



Online Safety Act 2023

2023 CHAPTER 50

PART 9

SECRETARY OF STATE'S FUNCTIONS IN RELATION TO REGULATED SERVICES

Review

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- (1) The Secretary of State must review the operation of—
 - (a) the regulatory framework provided for in this Act, and
 - (b) section 11 of the Communications Act, to the extent that that section relates to regulated services.
- (2) The review—
 - (a) must not be carried out before the end of the period of two years beginning with the day on which the last of the provisions of Part 3 comes into force, but
 - (b) must be carried out before the end of the period of five years beginning with that day.
- (3) The review must, in particular, consider how effective the regulatory framework provided for in this Act is at—
 - (a) securing that regulated services are operated using systems and processes that, so far as relevant—
 - (i) minimise the risk of harm to individuals in the United Kingdom presented by content on regulated services,
 - (ii) provide higher levels of protection for children than for adults,
 - (iii) provide transparency and accountability to users in relation to actions taken to comply with duties set out in Chapter 2, 3, 4 or 5 of Part 3, Chapter 1, 3 or 4 of Part 4, or Part 5,
 - (iv) protect the right of users and (in the case of search services or combined services) interested persons to freedom of expression within the law, and

Status: This is the original version (as it was originally enacted).

- (v) protect users from a breach of any statutory provision or rule of law concerning privacy that is relevant to the use or operation of a regulated service (including, but not limited to, any such provision or rule concerning the processing of personal data); and
 - (b) ensuring that regulation of services is proportionate, having regard to the level of risk of harm presented by regulated services of different kinds and to the size and capacity of providers.
- (4) The review must also, in particular, consider—
 - (a) the effectiveness of—
 - (i) the information gathering and information sharing powers available to OFCOM, and
 - (ii) the enforcement powers available to OFCOM; and
 - (b) the extent to which OFCOM have had regard to the desirability of encouraging innovation by providers of regulated services.
- (5) In carrying out the review, the Secretary of State must consult—
 - (a) OFCOM, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (6) In carrying out the review, the Secretary of State must take into account any report published by OFCOM under section 158 (reports about news publisher content and journalistic content).
- (7) The Secretary of State must produce and publish a report on the outcome of the review.
- (8) The report must be laid before Parliament.
- (9) In subsection (3) “content on regulated services” means—
 - (a) regulated user-generated content present on regulated services,
 - (b) search content of regulated services,
 - (c) fraudulent advertisements present on regulated services, and
 - (d) regulated provider pornographic content published or displayed on regulated services.
- (10) In subsection (9)—
 - “fraudulent advertisement” has the meaning given by section 38 or 39 (depending on the kind of service in question);
 - “regulated user-generated content” has the same meaning as in Part 3 (see section 55);
 - “regulated provider pornographic content” and “published or displayed” have the same meaning as in Part 5 (see section 79);
 - “search content” has the same meaning as in Part 3 (see section 57).