

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 15

LIABILITY OF PARENT ENTITIES ETC

Liability of subsidiary entities for failures by parent entities

- 3 (1) This paragraph applies if—
- (a) OFCOM are satisfied that there are grounds to give an entity (“E”) a relevant decision or notice relating to a regulated service,
 - (b) E is the provider of that service, and
 - (c) there is an entity which is a subsidiary undertaking in relation to E (a “subsidiary entity”).
- (2) The relevant decision or notice may be given—
- (a) to E alone, or
 - (b) jointly to E and to a subsidiary entity.
- (3) But—
- (a) before giving a penalty notice to a subsidiary entity, or giving a confirmation decision to a subsidiary entity which was not previously given a provisional notice of contravention relating to the same matter, OFCOM must give that entity an opportunity to make representations to OFCOM about—
 - (i) the matters contained in the decision or notice, and
 - (ii) whether joint and several liability would be appropriate; and
 - (b) a relevant decision or notice may be given to a subsidiary entity only if that entity’s acts or omissions contributed to the failure in respect of which the decision or notice is given.
- (4) If a relevant decision or notice is given to entities jointly as mentioned in subparagraph (2)(b), those entities are jointly and severally liable to comply with the requirements, or (as the case may be) pay the penalty, imposed by the decision or notice.
- (5) See also paragraph 5 of Schedule 13 (maximum amount of penalties: group of entities).

Commencement Information

- I1** Sch. 15 para. 3 not in force at Royal Assent, see [s. 240\(1\)](#)
- I2** [Sch. 15 para. 3](#) in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(z24\)](#)

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