



# 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,

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*Status: This is the original version (as it was originally enacted).*

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- (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).