



Online Safety Act 2023

2023 CHAPTER 50

PART 9

SECRETARY OF STATE'S FUNCTIONS IN RELATION TO REGULATED SERVICES

Directions to OFCOM

174 Directions about advisory committees

- (1) The Secretary of State may give OFCOM a direction requiring OFCOM to establish a committee to provide them with advice about online safety matters of a kind specified in the direction.
- (2) The Secretary of State must consult OFCOM before giving or varying such a direction.
- (3) A committee required to be established by a direction is to consist of the following members, unless the direction specifies otherwise—
 - (a) a chairman appointed by OFCOM, and
 - (b) such number of other members appointed by OFCOM as OFCOM consider appropriate.
- (4) A committee required to be established by a direction must, unless the direction specifies otherwise, publish a report within the period of 18 months after being established, and after that must publish periodic reports.
- (5) The Secretary of State may vary or revoke a direction given under this section.

175 Directions in special circumstances

- (1) The Secretary of State may give a direction to OFCOM under subsection (2) or (3) if the Secretary of State has reasonable grounds for believing that circumstances exist that present a threat—
 - (a) to the health or safety of the public, or
 - (b) to national security.

Status: This is the original version (as it was originally enacted).

- (2) A direction under this subsection is a direction requiring OFCOM, in exercising their media literacy functions, to give priority for a specified period to specified objectives designed to address the threat presented by the circumstances mentioned in subsection (1).
- (3) A direction under this subsection is a direction requiring OFCOM to give a public statement notice to—
 - (a) a specified provider of a regulated service, or
 - (b) providers of regulated services generally.
- (4) A “public statement notice” is a notice requiring a provider of a regulated service to make a publicly available statement, by a date specified in the notice, about steps the provider is taking in response to the threat presented by the circumstances mentioned in subsection (1).
- (5) OFCOM may, by a public statement notice or a subsequent notice, require a provider of a regulated service to provide OFCOM with such information as they may require for the purpose of responding to that threat.
- (6) If a direction under subsection (2) or (3) is given on the ground mentioned in subsection (1)(a), the Secretary of State must publish the reasons for giving the direction.
- (7) The Secretary of State may vary or revoke a direction given under subsection (2) or (3).
- (8) If the Secretary of State varies or revokes a direction given under subsection (3), OFCOM may, in consequence, vary or revoke a public statement notice that they have given by virtue of the direction.
- (9) In subsection (2) “media literacy functions” means OFCOM’s functions under section 11 of the Communications Act (duties to promote media literacy), so far as functions under that section relate to regulated services.
- (10) In subsections (2) and (3) “specified” means specified in a direction under this section.