principles
- 3 Limitation to type and amount of penalties previously proposed
- 4 Maximum amount of penalties
- 5 Maximum amount of penalties: group of entities
- 6 Recovery of penalties

SCHEDULE 14 — Amendments consequential on offences in Part 10 of this Act

PART 1 — AMENDMENTS CONSEQUENTIAL ON OFFENCES IN SECTIONS 179, 181 AND 183

- 1 Football Spectators Act 1989
- 2 Sexual Offences Act 2003
- 3 In Schedule 5 to the Sexual Offences Act 2003, in...
- 4 Regulatory Enforcement and Sanctions Act 2008
- 5 Elections Act 2022

PART 2 — AMENDMENTS CONSEQUENTIAL ON OFFENCE IN SECTION 184

- 6 Children and Young Persons Act 1933

Status: This is the original version (as it was originally enacted).

- 7 Visiting Forces Act 1952
- 8 Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))
- 9 Criminal Attempts Act 1981
- 10 Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (S.I. 1983/1120 (N.I. 13))
- 11 Armed Forces Act 2006
- 12 Serious Crime Act 2007
 - PART 3 — AMENDMENTS CONSEQUENTIAL ON OFFENCES IN SECTIONS 187 AND 188
- 13 Children and Young Persons Act 1933
- 14 Police and Criminal Evidence Act 1984
- 15 Sexual Offences (Amendment) Act 1992
- 16 Sexual Offences Act 2003
- 17 Criminal Justice Act 2003
- 18 Anti-social Behaviour, Crime and Policing Act 2014
- 19 Modern Slavery Act 2015
- 20 Sentencing Act 2020
- 21 Elections Act 2022
 - PART 4 — AMENDMENTS CONSEQUENTIAL ON SECTION 190
- 22 Criminal Justice and Courts Act 2015
- 23 Domestic Abuse Act 2021
- 24 Overseas Operations (Service Personnel and Veterans) Act 2021
- 25 Criminal Justice (Electronic Commerce) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/835)

SCHEDULE 15 — Liability of parent entities etc

- 1 Joint provisional notices of contravention
- 2 Liability of parent entities for failures by subsidiary entities
- 3 Liability of subsidiary entities for failures by parent entities
- 4 Liability of fellow subsidiary entities for failures by subsidiary entities
- 5 Liability of controlling individuals for failures by entities
- 6 OFCOM’s guidance
- 7 Interpretation
- 8 In its application for the purposes of this Schedule, paragraph...
- 9 For the purposes of this Schedule, sections 1161(4) and 1162...

SCHEDULE 16 — Amendments of Part 4B of the Communications Act

- 1 Part 4B of the Communications Act (video-sharing platform services) is...
- 2 In section 368U (maintenance of list of providers)—
- 3 In section 368V(4) (meaning of “significant differences”), for the words...
- 4 In section 368Y(2)(d) (information to be provided by providers of...
- 5 In section 368Z1(3) (duty to take appropriate measures), for the...
- 6 In section 368Z10(3)(a) (power to demand information), for the words...
- 7 For section 368Z12 (co-operation with member States and the European...

SCHEDULE 17 — Video-sharing platform services: transitional provision etc

PART 1 — INTERPRETATION

- 1 (1) In this Schedule, “pre-existing Part 4B service” means—
- 2 In this Schedule— “the relevant day”, in relation to a...

PART 2 — DURING THE TRANSITIONAL PERIOD

- 3 Pre-existing Part 4B services which are regulated user-to-user services
 - 4 Regulated user-to-user services that include regulated provider
pornographic content
 - 5 Pre-existing Part 4B services which form part of regulated user-to-user
services
 - 6 Regulated user-to-user services with a Part 4B part and another user-to-
user part
 - 7 Regulated user-to-user services with a Part 4B part and a search engine
 - 8 Regulated user-to-user services with a Part 4B part but no other user-to-
user part or search engine
 - 9 Assessments of pre-existing Part 4B services or of services which
include a pre-existing Part 4B service
 - 10 Operation of section 368U of the Communications Act
 - 11 Video-sharing platform services which start up, or start up again, during
the transitional period
 - 12 (1) Sub-paragraph (2) applies in relation to a pre-existing Part...
 - 13 Paragraphs 11 and 12 apply regardless of whether, or when,...
- PART 3 — APPLICATION OF PART 6 OF THIS ACT: FEES
- 14 Introduction
 - 15 In this Part “relevant regulated service” means—
 - 16 Application of section 83
 - 17 (1) This paragraph applies in relation to a person who...
 - 18 Application of section 84: transitional charging year
 - 19 (1) If a person who is the provider of a...
 - 20 Application of section 84: non-transitional charging year
 - 21 Amounts wholly referable to relevant Part 4B service
 - 22 Interpretation of this Part
 - 23 For the purposes of this Part a charging year is...
 - 24 (1) In this Part “exempt provider” means a person within...
 - 25 In this Part the following terms have the same meaning...
- PART 4 — AFTER THE END OF THE TRANSITIONAL PERIOD
- 26 Interpretation of this Part
 - 27 For the purposes of this Part an investigation relating to...
 - 28 OFCOM as appropriate regulatory authority
 - 29 Duties of service providers to co-operate with investigations
 - 30 Demands for information, and enforcement of such demands
 - 31 Enforcement notifications, financial penalties etc
 - 32 Suspension or restriction of service for contraventions or failures