



Online Safety Act 2023

2023 CHAPTER 50

PART 3

PROVIDERS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES: DUTIES OF CARE

CHAPTER 2

PROVIDERS OF USER-TO-USER SERVICES: DUTIES OF CARE

Category 1 services

17 Duties to protect content of democratic importance

- (1) This section sets out the duties to protect content of democratic importance which apply in relation to Category 1 services.
- (2) A duty to operate a service using proportionate systems and processes designed to ensure that the importance of the free expression of content of democratic importance is taken into account when making decisions about—
 - (a) how to treat such content (especially decisions about whether to take it down or restrict users' access to it), and
 - (b) whether to take action against a user generating, uploading or sharing such content.
- (3) A duty to ensure that the systems and processes mentioned in subsection (2) apply in the same way to a wide diversity of political opinion.
- (4) A duty to include provisions in the terms of service specifying the policies and processes that are designed to take account of the principle mentioned in subsection (2), including, in particular, how that principle is applied to decisions mentioned in that subsection.
- (5) A duty to ensure that—

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 17. (See end of Document for details)

- (a) the provisions of the terms of service referred to in subsection (4) are clear and accessible, and
 - (b) those provisions are applied consistently.
- (6) In determining what is proportionate for the purposes of subsection (2), the size and capacity of the provider of a service, in particular, is relevant.
- (7) For the purposes of this section content is “content of democratic importance”, in relation to a user-to-user service, if—
- (a) the content is—
 - (i) news publisher content in relation to that service, or
 - (ii) regulated user-generated content in relation to that service; and
 - (b) the content is or appears to be specifically intended to contribute to democratic political debate in the United Kingdom or a part or area of the United Kingdom.
- (8) In this section, the reference to “taking action” against a user is to giving a warning to a user, or suspending or banning a user from using a service, or in any way restricting a user’s ability to use a service.
- (9) For the meaning of “news publisher content” and “regulated user-generated content”, see section 55.

Commencement Information

- I1** S. 17 not in force at Royal Assent, see [s. 240\(1\)](#)
- I2** S. 17 in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(e\)](#)

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