



Online Safety Act 2023

2023 CHAPTER 50

PART 11

SUPPLEMENTARY AND GENERAL

Other powers to amend Act

222 Powers to amend Schedules 5, 6 and 7

- (1) The Secretary of State may by regulations amend—
 - (a) Schedule 5 (terrorism offences);
 - (b) Part 1 of Schedule 6 (child sexual exploitation and abuse offences).
- (2) The Scottish Ministers may by regulations amend Part 2 of Schedule 6.
- (3) The Secretary of State may by regulations amend Schedule 7 (priority offences).

But an offence may be added to that Schedule only on the grounds in subsection (4) or (5), and subsection (6) limits the power to add an offence.
- (4) The first ground for adding an offence to Schedule 7 is that the Secretary of State considers it appropriate to do so because of—
 - (a) the prevalence on regulated user-to-user services of regulated user-generated content that amounts to that offence, or the prevalence on regulated search services and combined services of search content that amounts to that offence,
 - (b) the risk of harm to individuals in the United Kingdom presented by regulated user-generated content or search content that amounts to that offence, and
 - (c) the severity of that harm.
- (5) The second ground for adding an offence to Schedule 7 is that the Secretary of State considers it appropriate to do so because of—
 - (a) the prevalence of the use of regulated user-to-user services for the commission or facilitation of that offence,

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 222. (See end of Document for details)

- (b) the risk of harm to individuals in the United Kingdom presented by the use of such services for the commission or facilitation of that offence, and
 - (c) the severity of that harm.
- (6) An offence may not be added to Schedule 7 if—
 - (a) the offence concerns—
 - (i) the infringement of intellectual property rights,
 - (ii) the safety or quality of goods (as opposed to what kind of goods they are), or
 - (iii) the performance of a service by a person not qualified to perform it; or
 - (b) it is an offence under the Consumer Protection from Unfair Trading Regulations 2008 ([S.I. 2008/1277](#)).
- (7) The Secretary of State must consult the Scottish Ministers before making regulations under subsection (3) which—
 - (a) add an offence that extends only to Scotland, or
 - (b) amend or remove an entry specifying an offence that extends only to Scotland.
- (8) The Secretary of State must consult the Department of Justice in Northern Ireland before making regulations under subsection (3) which—
 - (a) add an offence that extends only to Northern Ireland, or
 - (b) amend or remove an entry specifying an offence that extends only to Northern Ireland.
- (9) In this section—
 - (a) “regulated user-generated content” has the same meaning as in Part 3 (see section 55);
 - (b) “search content” has the same meaning as in Part 3 (see section 57);
 - (c) references to content that amounts to an offence are to be construed in accordance with section 59 (see subsections (3), (11) and (12) of that section).

Commencement Information

II S. 222 in force at Royal Assent, see [s. 240\(z4\)](#)

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