

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Paragraph 9. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 1

EXEMPT USER-TO-USER AND SEARCH SERVICES

PART 1

DESCRIPTIONS OF SERVICES WHICH ARE EXEMPT

Services provided by public bodies

- 9 (1) A user-to-user service or a search service is exempt if—
- (a) both of the following conditions are met in relation to the service—
 - (i) the provider of the service is a public authority within the meaning of section 6 of the Human Rights Act 1998, and
 - (ii) the service is provided in the exercise of public functions only,
 - (b) the provider of the service is Parliament, either House of Parliament, the Scottish Parliament, Senedd Cymru, the Northern Ireland Assembly or a person acting on behalf of any of those institutions,
 - (c) the provider of the service is a foreign sovereign power, or
 - (d) both of the following conditions are met in relation to the service—
 - (i) the provider of the service is an entity formed under the law of a country outside the United Kingdom, which exercises functions of a public nature, and
 - (ii) the service is provided in the exercise of such functions only.
- (2) But a user-to-user service or a search service is not exempt under this paragraph if—
- (a) the provider of the service is a person providing education or childcare, and
 - (b) the service is provided for the purposes of that education or childcare.

See paragraph 10 for an exemption for services provided by persons providing education or childcare of particular descriptions.

- (3) This paragraph is without prejudice to the fact that this Act does not apply in relation to a user-to-user or search service provided by the Crown.
- (4) In this paragraph, “public function” means a function that is a function of a public nature for the purposes of the Human Rights Act 1998.

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Commencement Information

II Sch. 1 para. 9 not in force at Royal Assent, see [s. 240\(1\)](#)

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