

# Online News Platforms (Regulation) Bill

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**B I L L**

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Regulate online news platforms; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Purpose**

The purpose of this Bill is to introduce voluntary regulation for small online platforms that specialise in providing news, including local and special interest platforms.

**2 Definitions**

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(1) The Secretary of State must by regulations define “small online news platforms”.

(2) Those regulations must—

(a) stipulate that a small online news platform (“platform”) has the primary purpose of providing news online;

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(b) set a minimum and maximum size of platform to be subject to the provisions of this Act, with reference to—

(i) the number of users or readers of the platform’s content, or

(ii) the platform’s advertising revenues, or

(iii) any other factor the Secretary of State sees fit.

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(3) In this Act—

(a) the “editor” of a small online news platform is—

(i) the person who has responsibility for publishing, approving the publication of, or moderating the content; or if no one has those responsibilities,

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(ii) the owner or owners of the platform; and

(b) an “author” is a journalist or other person who writes news stories or other content published on a platform.

(4) The Secretary of State may by regulations—

- (a) amend the definitions in subsection (3), or
- (b) define other terms in this Act.

### 3 Regulation

- (1) *The Secretary of State must by regulations establish a body to regulate small online news platforms.* 5
- (2) Small online news platforms shall not be required to be regulated by that body.
- (3) Regulations under subsection (1) must provide that the responsibilities of that body must include –
  - (a) to establish an editors’ code for platforms in accordance with section 4;
  - (b) to investigate possible breaches of that editors’ code; 10
  - (c) to monitor and enforce the compliance of platforms with the requirements in subsection (4);
  - (d) to operate an enforcement procedure for breaches of the editors’ code; and
  - (e) to provide advice, training and guidance for editors and authors. 15
- (4) Regulations under subsection (1) must require platforms to –
  - (a) submit an annual information return in accordance with subsection (5),
  - (b) operate a public complaints procedure,
  - (c) provide a whistle-blowing reporting system for any authors who feel that they are being pressured to act in a way not in line with the editors’ code, 20
  - (d) maintain records of the source and contents of all stories and other content posted on the platform, and
  - (e) have a legal indemnity insurance policy.
- (5) The annual information return must include – 25
  - (a) information about the editor,
  - (b) a statement of compliance with the editors’ code,
  - (c) a description of procedures for handling complaints, and
  - (d) other matters as may be prescribed in regulations.
- (6) The enforcement procedure must include – 30
  - (a) requirements to publish corrections,
  - (b) warning notices, and
  - (c) fixed penalty notices.
- (7) *The Secretary of State may by regulations make provision for a levy to be paid by small online news platforms for the purpose of meeting the operating expenses of the regulator.* 35

### 4 Editors’ code

- (1) The code established under section 2(3)(a) must provide that the editor of a platform should –
  - (a) take all reasonable steps to determine the accuracy of a story before publication; 40
  - (b) ensure stories distinguish clearly between statements of fact, conjecture and opinion;

- (c) take all reasonable steps to identify and credit the originator of any third party content;
- (d) correct any significant inaccuracy or oversight with due prominence at the earliest opportunity;
- (e) have due regard for the safety and wellbeing of children; 5
- (f) not publish material that is discriminatory or incites hatred;
- (g) ensure that authors do not engage in intimidation, harassment or deception in the course of their work;
- (h) not impede or obstruct any criminal investigations or prejudice any criminal proceedings; 10
- (i) respect people’s reasonable expectation of privacy;
- (j) take reasonable steps to protect the anonymity of confidential sources and ensure authors do not fabricate sources;
- (k) disclose conflicts of interest, including paid-for content;
- (l) ensure all news stories are attributed to a named author; and 15
- (m) ensure the name of the editor must be displayed prominently on the home page of the platform.
- (2) Regulations made under section 3 may make provision for public interest exceptions to the code.
- 5 Offences and liability: editors of unregulated platforms 20**
- (1) This section only applies to the editor of a small online platform that –
- (a) is not a member of an accredited standards body, or
- (b) does not have a legal indemnity insurance policy.
- (2) For the purposes of this Act, an “accredited standards body” is –
- (a) the regulator established under section 3 25
- (b) a body recognised as a regulator of relevant publishers for the purposes of section 42 of the Crime and Courts Act 2013;
- (c) the Independent Press Standards Organisation; or
- (d) such other body as may be prescribed by the Secretary of State in regulations. 30
- (3) The editor of a small online news platform commits an offence if –
- (a) the platform enables the viewing of illegal content, and
- (b) that editor does not take all reasonable steps to remove that illegal content.
- (4) A person guilty of an offence under this section shall be liable – 35
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or both;
- (b) on summary conviction to a fine not exceeding the statutory maximum.
- (5) Subsections (6) and (7) apply in relation to the determination by a court of damages relating to illegal content that could be viewed on a small online news platform. 40
- (6) An editor may be held liable for the illegal content if, in the judgment of the court, the editor –
- (a) did not take reasonable steps to prevent the posting of the illegal content on the platform, 45

- (b) was negligent in not being aware that illegal content could be viewed on the platform, or
  - (c) did not take reasonable steps on becoming aware of that illegal content could be viewed to remove it from the platform.
- (7) The Secretary of State may by regulations place restrictions on the liability of administrators. 5

## 6 Regulations

- (1) A power to make regulations in this Act –
- (a) is exercisable by statutory instrument;
  - (b) includes power to make different provision for different purposes; 10
  - (c) includes power to make supplementary, incidental, consequential, transitional, transitory and saving provision.
- (2) A statutory instrument containing regulations under this Act (other than section 7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 15

## 7 Extent, commencement and short title

- (1) Sections 1 to 4, 6 and this section extend to England and Wales, Scotland and Northern Ireland.
- (2) Section 5 extends to England and Wales only.
- (3) This section and section 6 come into force on the day on which this Act is passed. 20
- (4) The remaining provisions of this Act come into force on such day as the Secretary of State may by regulations appoint.
- (5) This Act may be cited as the Online News Platforms (Regulation) Act 2019.

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## B I L L

To regulate online news platforms; and for connected purposes.

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*Ordered, by The House of Commons,  
to be Printed, 11th March 2019.*

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