



Online Safety Act 2023

2023 CHAPTER 50

PART 3

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

CHAPTER 4

CHILDREN'S ACCESS ASSESSMENTS

35 Children's access assessments

- (1) In this Part, a “children's access assessment” means an assessment of a Part 3 service—
 - (a) to determine whether it is possible for children to access the service or a part of the service, and
 - (b) if it is possible for children to access the service or a part of the service, to determine whether the child user condition is met in relation to the service or a part of the service.
- (2) A provider is only entitled to conclude that it is not possible for children to access a service, or a part of it, if age verification or age estimation is used on the service with the result that children are not normally able to access the service or that part of it.
- (3) The “child user condition” is met in relation to a service, or a part of a service, if—
 - (a) there is a significant number of children who are users of the service or of that part of it, or
 - (b) the service, or that part of it, is of a kind likely to attract a significant number of users who are children.
- (4) For the purposes of subsection (3)—
 - (a) the reference to a “significant” number includes a reference to a number which is significant in proportion to the total number of United Kingdom users of a service or (as the case may be) a part of a service;

Status: Point in time view as at 10/01/2024.

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 35. (See end of Document for details)

- (b) whether the test in paragraph (a) of that subsection is met is to be based on evidence about who actually uses a service, rather than who the intended users of the service are.
- (5) In this Chapter—
- (a) references to children are to children in the United Kingdom;
 - (b) references to a part of a service do not include any part of a service that is not, or is not included in, a user-to-user part of a service or a search engine.

Commencement Information

- I1** S. 35 not in force at Royal Assent, see [s. 240\(1\)](#)
- I2** S. 35 in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(k\)](#)

Status:

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