



Online Safety Act 2023

2023 CHAPTER 50

PART 3

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

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

- (1) Subsections (2) to (4) apply to determine which of the duties set out in this Chapter must be complied with by providers of regulated search services.
- (2) All providers of regulated search services must comply with the following duties in relation to each such service which they provide—
 - (a) the duties about illegal content risk assessments set out in section 26,
 - (b) the duties about illegal content set out in section 27(2) to (8),
 - (c) the duty about content reporting set out in section 31,
 - (d) the duties about complaints procedures set out in section 32,
 - (e) the duties about freedom of expression and privacy set out in section 33, and
 - (f) the duties about record-keeping and review set out in section 34(2) to (6).
- (3) Additional duties must be complied with by providers of particular kinds of regulated search services, as follows.
- (4) All providers of regulated search services that are likely to be accessed by children must comply with the following duties in relation to each such service which they provide—

- (a) the duties about children’s risk assessments set out in section 28, and
 - (b) the duties to protect children’s online safety set out in section 29(2) to (8).
- (5) All providers of regulated search services that are Category 2A services must comply with the following duties in relation to each such service which they provide—
- (a) the duty about illegal content risk assessments set out in section 27(9),
 - (b) the duty about children’s risk assessments set out in section 29(9), and
 - (c) the duty about record-keeping set out in section 34(9).
- (6) For the meaning of “likely to be accessed by children”, see section 37.
- (7) For the meaning of “Category 2A service”, see section 95 (register of categories of services).

25 Scope of duties of care

- (1) A duty set out in this Chapter which must be complied with in relation to a search service extends only to—
- (a) the search content of the service,
 - (b) the design, operation and use of the search engine in the United Kingdom, and
 - (c) in the case of a duty that is expressed to apply in relation to users of a service, the design, operation and use of the search engine as it affects United Kingdom users of the service.
- (2) For the purposes of the application of this Chapter in relation to the search engine of a combined service (see section 7(6))—
- (a) a duty set out in this Chapter which requires a matter to be included in a publicly available statement may be satisfied by including the matter in the terms of service;
 - (b) references in this Chapter (except in section 24) to a search service are to be read as references to the search engine;
 - (c) references in this Chapter (except in section 24) to the provider of a search service are to be read as references to the provider of the combined service.