



Online Safety Act 2023

2023 CHAPTER 50

PART 3

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

CHAPTER 6

CODES OF PRACTICE AND GUIDANCE

Codes of practice

45 Procedure for issuing codes of practice following direction under section 44

- (1) This section sets out the procedure that applies where a draft of a code of practice is laid before Parliament under section 44(12).
- (2) If the draft contains modifications made following a direction given under section 44(1), (2) or (3)(b), the affirmative procedure applies.
- (3) If the draft contains modifications made following a direction given under section 44(3)(a), (4) or (5), the negative procedure applies.
- (4) The “affirmative procedure” is as follows—
 - (a) a code of practice in the form of the draft laid before Parliament must not be issued by OFCOM unless the draft has been approved by a resolution of each House of Parliament;
 - (b) if the draft is so approved, the code of practice comes into force at the end of the period of 21 days beginning with the day on which it is issued;
 - (c) if the draft is not so approved, OFCOM must prepare another draft of the code of practice under section 41.
- (5) The “negative procedure” is as follows—

Status: This is the original version (as it was originally enacted).

- (a) if, within the 40-day period, either House of Parliament resolves not to approve the draft—
 - (i) OFCOM must not issue the code of practice in the form of that draft, and
 - (ii) OFCOM must prepare another draft of the code of practice under section 41;
 - (b) if no such resolution is made within that period—
 - (i) OFCOM must issue the code of practice in the form of the draft laid before Parliament, and
 - (ii) the code of practice comes into force at the end of the period of 21 days beginning with the day on which it is issued.
- (6) “The 40-day period” has the same meaning as in section 43 (see subsections (5) and (6) of that section).
- (7) This section applies in relation to a draft of amendments of a code of practice laid before Parliament under section 44(12) as it applies in relation to a draft of a code of practice laid under that provision.