

SCHEDULES

SCHEDULE 17

VIDEO-SHARING PLATFORM SERVICES: TRANSITIONAL PROVISION ETC

PART 2

DURING THE TRANSITIONAL PERIOD

Pre-existing Part 4B services which are regulated user-to-user services

- 3 (1) This paragraph applies in relation to a pre-existing Part 4B service which—
- (a) is within the definition in paragraph (a) of paragraph 1(1), and
 - (b) is also a regulated user-to-user service.
- (2) Both this Act and Part 4B of the Communications Act apply in relation to the pre-existing Part 4B service during the transitional period.
- (3) But that is subject to—
- (a) sub-paragraph (4),
 - (b) sub-paragraph (5), and
 - (c) paragraph 4.
- (4) The following duties and requirements under this Act do not apply during the transitional period in relation to the pre-existing Part 4B service—
- (a) the safety duties;
 - (b) the duties set out in section 38 (fraudulent advertising);
 - (c) the duties set out in section 64 (user identity verification);
 - (d) the requirements under section 66(1) and (2) (reporting CSEA content to the NCA);
 - (e) the duties set out in sections 71 and 72 (terms of service);
 - (f) the duties set out in section 75 (deceased child users);
 - (g) the duty on OFCOM to give a notice under section 77(1) requiring information in a transparency report;
 - (h) the requirements to produce transparency reports under section 77(3) and (4).
- (5) OFCOM's powers under Schedule 12 to this Act (powers of entry, inspection and audit) do not apply during the transitional period in relation to the pre-existing Part 4B service.
- (6) In sub-paragraph (2) the reference to this Act does not include a reference to Part 6 (fees); for the application of Part 6, see Part 3 of this Schedule.

Status: This is the original version (as it was originally enacted).

Regulated user-to-user services that include regulated provider pornographic content

- 4 (1) The duties set out in section 81 of this Act do not apply during the transitional period in relation to any regulated provider pornographic content published or displayed on a pre-existing Part 4B service.
- (2) In the case of a regulated user-to-user service which includes a pre-existing Part 4B service within the definition in paragraph (b) of paragraph 1(1), nothing in sub-paragraph (1) is to be taken to prevent the duties set out in section 81 from applying during the transitional period in relation to any regulated provider pornographic content published or displayed on any other part of the service.
- (3) In this paragraph “regulated provider pornographic content” and “published or displayed” have the same meaning as in Part 5 of this Act (see section 79).

Pre-existing Part 4B services which form part of regulated user-to-user services

- 5 (1) During the transitional period, Part 4B of the Communications Act applies in relation to a pre-existing Part 4B service within the definition in paragraph (b) of paragraph 1(1).
- (2) Sub-paragraph (3), and paragraphs 6 to 8, apply in relation to a regulated user-to-user service which includes a pre-existing Part 4B service within the definition in paragraph (b) of paragraph 1(1).
- (3) During the transitional period, this Act applies in relation to the regulated user-to-user service with the modifications set out in paragraph 6, 7, or 8 (whichever applies).
- (4) In paragraphs 6 to 8 the dissociable section of the service which is the pre-existing Part 4B service is referred to as “the Part 4B part”.
- (5) In sub-paragraph (3) the reference to this Act does not include a reference to Part 6 (fees); for the application of Part 6, see Part 3 of this Schedule.

Regulated user-to-user services with a Part 4B part and another user-to-user part

- 6 (1) This paragraph applies in relation to a regulated user-to-user service described in paragraph 5(2) if the service would still be a regulated user-to-user service even if the Part 4B part were to be assumed not to be part of the service.
- (2) During the transitional period—
- (a) any duty or requirement mentioned in paragraph 3(4) which applies in relation to the regulated service is to be treated as applying only in relation to the rest of the service;
 - (b) the powers mentioned in paragraph 3(5) are to be treated as applying only in relation to the rest of the service.
- (3) In this paragraph “the rest of the service” means any user-to-user part of the regulated service other than the Part 4B part.

Regulated user-to-user services with a Part 4B part and a search engine

- 7 (1) This paragraph applies in relation to a regulated user-to-user service described in paragraph 5(2) if the service would be a regulated search service if the Part 4B part were to be assumed not to be part of the service.

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

- (2) During the transitional period, no duty or requirement mentioned in paragraph 3(4) applies in relation to the Part 4B part of the service (but that is not to be taken to prevent any other duty or requirement under this Act from applying in relation to the search engine of the service during the transitional period).
- (3) During the transitional period, the powers mentioned in paragraph 3(5) are to be treated as applying only in relation to the search engine of the service.

Regulated user-to-user services with a Part 4B part but no other user-to-user part or search engine

- 8 (1) This paragraph applies in relation to a regulated user-to-user service described in paragraph 5(2) if the service does not fall within paragraph 6 or 7.
- (2) The duties, requirements and powers mentioned in paragraph 3(4) and (5) do not apply in relation to the regulated service during the transitional period.

Assessments of pre-existing Part 4B services or of services which include a pre-existing Part 4B service

- 9 See Part 3 of Schedule 3 for provision about—
 - (a) the timing of certain assessments of pre-existing Part 4B services, and
 - (b) modifications of Parts 1 and 2 of that Schedule in connection with certain assessments of services which include a pre-existing Part 4B service within the definition in paragraph (b) of paragraph 1(1).

Operation of section 368U of the Communications Act

- 10 During the transitional period, section 368U of the Communications Act has effect as a requirement to establish and maintain an up to date list of persons providing a video-sharing platform service to which Part 4B applies.

Video-sharing platform services which start up, or start up again, during the transitional period

- 11 Part 4B of the Communications Act does not apply in relation to a video-sharing platform service which is first provided on or after the date when this Schedule comes into force.
- 12 (1) Sub-paragraph (2) applies in relation to a pre-existing Part 4B service if—
 - (a) the service ceases to be a video-sharing platform service on a date within the transitional period, and
 - (b) the service begins again to be a video-sharing platform service on some later date within the transitional period.
- (2) Part 4B of the Communications Act does not start applying again in relation to the service on the date mentioned in sub-paragraph (1)(b).
- 13 Paragraphs 11 and 12 apply regardless of whether, or when, a provider of a service has notified the appropriate regulatory authority in accordance with section 368V of the Communications Act.