



Online Safety Act 2023

2023 CHAPTER 50

PART 7

OFCOM'S POWERS AND DUTIES IN RELATION TO REGULATED SERVICES

CHAPTER 6

ENFORCEMENT POWERS

Business disruption measures

147 Interim access restriction orders

- (1) OFCOM may apply to the court for an interim order under this section (an “interim access restriction order”) in relation to a regulated service where they consider that—
- (a) the grounds in section 145(3) or (4) apply in relation to the service, and
 - (b) either—
 - (i) a service restriction order under section 144 or an interim service restriction order under section 145 has been made in relation to the likely failure, and it was not sufficient to prevent significant harm arising to individuals in the United Kingdom as a result of the failure, or
 - (ii) the likely consequences of such a failure would be such that if a service restriction order or an interim service restriction order were to be made, it would be unlikely to be sufficient to prevent significant harm arising to individuals in the United Kingdom as a result of the failure,

and in this section, “the likely failure” means the likely failure mentioned in section 145(3)(a) or (4)(a) (as the case may be).

Status: This is the original version (as it was originally enacted).

- (2) An interim access restriction order is an interim order imposing requirements on one or more persons who provide an access facility (whether from within or outside the United Kingdom) in relation to a regulated service (see subsection (8)).
- (3) An application by OFCOM for an interim access restriction order must—
 - (a) specify the regulated service in relation to which the application is made (“the relevant service”),
 - (b) specify the provider of that service (“the non-compliant provider”),
 - (c) specify the grounds on which the application is based, and contain evidence about those grounds,
 - (d) specify the persons on whom (in OFCOM’s opinion) the requirements of the order should be imposed,
 - (e) contain evidence as to why OFCOM consider that the persons mentioned in paragraph (d) provide an access facility in relation to the relevant service, and specify any such access facility provided,
 - (f) specify the requirements which OFCOM consider that the order should impose on such persons, and
 - (g) in the case of an application made without notice having been given to the non-compliant provider, or to the persons mentioned in paragraph (d), state why no notice has been given.
- (4) The court may make an interim access restriction order imposing requirements on a person in relation to the relevant service if the court is satisfied—
 - (a) that the ground in section 145(3)(a) or (4)(a) (as the case may be) applies in relation to the service,
 - (b) as to the ground in subsection (1)(b)(i) or (ii),
 - (c) that the person provides an access facility in relation to the relevant service,
 - (d) that there are prima facie grounds to suggest that an application for an access restriction order under section 146 would be successful,
 - (e) that the level of risk of harm to individuals in the United Kingdom relating to the likely failure, and the nature and severity of that harm, are such that it is not appropriate to wait for the failure to be established before making the order, and
 - (f) if no notice of the application has been given to the non-compliant provider, or to the persons on whom requirements are being imposed, that it is appropriate to make the order without notice.
- (5) An interim access restriction order ceases to have effect on the earlier of—
 - (a) the date specified in the order, or the date on which the period specified in the order expires (as the case may be), and
 - (b) the date on which the court makes an access restriction order under section 146 in relation to the relevant service that imposes requirements on the same persons on whom requirements are imposed by the interim order, or dismisses an application for such an order.
- (6) Subsections (5) to (8) of section 146 apply in relation to an interim access restriction order under this section as they apply in relation to an access restriction order under that section.
- (7) Where a person who provides an access facility takes steps or puts in place arrangements required by an interim access restriction order, OFCOM may, by notice,

require that person to (where possible) notify persons in the United Kingdom who attempt to access the relevant service via that facility of the interim access restriction order.

- (8) In this section, “access facility” and “the court” have the same meaning as in section 146 (see subsections (10), (11) and (12) of that section).