
Committee Stage: Tuesday 28 June 2022

Online Safety Bill (Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage. A glossary with key terms can be found at the end of this document.

First to Seventeenth Sittings

FIRST AND SECOND SITTINGS

Chris Philp

Agreed to

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 24 May) meet—
- (a) at 2.00 pm on Tuesday 24 May;
 - (b) at 11.30 am and 2.00 pm on Thursday 26 May;
 - (c) at 9.25 am and 2.00 pm on Tuesday 7 June;
 - (d) at 11.30 am and 2.00 pm on Thursday 9 June;
 - (e) at 9.25 am and 2.00 pm on Tuesday 14 June;
 - (f) at 11.30 am and 2.00 pm on Thursday 16 June;
 - (g) at 9.25 am and 2.00 pm on Tuesday 21 June;
 - (h) at 11.30 am and 2.00 pm on Thursday 23 June;
 - (i) at 9.25 am and 2.00 pm on Tuesday 28 June;
 - (j) at 11.30 am and 2.00 pm on Thursday 30 June;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 24 May	Until no later than 10.05 am	Ofcom
Tuesday 24 May	Until no later than 10.50 am	Dame Rachel de Souza, Children's Commissioner for England; Barnado's; National Society for the Prevention of Cruelty to Children (NSPCC)
Tuesday 24 May	Until no later than 11.25 am	TikTok; Twitter
Tuesday 24 May	Until no later than 2.45 pm	Meta; Microsoft; Google

Date	Time	Witness
Tuesday 24 May	Until no later than 3.30 pm	Professor Clare McGlynn, Professor of Law, Durham University; Refuge; End Violence Against Women
Tuesday 24 May	Until no later than 4.15 pm	techUK; Online Safety Tech Industry Association (OSTIA); Crisp
Tuesday 24 May	Until no later than 5.00 pm	Match Group; Bumble; TrustElevate
Tuesday 24 May	Until no later than 5.30 pm	Marie Collins Foundation; Internet Watch Foundation (IWF)
Tuesday 24 May	Until no later than 6.00 pm	Demos; FairVote
Thursday 26 May	Until no later than 12.15 pm	Catch22; Full Fact; Carnegie UK Trust
Thursday 26 May	Until no later than 1.00 pm	Antisemitism Policy Trust; Clean up the Internet; HOPE not hate
Thursday 26 May	Until no later than 2.25 pm	Information Commissioner's Office
Thursday 26 May	Until no later than 2.55 pm	Kick It Out; The Football Association
Thursday 26 May	Until no later than 3.25 pm	Center for Countering Digital Hate; Reset
Thursday 26 May	Until no later than 3.55 pm	News Media Association; Guardian Media Group
Thursday 26 May	Until no later than 4.40 pm	Personal Investment Management & Financial Advice Association (PIMFA); Which?; Money Saving Expert
Thursday 26 May	Until no later than 5.05 pm	Frances Haugen

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 3; Schedules 1 and 2; Clauses 4 to 32; Schedule 3; Clauses 33 to 38; Schedule 4; Clauses 39 to 52; Schedules 5 to 7; Clauses 53 to 64; Schedule 8; Clauses 65 to 67; Schedule 9; Clauses 68 to 80; Schedule 10; Clauses 81 to 91; Schedule 11; Clauses 92 to 122; Schedule 12; Clauses 123 to 158; Schedule 13; Clauses 159 to 161; Schedule 14; Clauses 162 to 194; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 30 June.

Chris Philp

Agreed to

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Chris Philp

Agreed to

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

THIRD AND FOURTH SITTINGS

MOTION TO BE MOVED UNDER STANDING ORDER NO. 83C(10)

Chris Philp

Agreed to

That the Order of the Committee of 24 May 2022 be amended, in paragraph (2), in the Table, in the entry for Thursday 26 May until no later than 2.55 pm, leaving out "The Football Association" and inserting "Barnardo's".

The following Witnesses gave oral evidence:

Mat Ilic, Chief Development Officer, Catch22; William Moy, Chief Executive, Full Fact; William Perrin OBE, Board Member, and Professor Lorna Woods, Author (Professor of Internet Law, University of Essex), Carnegie UK Trust;

Danny Stone MBE, Chief Executive, Antisemitism Policy Trust; Stephen Kinsella OBE, Founder, Clean up the Internet; Liron Velleman, Political Organiser, HOPE not hate;

Sanjay Bhandari, Chair, Kick It Out; Lynn Perry MBE, CEO, Barnardo's;

Eva Hartshorn-Sanders, Head of Policy, Centre for Countering Digital Hate; Poppy Wood, UK Director, Reset.Tech;

Owen Meredith, Chief Executive, News Media Association; Matt Rogerson, Director of Public Policy, Guardian Media Group;

Tim Fassam, Director of Government Relations and Policy, Personal Investment Management and Financial Advice Association; Rocio Concha, Director of Advocacy & Policy, Which?; Martin Lewis CBE, Founder, moneysavingexpert.com;

Frances Haugen.

FIFTH AND SIXTH SITTINGS

Clauses 1 to 3 agreed to.

Schedules 1 and 2 agreed to.

Clauses 4 and 5 agreed to.

Alex Davies-Jones
Barbara Keeley

Negatived on division 69

Clause 6, page 5, line 39, at end insert—

- “(6A) All providers of regulated user-to-user services must name an individual whom the provider considers to be a senior manager of the provider, who is designated as the provider’s illegal content safety controller, and who is responsible for the provider’s compliance with the following duties—
- (a) the duties about illegal content risk assessments set out in section 8,
 - (b) the duties about illegal content set out in section 9.
- (6B) An individual is a “senior manager” of a provider if the individual plays a significant role in—
- (a) the making of decisions about how the provider’s relevant activities are to be managed or organised, or
 - (b) the actual managing or organising of the provider’s relevant activities.
- (6C) A provider’s “relevant activities” are activities relating to the provider’s compliance with the duties of care imposed by this Act.
- (6D) The Safety Controller commits an offence if the provider fails to comply with the duties set out in sections 8 and 9 which must be complied with by the provider.”

Clause agreed to.

Clause 7 agreed to.

Barbara Keeley **Negatived on division** 10
Alex Davies-Jones

Clause 8, page 6, line 33, at end insert—

“(4A) A duty to publish the illegal content risk assessment and proactively supply this to OFCOM.”

Barbara Keeley **Negatived on division** 14
Alex Davies-Jones

Clause 8, page 6, line 33, at end insert—

“(4A) A duty for the illegal content risk assessment to be approved by either—

- (a) the board of the entity; or, if the organisation does not have a board structure,
- (b) a named individual who the provider considers to be a senior manager of the entity, who may reasonably be expected to be in a position to ensure compliance with the illegal content risk assessment duties, and reports directly into the most senior employee of the entity.”

Barbara Keeley **Negatived on division** 25
Alex Davies-Jones

Clause 8, page 7, line 3, after the third “the” insert “production,”

Barbara Keeley **Negatived on division** 19
Alex Davies-Jones

Clause 8, page 7, line 14, at end insert—

“(h) how the service may be used in conjunction with other regulated user-to-user services such that it may—

- (i) enable users to encounter illegal content on other regulated user-to-user services, and
- (ii) constitute part of a pathway to harm to individuals who are users of the service, in particular in relation to CSEA content.”

Barbara Keeley **Negatived on division** 17
Alex Davies-Jones

Clause 8, page 7, line 14, at end insert—

“(5A) The duties set out in this section apply in respect of content which reasonably foreseeably facilitates or aids the discovery or dissemination of CSEA content.”

Clause agreed to.

Barbara Keeley **Not called** 20
Alex Davies-Jones

Clause 9, page 7, line 30, at end insert “, including by being directed while on the service towards priority illegal content hosted by a different service;”

Barbara Keeley **Negatived on division** 26
Alex Davies-Jones

Clause 9, page 7, line 30, at end insert—

“(aa) prevent the production of illegal content by means of the service;”

Barbara Keeley **Negatived on division** 18
Alex Davies-Jones

Clause 9, page 7, line 35, at end insert—

“(d) minimise the presence of content which reasonably foreseeably facilitates or aids the discovery or dissemination of priority illegal content, including CSEA content.”

Barbara Keeley **Negatived on division** 21
 Alex Davies-Jones

Clause 9, page 7, line 35, at end insert—

“(3A) A duty to collaborate with other companies to take reasonable and proportionate measures to prevent the means by which their services can be used in conjunction with other services to facilitate the encountering or dissemination of priority illegal content, including CSEA content,”

Clause agreed to.

Barbara Keeley **Negatived on division** 15
 Alex Davies-Jones

Clause 10, page 8, line 41, at end insert—

“(4A) A duty for the children’s risk assessment to be approved by either—

- (a) the board of the entity; or, if the organisation does not have a board structure,
- (b) a named individual who the provider considers to be a senior manager of the entity, who may reasonably be expected to be in a position to ensure compliance with the children’s risk assessment duties, and reports directly into the most senior employee of the entity.”

Barbara Keeley **Not called** 11
 Alex Davies-Jones

Clause 10, page 9, line 2, at end insert—

“(5A) A duty to publish the children’s risk assessment and proactively supply this to OFCOM.”

Barbara Keeley **Not called** 28
 Alex Davies-Jones

Clause 10, page 9, line 18, at end insert—

“(ba) matters relating to CSEA content including—

- (i) the level of illegal images blocked at the upload stage and number and rates of livestreams of CSEA in public and private channels terminated; and
- (ii) the number and rates of images and videos detected and removed by different tools, strategies and/or interventions.”

Alex Davies-Jones **Withdrawn after debate** 72
Barbara Keeley

Clause 10, page 9, line 24, after “characteristic” insert “or characteristics”

Alex Davies-Jones **Not called** 73
Barbara Keeley

Clause 10, page 9, line 24, after “group” insert “or groups”

Barbara Keeley **Not called** 27
Alex Davies-Jones

Clause 10, page 9, line 25, after “facilitating” insert “the production of illegal content and”

Clause agreed to.

Carla Lockhart **Not moved** 95

Clause 11, page 10, line 15, leave out “for example, by using” and insert “by robust”

Barbara Keeley **Not called** 29
Alex Davies-Jones

Clause 11, page 10, line 20, at end insert—

“(c) prevent the sexual or physical abuse of a child by means of that service.”

Clause agreed to.

Barbara Keeley **Negated on division** 12
Alex Davies-Jones

Clause 12, page 12, line 10, at end insert—

“(4A) A duty to publish the adults’ risk assessment and proactively supply this to OFCOM.”

John Nicolson **Not called** **85**
Kirsty Blackman

Clause 12, page 12, line 22, leave out subsection (d) and insert—

“(d) the level of risk of harm to adults presented by priority content that is harmful to adults which particularly affects individuals with certain characteristics or members of certain groups;”

Alex Davies-Jones **Not called** **74**
Barbara Keeley

Clause 12, page 12, line 24, after “characteristic” insert “or characteristics”

Alex Davies-Jones **Not called** **75**
Barbara Keeley

Clause 12, page 12, line 24, after “group” insert “or groups”

Clause agreed to.

Clause 13 agreed to.

Alex Davies-Jones **Negatived on division** **46**
Barbara Keeley

Clause 14, page 14, line 12, after “non-verified users” insert “and to enable them to see whether another user is verified or non-verified.”

Siobhan Baillie **Not selected** **110**

★ Clause 14, page 14, line 12, at end insert—

“(6A) A duty to include in a service features which adult users may use or apply to enable them to see whether another user is verified or non-verified.”

Clause agreed to.

Kim Leadbeater **Negated on division** 105

Clause 15, page 14, line 33, after “ensure” insert “the safety of people involved in UK elections and”

Clause agreed to.

Clause 16 agreed to.

SEVENTH AND EIGHTH SITTINGS

Clauses 17 to 22 agreed to.

Barbara Keeley **Not called** 30
Alex Davies-Jones

Clause 23, page 23, line 24, after “facilitating” insert “the production of illegal content and”

Clause agreed to.

Barbara Keeley **Not called** 31
Alex Davies-Jones

Clause 24, page 24, line 2, after “individuals” insert “producing or”

Clause agreed to.

Barbara Keeley **Negated on division** 16
Alex Davies-Jones

Clause 25, page 25, line 10, at end insert—

“(3A) A duty for the children’s risk assessment to be approved by either—

- (a) the board of the entity; or, if the organisation does not have a board structure,

- (b) a named individual who the provider considers to be a senior manager of the entity, who may reasonably be expected to be in a position to ensure compliance with the children’s risk assessment duties, and reports directly into the most senior employee of the entity.”

Barbara Keeley **Not called** 13
Alex Davies-Jones

Clause 25, page 25, line 13, at end insert—

“(4A) A duty to publish the children’s risk assessment and proactively supply this to OFCOM.”

Barbara Keeley **Not called** 32
Alex Davies-Jones

Clause 25, page 25, line 31, after “facilitating” insert “the production of illegal content and”

Clause agreed to.

Barbara Keeley **Not called** 33
Alex Davies-Jones

Clause 26, page 26, line 18, at end insert—

“(c) prevent the sexual or physical abuse of a child by means of that service.”

Clause agreed to.

Clause 27 agreed to.

John Nicolson **Not called** 78
Kirsty Blackman

Clause 28, page 28, line 28, leave out “affected” and replace with “any other”

John Nicolson **Not called** 79
Kirsty Blackman

Clause 28, page 28, line 30, leave out "affected" and replace with "any other"

Clause agreed to.

Clauses 29 and 30 agreed to.

Barbara Keeley **Negatived on division** 22
Alex Davies-Jones
Kirsty Blackman

Clause 31, page 31, line 17, leave out subsection (3)

Clause agreed to.

Clause 32 agreed to.

Schedule 3 agreed to.

Clause 33 agreed to.

Barbara Keeley **Negatived on division** 23
Alex Davies-Jones
Mrs Sharon Hodgson
Dr Rupa Huq

Clause 34, page 33, line 41, after "service" insert "that targets users"

Clause agreed to.

Alex Davies-Jones **Not called** 45
Barbara Keeley

Clause 35, page 34, line 2, leave out subsection (1) and insert—

"(1) A provider of a Category 2A service must operate the service using proportionate systems and processes designed to—

- (a) prevent individuals from encountering content consisting of fraudulent advertisements by means of the service;
- (b) minimise the length of time for which any such content is present;
- (c) where the provider is alerted by a person to the presence of such content, or becomes aware of it in any other way, swiftly take down such content."

Chris Philp **Agreed to** 91

Clause 35, page 34, line 3, leave out from "to" to end of line 5 and insert—

- "(a) prevent individuals from encountering content consisting of fraudulent advertisements in or via search results of the service;
- (b) if any such content may be encountered in or via search results of the service, minimise the length of time that that is the case;
- (c) where the provider is alerted by a person to the fact that such content may be so encountered, or becomes aware of that fact in any other way, swiftly ensure that individuals are no longer able to encounter such content in or via search results of the service."

Chris Philp **Agreed to** 92

Clause 35, page 34, line 16, leave out "reference" and insert "references"

Chris Philp **Agreed to** 93

Clause 35, page 34, line 18, leave out "is a reference" and insert "are references"

Chris Philp **Agreed to** 94

Clause 35, page 34, line 22, leave out "does not include a reference" and insert "do not include references"

Barbara Keeley **Not called** 24
 Alex Davies-Jones
 Mrs Sharon Hodgson
 Dr Rupa Huq

Clause 35, page 34, line 34, after "service" insert "that targets users"

Clause, as amended, agreed to.

Alex Davies-Jones **Negatived on division** 44
Barbara Keeley

Clause 36, page 35, line 10, at end insert—

“(4A) An offence under Part 3 of the Consumer Protection from Unfair Trading Regulations 2008.”

Clause agreed to.

Kim Leadbeater **Not called** 106

Clause 37, page 35, line 30, at end insert—

“(2A) OFCOM must prepare and issue a code of practice for providers of Category 1 and 2(a) services describing measures recommended for the purpose of compliance with duties set out in section 15 concerning the safety of people taking part in elections.”

Carla Lockhart **Not selected** 96

Clause 37, page 35, line 35, at end insert—

“(3A) In preparing the codes of practice under subsection (3), OFCOM must set out the minimum standards which providers must follow in meeting a duty through the provision of age verification or age assurance.”

Alex Davies-Jones **Negatived on division** 65
Barbara Keeley

Clause 37, page 36, line 27, at end insert—

“(ia) organisations that campaign for the removal of animal abuse content, and”

Clause agreed to.

Clause 38 agreed to.

Alex Davies-Jones **Negated on division** **63**
Barbara Keeley

Schedule 4, page 176, line 29, at end insert “and

- (x) there are adequate safeguards to monitor cruelty towards humans and animals;”

Alex Davies-Jones **Negated on division** **64**
Barbara Keeley

Schedule 4, page 177, line 4, at end insert “and

- (vii) the systems and process are appropriate to detect cruelty towards humans and animals;”

Schedule agreed to.

Alex Davies-Jones **Negated on division** **48**
Barbara Keeley

Clause 39, page 37, line 17, at beginning insert—

“(A1) OFCOM must prepare the draft codes of practice required under section 37 within the period of six months beginning with the day on which this Act is passed.”

Carla Lockhart **Not selected** **97**

Clause 39, page 37, line 43, at end insert—

“(7A) But subsection (7B) applies, instead of subsection (3), when a draft code of practice is laid before Parliament under subsection (2) and no previous code of practice has been issued under subsection (4)(a) by OFCOM.

(7B) OFCOM must not issue a code of practice guidance in the form of the draft laid before Parliament unless the draft has been approved by a resolution of each House of Parliament.”

Clause agreed to.

NINTH AND TENTH SITTINGS

<p>John Nicolson Kirsty Blackman Alex Davies-Jones Barbara Keeley</p>	<p>Negatived on division</p>	<p>84</p>
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Clause 40, page 38, line 5, leave out subsection (a)

Clause agreed to.

Clauses 41 to 48 agreed to.

<p>John Nicolson Kirsty Blackman</p>	<p>Negatived on division</p>	<p>89</p>
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Clause 49, page 45, line 16, leave out subsection (e)

<p>Alex Davies-Jones Barbara Keeley</p>	<p>Negatived on division</p>	<p>43</p>
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Clause 49, page 45, line 19, at end insert—

“(2A) Subsection (2)(e) does not apply in respect of a user-to-user service which is operated by an organisation which—

- (a) is a relevant publisher (as defined in section 41 of the Crime and Courts Act 2013); and
- (b) has an annual UK turnover in excess of £100 million.”

Clause agreed to.

<p>Kim Leadbeater</p>	<p>Withdrawn after debate</p>	<p>107</p>
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Clause 50, page 46, line 46, leave out from end to end of Clause and insert “is a member of an approved regulator (as defined in section 42 of the Crime and Courts Act 2013).”

John Nicolson **Withdrawn after debate** 86
Kirsty Blackman
Alex Davies-Jones
Barbara Keeley

Clause 50, page 47, line 3, after “material” insert “or special interest news material”

John Nicolson **Not called** 87
Kirsty Blackman
Alex Davies-Jones
Barbara Keeley

Clause 50, page 47, line 28, leave out the first “is” and insert “and special interest news material are”

John Nicolson **Not called** 88
Kirsty Blackman
Alex Davies-Jones
Barbara Keeley

Clause 50, page 47, line 42, at end insert—

““special interest news material” means material consisting of news or information about a particular pastime, hobby, trade, business, industry or profession.”

Clause agreed to.

Clause 51 agreed to.

Alex Davies-Jones **Not called** 60
Barbara Keeley

Clause 52, page 49, line 5, at end insert—

“(e) an offence, not within paragraph (a), (b) or (c), of which the subject is an animal.”

Alex Davies-Jones **Negated on division** 61
Barbara Keeley

Clause 52, page 49, line 5, at end insert—

“(4A) An offence referred to in subsection (4) is deemed to have occurred if it would be an offence under the law of the United Kingdom regardless of whether or not it did take place in the United Kingdom.”

Clause agreed to.

Schedules 5 and 6 agreed to.

John Nicolson **Withdrawn after debate** 142
Kirsty Blackman

Schedule 7, page 183, line 11, leave out from “under” to the end of line and insert “any of the following provisions of the Suicide Act 1961—

- (a) section 2;
- (b) section 3A (inserted by section *Communication offence for encouraging or assisting self-harm* of this Act).”

Chris Philp **Agreed to** 116

Schedule 7, page 183, line 11, at end insert—

“1A An offence under section 13 of the Criminal Justice Act (Northern Ireland) 1966 (c. 20 (N.I.)) (assisting suicide etc).”

Chris Philp **Agreed to** 117

Schedule 7, page 183, line 29, at end insert—

“4A An offence under section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 (racially-aggravated harassment).”

Chris Philp **Agreed to** 118

Schedule 7, page 183, line 36, at end insert—

“5A An offence under any of the following provisions of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180 (N.I. 9))—

- (a) Article 4 (harassment);
- (b) Article 6 (putting people in fear of violence).”

Chris Philp **Agreed to** 119

Schedule 7, page 184, line 2, at end insert—

“6A An offence under any of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)—

- (a) section 38 (threatening or abusive behaviour);
- (b) section 39 (stalking).”

Chris Philp **Agreed to** 120

Schedule 7, page 184, line 38, at end insert—

“12A An offence under any of the following provisions of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))—

- (a) Article 53 (sale etc of knives);
- (b) Article 54 (sale etc of knives etc to minors).”

Chris Philp **Agreed to** 121

Schedule 7, page 184, line 42, at end insert—

“13A An offence under any of the following provisions of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3))—

- (a) Article 24 (sale etc of firearms or ammunition without certificate);
- (b) Article 37(1) (sale etc of firearms or ammunition to person without certificate etc);
- (c) Article 45(1) and (2) (purchase, sale etc of prohibited weapons);
- (d) Article 63(8) (sale etc of firearms or ammunition to people who have been in prison etc);
- (e) Article 66A (supplying imitation firearms to minors).”

Chris Philp **Agreed to** 122

Schedule 7, page 184, line 44, at end insert—

“14A An offence under any of the following provisions of the Air Weapons and Licensing (Scotland) Act 2015 (asp 10)—

- (a) section 2 (requirement for air weapon certificate);
- (b) section 24 (restrictions on sale etc of air weapons).”

<p>Chris Philp</p> <p>Schedule 7, page 185, line 8, at end insert—</p> <p>“16A An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2))—</p> <p style="padding-left: 2em;">(a) Article 62 (causing or inciting prostitution for gain);</p> <p style="padding-left: 2em;">(b) Article 63 (controlling prostitution for gain).”</p>	<p>Agreed to 123</p>
<p>Carla Lockhart</p> <p>Schedule 7, page 185, line 9, at end insert—</p> <p>“(16A) An offence under section 2 of the Obscene Publications Act 1959 (prohibition of publication of obscene matter).”</p>	<p>Not selected 140</p>
<p>Chris Philp</p> <p>Schedule 7, page 185, line 14, at end insert—</p> <p>“18A An offence under section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22) (disclosing, or threatening to disclose, an intimate photograph or film).”</p>	<p>Agreed to 124</p>
<p>Chris Philp</p> <p>Schedule 7, page 185, line 28, at end insert—</p> <p>“20A An offence under section 49(3) of the Criminal Justice and Licensing (Scotland) Act 2010 (articles for use in fraud).”</p>	<p>Agreed to 125</p>
<p>Alex Davies-Jones Barbara Keeley</p> <p>Schedule 7, page 185, line 39, at end insert—</p> <p><i>“Animal Welfare</i></p> <p>22A An offence under any of the following provisions of the Animal Welfare Act 2006—</p> <p style="padding-left: 2em;">(a) section 4 (unnecessary suffering);</p> <p style="padding-left: 2em;">(b) section 5 (mutilation);</p> <p style="padding-left: 2em;">(c) section 7 (administration of poisons);</p> <p style="padding-left: 2em;">(d) section 8 (fighting);</p> <p style="padding-left: 2em;">(e) section 9 (duty of person responsible for animal to ensure welfare).</p> <p>22B An offence under any of the following provisions of the Animal Health and Welfare (Scotland) Act 2006—</p> <p style="padding-left: 2em;">(a) section 19 (unnecessary suffering);</p> <p style="padding-left: 2em;">(b) section 20 (mutilation);</p>	<p>Negated on division 59</p>

- (c) section 21 (cruel operations);
- (d) section 22 (administration of poisons);
- (e) section 23 (fighting);
- (f) section 24 (ensuring welfare of animals).

22C An offence under any of the following provisions of the Welfare of Animals Act (Northern Ireland) 2011—

- (a) section 4 (unnecessary suffering);
- (b) section 5 (prohibited procedures);
- (c) section 7 (administration of poisons);
- (d) section 8 (fighting);
- (e) section 9 (ensuring welfare of animals).

22D For the purpose of paragraphs 22A, 22B or 22C of this Schedule, the above offences are deemed to have taken place regardless of whether the offending conduct took place within the United Kingdom, if the offending conduct would have constituted an offence under the provisions contained within those paragraphs.”

John Nicolson
Kirsty Blackman
Alex Davies-Jones
Barbara Keeley

Withdrawn after debate 90

Schedule 7, page 185, line 39, at end insert—

“Human trafficking

22A An offence under section 2 of the Modern Slavery Act 2015.”

Schedule, as amended, agreed to.

Carla Lockhart

Not selected 98

Clause 53, page 49, line 43, at end insert “and content that meets the definition of pornographic material in clause [*Definition of pornographic content*]”

Clause agreed to.

John Nicolson **Negatived on division 83**
 Kirsty Blackman
 Alex Davies-Jones
 Barbara Keeley

Clause 54, page 50, line 39, at end insert—

“(2A) Priority content designated under subsection (2) must include content that contains health-related misinformation and disinformation, where such content is harmful to adults.”

Clause agreed to.

Alex Davies-Jones **Negatived on division 62**
 Barbara Keeley

Clause 55, page 52, line 4, after “OFCOM” insert “and other stakeholders, including organisations that campaign for the removal of harmful content online”

Clause agreed to.

Clauses 56 and 57 agreed to.

Clause 57 agreed to.

Siobhan Baillie **Not called 108**

Clause 58, page 53, line 18, leave out from “of” until the end of line 20 and insert—

- “(a) ensuring providers offer forms of identity verification which are likely to be accessible to vulnerable adult users and users with protected characteristics under the Equality Act 2010,
- (b) promoting competition, user choice, and interoperability in the provision of identity verification,
- (c) the protection of rights, including rights to privacy, freedom of expression, safety, access to information, and the rights of children, and
- (d) alignment with other relevant guidance and regulation, including with regards to age assurance and age verification.

(2A) In producing the guidance (including revised or replacement guidance), OFCOM must set minimum standards for the forms of identity verification which Category 1 services must offer, addressing—

- (a) effectiveness,

- (b) privacy and security,
- (c) accessibility,
- (d) time-frames for disclosure to Law Enforcement in case of criminal investigations,
- (e) transparency for the purposes of research and independent auditing, and
- (f) user appeal and redress mechanisms.”

Siobhan Baillie

Not called 109

Clause 58, page 53, line 23, at end insert—

“(aa) the Digital Markets Unit”

Clause agreed to.

Clause 59 agreed to.

Carla Lockhart

Not selected 99

Clause 60, page 54, line 26, after “59” insert “and section [Requirement on Part 5 service to report CSEA]”

Clause agreed to.

Clause 61 agreed to.

Carla Lockhart

Not selected 100

Clause 62, page 55, line 7, after “59” insert “and section [Requirement on Part 5 service to report CSEA]”

Chris Philp **Agreed to** 1

Clause 62, page 55, line 14, leave out “maximum summary term for either-way offences” and insert “general limit in a magistrates’ court”

Clause, as amended, agreed to.

Clause 63 agreed to.

Alex Davies-Jones **Negatived on division** 54
Barbara Keeley

Clause 64, page 56, line 29, leave out “Once” and insert “Twice”

Clause agreed to.

Alex Davies-Jones **Negatived on division** 55
Barbara Keeley

Schedule 8, page 188, line 42, at end insert—

“31A The notice under section 64(1) must require the provider to provide the following information about the service—

- (a) the languages in which the service has safety systems or classifiers;
- (b) details of how human moderators employed or engaged by the provider are trained and supported;
- (c) the process by which the provider takes decisions about the design of the service;
- (d) any other information that OFCOM considers relevant to ensuring the safe operation of the service.”

Schedule agreed to.

Clause 65 agreed to.

Carla Lockhart **Not selected** 101

Clause 66, page 58, line 34, leave out from "content" to end of line 36 and insert "has the same meaning as section [*Definition of pornographic content*]."

Clause agreed to.

Clause 67 agreed to.

Schedule 9 agreed to.

Carla Lockhart **Not selected** 102

Clause 68, page 60, line 12, leave out "for example, by using" and insert "by robust".

Carla Lockhart **Not selected** 103

Clause 68, page 60, line 13, at end insert—

- "(2A) A duty to operate an internet service using proportionate systems and processes designed to—
- (a) prevent individuals from encountering priority illegal content that amounts to an offence in either Schedule 6 or paragraphs 17 and 18 of Schedule 7 by means of the service;
 - (b) minimise the length of time for which the priority illegal content referred to in subsection (a) is present;
 - (c) where the provider is alerted by a person to the presence of the illegal content referred to in subsection (a), or becomes aware of it in any other way, swiftly take down such content."

Carla Lockhart **Not selected** 104

Clause 68, page 60, line 13, at end insert—

- "(-) A duty to meet the conditions set out in Schedule [*Additional duties on pornographic content*]."

Dame Diana Johnson **Withdrawn after debate** 114
Alex Davies-Jones
Barbara Keeley

Clause 68, page 60, line 13, at end insert—

- "(2A) A duty to verify that every individual featured in regulated provider pornographic content is an adult before the content is published on the service.

- (2B) A duty to verify that every individual featured in regulated provider pornographic content that is already published on the service when this Act is passed is an adult and, where that is not the case, remove such content from the service.
- (2C) A duty to verify that each individual appearing in regulated provider pornographic content has given their permission for the content in which they appear to be published or made available by the internet service.
- (2D) A duty to remove regulated provider pornographic content featuring an individual if that individual withdraws their consent, at any time, to the pornographic content in which they feature remaining on the service."

Dame Diana Johnson
Alex Davies-Jones
Barbara Keeley

Not called 115

Clause 68, page 60, line 17, after "(2)" insert "to (2D)"

Clause agreed to.

ELEVENTH AND TWELFTH SITTINGS

Alex Davies-Jones
Barbara Keeley

Negatived on division 127

Clause 69, page 60, line 26, after "must" insert "within six months of this Act being passed"

Carla Lockhart

Not selected 128

Page 60, line 25, leave out Clause 69

Clause agreed to.

Clauses 70 to 80 agreed to.

John Nicolson **Negated on division** 80
Kirsty Blackman
Alex Davies-Jones
Barbara Keeley
Kim Leadbeater

Schedule 10, page 192, line 19, at end insert—

“(c) the assessed risk of harm arising from that part of the service.”

John Nicolson **Not selected** 81
Kirsty Blackman
Alex Davies-Jones
Barbara Keeley
Kim Leadbeater

Schedule 10, page 192, line 39, after “functionality” insert “and at least one specified condition about the assessed risk of harm”

John Nicolson **Not selected** 82
Kirsty Blackman
Alex Davies-Jones
Barbara Keeley
Kim Leadbeater

Schedule 10, page 192, line 41, at end insert—

“(4A) At least one specified condition about the assessed risk of harm must provide for a service assessed as posing a very high risk of harm to its users to meet the Category 1 threshold.”

Schedule agreed to.

Clauses 81 and 82 agreed to.

Barbara Keeley **Withdrawn after debate** 34
Alex Davies-Jones

Clause 83, page 72, line 12, at end insert—

“(d) the risk of harm posed by individuals in the United Kingdom in relation to adults and children in the UK or elsewhere through the production, publication and dissemination of illegal content.”

Alex Davies-Jones **Not called** 71
Barbara Keeley

Clause 83, page 72, line 12, at end insert—

“(1A) For each of the above risks, OFCOM shall identify and assess the level of risk of harm which particularly affects people with certain characteristics or membership of a group or groups.”

Clause agreed to.

Clauses 84 to 91 agreed to.

Chris Philp **Agreed to** 4

Schedule 11, page 202, line 17, leave out “maximum summary term for either-way offences” and insert “general limit in a magistrates’ court”

Schedule, as amended, agreed to.

Clauses 92 to 95 agreed to.

Alex Davies-Jones **Not selected** 70
Barbara Keeley

Clause 96, page 83, line 7, after “section” insert “6(6D),”

Chris Philp **Agreed to** 2

Clause 96, page 83, line 15, leave out “maximum summary term for either-way offences” and insert “general limit in a magistrates’ court”

Clause, as amended, agreed to.

Clauses 97 to 102 agreed to.

Carla Lockhart		Not selected	129
Clause 103, page 87, line 6, after "(4)" insert "or (4A)"			

Carla Lockhart		Not selected	130
Clause 103, page 87, line 7, after the second "service" insert "or an internet service within section 67(2)"			

Carla Lockhart		Not selected	131
Clause 103, page 87, line 36, at end insert—			
"(4A) A notice under subsection (1) that relates in an internet service within section 67(2) is a notice requiring the provider of the service to use accredited technology to identify CSEA content, whether communicated publicly or privately by means of the service, and to swiftly take down that content."			

Carla Lockhart		Not selected	132
Clause 103, page 87, line 37, after "(3)" insert "and (4A)"			
<i>Clause agreed to.</i>			

Barbara Keeley Alex Davies-Jones		Negated on division	35
Clause 104, page 88, line 39, leave out "prevalence" and insert "presence"			

Barbara Keeley Alex Davies-Jones		Not called	36
Clause 104, page 88, line 43, leave out "prevalence" and insert "presence"			

Barbara Keeley Alex Davies-Jones		Negated on division	37
Clause 104, page 89, line 13, at end insert—			
"(k) risk of harm posed by individuals in the United Kingdom in relation to adults and children in the UK or elsewhere through the production, publication and dissemination of illegal content."			

Chris Philp **Agreed to** 6
 Clause 104, page 89, line 14, after “(2)(f)” insert “, (g)”

Carla Lockhart **Not selected** 133
 Clause 104, page 89, line 18, at end insert—

“(c) in the case of an internet service within section 67(2), relevant content present on the service.”

Clause, as amended, agreed to.

Clause 105 agreed to.

Carla Lockhart **Not selected** 134
 Clause 106, page 90, line 25, after “3” insert “or Part 5”

Clause agreed to.

Clauses 107 to 110 agreed to.

Alex Davies-Jones **Negatived on division** 53
 Barbara Keeley

Clause 111, page 94, line 24, at end insert—

“Section 136(7C)	Code of practice on access to data”
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Alex Davies-Jones **Negatived on division** 56
Barbara Keeley

Clause 111, page 94, line 24, at end insert—

"Section [Supply chain risk assessment duties]	Supply chain risk assessments"
------------------------------------------------	--------------------------------

Clause agreed to.

Clauses 112 to 115 agreed to.

Barbara Keeley **Not called** 39
Alex Davies-Jones

Clause 116, page 98, line 37, leave out "prevalence" and insert "presence"

Barbara Keeley **Not called** 40
Alex Davies-Jones

Clause 116, page 98, line 39, leave out "prevalence" and insert "presence"

Barbara Keeley **Not called** 38
Alex Davies-Jones

Clause 116, page 99, line 12, at end insert—

"(j) the risk of harm posed by individuals in the United Kingdom in relation to adults and children in the UK or elsewhere through the production, publication and dissemination of illegal content."

Clause agreed to.

Clause 117 agreed to.

*THIRTEENTH AND FOURTEENTH SITTINGS**MOTION TO BE MOVED UNDER STANDING ORDER NO. 83C(10)*

Chris Philp

Agreed to

That the Order of the Committee of 24 May 2022, as amended on 26 May 2022, be further amended, in paragraph (1)(h), by leaving out "and 2.00pm".

Carla Lockhart

Not moved 135

Clause 118, page 101, line 4, at end insert "in the UK"

Clause agreed to.

Clause 119 agreed to.

Chris Philp

Agreed to 154

Clause 120, page 102, line 20, after "71" insert "or Schedule (*Recovery of OFCOM's initial costs*)"

Chris Philp

Agreed to 155

Clause 120, page 102, line 21, leave out "that section" and insert "Part 6"

Chris Philp

Agreed to 156

Clause 120, page 102, line 26, after "71" insert "or Schedule (*Recovery of OFCOM's initial costs*)"

Chris Philp **Agreed to 157**

Clause 120, page 103, line 12, at end insert "or Schedule (*Recovery of OFCOM's initial costs*)"

Clause, as amended, agreed to.

Clauses 121 and 122 agreed to.

Chris Philp **Agreed to 158**

Schedule 12, page 206, line 43, leave out paragraph 8

Schedule, as amended, agreed to.

Carla Lockhart **Not selected 136**

Clause 123, page 104, line 37, leave out "whether from within or outside" and insert "in"

Alex Davies-Jones **Negated on division 50**
Barbara Keeley

Clause 123, page 106, line 36, at end insert—

"(9A) OFCOM may apply to the court for service restriction orders against multiple regulated services with one application, through the use of a schedule of relevant services which includes all the information required by subsection (5)."

Clause agreed to.

Clause 124 agreed to.

Carla Lockhart **Not selected** 137

Clause 125, page 109, line 4, leave out “whether from within or outside” and insert “in”

Alex Davies-Jones **Negatived on division** 51
Barbara Keeley

Clause 125, page 110, line 20, at end insert—

“(7A) OFCOM may apply to the court for service restriction orders against multiple regulated services with one application, through the use of a schedule of relevant services which includes all the information required by subsection (6).”

Clause agreed to.

Clauses 126 to 128 agreed to.

Carla Lockhart **Not selected** 138

Clause 129, page 113, line 40, at end insert—

“(3A) The guidance must cover—

- (a) what ancillary services OFCOM will use for a service restriction order under section 123 if the service is either free, uses cryptocurrency or virtual currency,
- (b) the role of internet service providers in access restriction orders,
- (c) the action that can be taken if an ancillary service provider fails to act on a service restriction order under section 123 or an interim service restriction order under section 124, and
- (d) the action that can be taken if a person who provides an access facility fails to act on an access restriction order under section 125 or an interim access restriction order under section 126.”

Chris Philp **Agreed to on division** 7

Clause 129, page 114, line 3, at end insert—

“(aa) the Information Commissioner, and”

Clause agreed to.

Alex Davies-Jones **Negatived on division** 57
Barbara Keeley

Clause 130, page 115, line 4, leave out "18" and insert "6"

Alex Davies-Jones **Negatived on division** 58
Barbara Keeley

Clause 130, page 115, line 5, at end insert—

"(6) Following the publication of the report, OFCOM must produce a code of practice setting out the steps services should take to reduce disinformation across their systems."

Clause agreed to.

Clauses 131 to 135 agreed to.

Alex Davies-Jones **Not selected** 52
Barbara Keeley

Clause 136, page 118, line 6, at end insert—

"(7A) Following the publication of the report, OFCOM must produce a code of practice on access to data setting out measures with which regulated services are required to comply.

(7B) The code of practice must set out steps regulated services are required to take to facilitate access to data by persons carrying out independent research.

(7C) Regulated services must comply with any measures in the code of practice."

Clause agreed to.

Clauses 137 to 139 agreed to.

John Nicolson **Withdrawn after debate** 143
Kirsty Blackman

Clause 140, page 121, line 1, after "services" insert ", consumers"

<hr/> John Nicolson Kirsty Blackman Clause 140, page 121, line 2, after "users" insert ", consumers"	Not called 144
<hr/> John Nicolson Kirsty Blackman Clause 140, page 121, line 4, after "services" insert ", consumers"	Not called 145
<hr/> John Nicolson Kirsty Blackman Clause 140, page 121, line 5, after "users" insert ", consumers"	Not called 146
<hr/> John Nicolson Kirsty Blackman Clause 140, page 121, line 6, at end insert ", consumers"	Not called 147
<hr/> John Nicolson Kirsty Blackman Clause 140, page 121, line 7, after "users" insert ", consumers"	Not called 148
<hr/> Alex Davies-Jones Barbara Keeley Clause 140, page 121, line 8, at end insert— "(d) causing harm to any human or animal."	Negated on division 66
<hr/> John Nicolson Kirsty Blackman Clause 140, page 121, line 9, leave out subsection (2)	Negated on division 77
<hr/> John Nicolson Kirsty Blackman Clause 140, page 121, line 14, after "service" insert ", consumers"	Not called 149
<hr/> John Nicolson Kirsty Blackman Clause 140, page 121, line 18, at end insert ", consumers"	Not called 150

John Nicolson **Not called** 151
Kirsty Blackman

Clause 140, page 121, line 19, after “users” insert “, consumers”

Alex Davies-Jones **Negatived on division** 67
Barbara Keeley

Clause 140, page 121, line 20, at end insert “, or a particular group that campaigns for the removal of harmful online content towards humans and animals”.

John Nicolson **Not called** 152
Kirsty Blackman

Clause 140, page 121, line 25, at end insert—

““consumers” means individuals in the United Kingdom acting for purposes that are wholly or mainly outside the trade, business, craft or profession of the individuals concerned.”

Clause agreed to.

John Nicolson **Negatived on division** 153
Kirsty Blackman

Clause 141, page 121, line 32, after “140” insert “, which must include the requirement that OFCOM must respond to such complaints within 90 days”

Clause agreed to.

Clauses 142 to 146 agreed to.

Alex Davies-Jones **Not selected** 68
Barbara Keeley

Page 124, line 40, leave out Clause 147

Clause agreed to on division.

Clauses 148 and 149 agreed to.

Kim Leadbeater **Negatived on division** 112
Barbara Keeley
Alex Davies-Jones

Clause 150, page 127, line 28, at end insert "and;

"(b) physical harm that has been acquired as a consequence of receiving the content of a message sent online."

Paul Maynard **Negatived on division** 113

Clause 150, page 127, line 28, at end insert "; or

"(b) physical harm resulting from an epileptic seizure, where the seizure has been triggered by the intentional sending of flashing images to a person with epilepsy."

Clause agreed to.

Clauses 151 to 155 agreed to.

Alex Davies-Jones **Negatived on division** 41
Barbara Keeley

Clause 156, page 131, line 15, at end insert—

"(za) B has not consented for A to share the photograph or film with B, or"

Alex Davies-Jones **Not called** 42
Barbara Keeley

Clause 156, page 131, line 20, at end insert—

“(1A) A person consents if the person agrees by choice, and has the freedom and capacity to make that choice.”

Chris Philp **Agreed to** 3

Clause 156, page 131, line 37, leave out “12 months” and insert “the general limit in a magistrates’ court”

Chris Philp **Agreed to** 5

Clause 156, page 131, leave out lines 40 to 42

Clause, as amended, agreed to.

Clauses 157 to 159 agreed to.

Chris Philp **Agreed to** 159

Clause 160, page 133, line 6, after “71” insert “or Schedule (*Recovery of OFCOM’s initial costs*)”

Clause, as amended, agreed to.

Clauses 161 to 167 agreed to.

FIFTEENTH SITTING

Clauses 168 to 175 agreed to.

Chris Philp **Agreed to** 126

Clause 176, page 145, line 4, at end insert—

“(5A) 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.

- (5B) 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."

Clause, as amended, agreed to.

Clauses 177 and 178 agreed to.

Chris Philp **Agreed to 160**

Clause 179, page 146, line 13, at end insert ", or
(k) regulations under paragraph 7 of Schedule (*Recovery of OFCOM's initial costs*),"

Clause, as amended, agreed to.

Clauses 180 to 188 agreed to.

John Nicolson **Negated on division 76**
Kirsty Blackman

Clause 189, page 154, line 34, after "including" insert "but not limited to"

Alex Davies-Jones **Not called 47**
Barbara Keeley

Clause 189, page 155, line 1, at end insert—

"Identity Verification" means a system or process designed to enable a user to prove their identity, for purposes of establishing that they are a genuine, unique, human user of the service and that the name associated with their profile is their real name."

Siobhan Baillie **Not moved 111**

Clause 189, page 155, line 47, after "United Kingdom users" insert—

"user identity verification" means a system or process designed to enable a user to prove their identity, for purposes of establishing that they are a

genuine, unique, human user of the service and that the name associated with their profile is their real name.”

Clause agreed to.

Clauses 190 and 191 agreed to.

Chris Philp

Agreed to 141

Clause 192, page 160, line 9, at end insert—

“(aa) section (*Offence under the Obscene Publications Act 1959: OFCOM defence*);”

Clause, as amended, agreed to.

Alex Davies-Jones
Barbara Keeley

Negatived on division 49

Clause 193, page 161, line 1, leave out subsection (2) and insert—

“(2) Subject to subsection (2A) below, the other provisions of this Act come into force on such day as the Secretary of State may by regulations appoint.

(2A) The provisions of Part 5 shall come into force at the end of the period of three months beginning with the day on which this Act is passed.”

Carla Lockhart

Not moved 139

Clause 193, page 161, line 2, at end insert—

“(2A) The other provisions of Part 3 come into force no later than twelve months after the Act is passed.

(2B) The other provisions of Part 5 come into force no later than six months after the Act is passed.”

Clause agreed to.

Clause 194 agreed to.

Chris Philp

Added NC35

To move the following Clause—

“Offence under the Obscene Publications Act 1959: OFCOM defence

- (1) Section 2 of the Obscene Publications Act 1959 (prohibition of publication of obscene matter) is amended in accordance with subsections (2) and (3).
- (2) After subsection (5) insert—
 - “(5A) A person shall not be convicted of an offence against this section of the publication of an obscene article if the person proves that—
 - (a) at the time of the offence charged, the person was a member of OFCOM, employed or engaged by OFCOM, or assisting OFCOM in the exercise of any of their online safety functions (within the meaning of section 188 of the Online Safety Act 2022), and
 - (b) the person published the article for the purposes of OFCOM’s exercise of any of those functions.”
- (3) In subsection (7)—
 - (a) the words after “In this section” become paragraph (a), and
 - (b) at the end of that paragraph, insert “;”
 - (b) “OFCOM” means the Office of Communications.””

Chris Philp

Added NC42

To move the following Clause—

“Recovery of OFCOM’s initial costs

Schedule (*Recovery of OFCOM’s initial costs*) makes provision about fees chargeable to providers of regulated services in connection with OFCOM’s recovery of costs incurred on preparations for the exercise of their online safety functions.”

Chris Philp

Added NC43

To move the following Clause—

“Payment of sums into the Consolidated Fund

- (1) Section 400 of the Communications Act (destination of penalties etc) is amended as follows.
- (2) In subsection (1), after paragraph (i) insert—
 - “(j) an amount paid to OFCOM in respect of a penalty imposed by them under Chapter 6 of Part 7 of the Online Safety Act 2022;
 - (k) an amount paid to OFCOM in respect of an additional fee charged under Schedule (*Recovery of OFCOM’s initial costs*) to the Online Safety Act 2022.”

- (3) In subsection (2), after “applies” insert “(except an amount mentioned in subsection (1)(j) or (k))”.
- (4) After subsection (3) insert—
 - “(3A) Where OFCOM receive an amount mentioned in subsection (1)(j) or (k), it must be paid into the Consolidated Fund of the United Kingdom.”
- (5) In the heading, omit “licence”.

Alex Davies-Jones
Barbara Keeley

Not called NC1

To move the following Clause—

“Report on redress for individual complaints

- (1) The Secretary of State must publish a report assessing options for dealing with appeals about complaints made under—
 - (a) section 18; and
 - (b) section 28
 of this Act.
- (2) The report must—
 - (a) provide a general update on the fulfilment of duties about complaints procedures which apply in relation to all regulated user-to-user services and regulated search services;
 - (b) assess which body should be responsible for a system to deal with appeals in cases where a complainant considers that a complaint has not been satisfactorily dealt with; and
 - (c) provide options for how the system should be funded, including consideration of whether an annual surcharge could be imposed on user-to-user services and search services.
- (3) The report must be laid before Parliament within six months of the commencement of this Act.”

Dame Diana Johnson
Alex Davies-Jones
Barbara Keeley

Not called NC2

To move the following Clause—

“Duties regarding user-generated pornographic content: regulated services

- (1) This section sets out the duties which apply to regulated services in relation to user-generated pornographic content.
- (2) A duty to verify that each individual featuring in the pornographic content has given their permission for the content in which they feature to be published or made available by the service.

- (3) A duty to remove pornographic content featuring a particular individual if that individual withdraws their consent, at any time, to the pornographic content in which they feature remaining on the service.
- (4) For the meaning of “pornographic content”, see section 66(2).
- (5) In this section, “user-generated pornographic content” means any content falling within the meaning given by subsection (4) and which is also generated directly on the service by a user of the service, or uploaded to or shared on the service by a user of the service, may be encountered by another user, or other users, of the service.
- (6) For the meaning of “regulated service”, see section 2(4).”

Barbara Keeley
Alex Davies-Jones

Negated on division NC3

To move the following Clause—

“Establishment of Advocacy Body

- (1) There is to be a body corporate (“the Advocacy Body”) to represent interests of child users of regulated services.
 - (2) A “child user”—
 - (a) means any person aged 17 years or under who uses or is likely to use regulated internet services; and
 - (b) includes both any existing child user and any future child user.
 - (3) The work of the Advocacy Body may include—
 - (a) representing the interests of child users;
 - (b) the protection and promotion of these interests;
 - (c) any other matter connected with those interests.
 - (4) The “interests of child users” means the interest of children in relation to the discharge by any regulated company of its duties under this Act, including—
 - (a) safety duties about illegal content, in particular CSEA content;
 - (b) safety duties protecting children;
 - (c) “enforceable requirements” relating to children.
 - (5) The Advocacy Body must have particular regard to the interests of child users that display one or more protected characteristics within the meaning of the Equality Act 2010.
 - (6) The Advocacy Body will be defined as a statutory consultee for OFCOM’s regulatory decisions which impact upon the interests of children.
 - (7) The Secretary of State may appoint an organisation known to represent children to be designated the functions under this Act, or may create an organisation to carry out the designated functions.”
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SIXTEENTH AND SEVENTEENTH SITTINGS

Barbara Keeley
Alex Davies-Jones

Negatived on division NC4

To move the following Clause—

“Duty to disclose information to OFCOM

- (1) This section sets out the duties to disclose information to OFCOM which apply in relation to all regulated user-to-user services.
- (2) A regulated user-to-user service must disclose to OFCOM anything relating to that service of which that regulator would reasonably expect notice.
- (3) This includes —
 - (a) any significant changes to its products or services which may impact upon its performance of its safety duties;
 - (b) any significant changes to its moderation arrangements which may impact upon its performance of its safety duties;
 - (c) any significant breaches in respect of its safety duties.”

Barbara Keeley
Alex Davies-Jones
Mrs Sharon Hodgson
Dr Rupa Huq

Negatived on division NC5

To move the following Clause—

“Duty to distinguish paid-for advertisements

- (1) A provider of a Category 2A service must operate the service using systems and processes designed to clearly distinguish to users of that service paid-for advertisements from all other content appearing in or via search results of the service.
- (2) The systems and processes described under subsection (1)—
 - (a) must include clearly displaying the words “paid-for advertisement” next to any paid-for advertisement appearing in or via search results of the service, and
 - (b) may include measures such as but not limited to the application of colour schemes to paid-for advertisements appearing in or via search results of the service.
- (3) The reference to paid-for advertisements appearing “in or via search results of a search service” does not include a reference to any advertisements appearing as a result of any subsequent interaction by a user with an internet service other than the search service.
- (4) If a person is the provider of more than one Category 2A service, the duties set out in this section apply in relation to each such service.

- (5) The duties set out in this section extend to the design, operation and use of a Category 2A service that hosts paid-for advertisements targeted at users of that service in the United Kingdom.
- (6) For the meaning of "Category 2A service", see section 81 (register of a categories of service).
- (7) For the meaning of "paid-for advertisement", see section 189 (interpretation: general)."

Barbara Keeley
 Alex Davies-Jones
 Mrs Sharon Hodgson
 Dr Rupa Huq

Negatived on division NC6

To move the following Clause—

"Duty to verify advertisements

- (1) A provider of a Category 2A service must operate an advertisement verification process for any relevant advertisement appearing in or via search results of the service.
- (2) In this section, "relevant advertisement" means any advertisement for a service or product to be designated in regulations made by the Secretary of State.
- (3) The verification process under subsection (1) must include a requirement for advertisers to demonstrate that they are authorised by a UK regulatory body.
- (4) In this section, "UK regulatory body" means a UK regulator responsible for the regulation of a particular service or product to be designated in regulations made by the Secretary of State.
- (5) If a person is the provider of more than one Category 2A service, the duties set out in this section apply in relation to each such service.
- (6) For the meaning of "Category 2A service", see section 81 (register of a categories of service).
- (7) Regulations under this section shall be made by statutory instrument.
- (8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament."

Alex Davies-Jones
 Barbara Keeley

Negatived on division NC7

To move the following Clause—

"Report on duties to protect content of democratic importance and journalistic content

- (1) The Secretary of State must publish a report which—
 - (a) reviews the extent to which Category 1 services have fulfilled their duties under—

- (i) Clause 15; and
 - (ii) Clause 16;
- (b) analyses the effectiveness of Clauses 15 and 16 in protecting against—
 - (i) foreign state actors;
 - (ii) extremist groups and individuals; and
 - (iii) sources of misinformation and disinformation.
- (2) The report must be laid before Parliament within one year of this Act being passed.”

Alex Davies-Jones
Barbara Keeley

Negatived on division NC8

To move the following Clause—

“OFCOM’s guidance about user identity verification

- (1) OFCOM must produce guidance for providers of Category 1 services on how to comply with the duty set out in section 57(1).
- (2) In producing the guidance (including revised or replacement guidance), OFCOM must have regard to—
 - (a) ensuring providers offer forms of identity verification which are likely to be accessible to vulnerable adult users and users with protected Characteristics under the Equality Act 2010,
 - (b) promoting competition, user choice, and interoperability in the provision of identity verification,
 - (c) protection of rights, including rights to privacy, freedom of expression, safety, access to information, and the rights of children,
 - (d) alignment with other relevant guidance and regulation, including with regards to Age Assurance and Age Verification.
- (3) In producing the guidance (including revised or replacement guidance), OFCOM must set minimum standards for the forms of identity verification which Category services must offer, addressing—
 - (a) effectiveness,
 - (b) privacy and security,
 - (c) accessibility,
 - (d) time-frames for disclosure to Law Enforcement in case of criminal investigations,
 - (e) transparency for the purposes of research and independent auditing,
 - (f) user appeal and redress mechanisms.
- (4) Before producing the guidance (including revised or replacement guidance), OFCOM must consult—
 - (a) the Information Commissioner,
 - (b) the Digital Markets Unit,

- (c) persons whom OFCOM consider to have technological expertise relevant to the duty set out in section 57(1),
 - (d) persons who appear to OFCOM to represent the interests of users including vulnerable adult users of Category 1 services, and
 - (e) such other persons as OFCOM considers appropriate.
- (5) OFCOM must publish the guidance (and any revised or replacement guidance)."

Alex Davies-Jones
Barbara Keeley

Negated on division NC9

To move the following Clause—

"Risk assessments: submission to OFCOM and publication

Whenever a Category 1 service carries out any risk assessment pursuant to Part 3 of this Act, the service must—

- (a) submit the risk assessment to OFCOM; and
- (b) publish the risk assessment on the service's website."

Alex Davies-Jones
Barbara Keeley

Negated on division NC10

To move the following Clause—

"Special circumstances

- (1) This section applies where OFCOM has reasonable grounds for believing that circumstances exist that present a threat—
 - (a) to the health or safety of the public, or
 - (b) to national security.
- (2) OFCOM may, in exercising their media literacy functions, give priority for a specified period to specified objectives designed to address the threat presented by the circumstances mentioned in subsection (1).
- (3) OFCOM may give a public statement notice to—
 - (a) a specified provider of a regulated service, or
 - (b) providers of regulated services generally.
- (4) A "public statement notice" is a notice requiring a provider of a regulated service to make a publicly available statement, by a date specified in the notice, about steps the provider is taking in response to the threat presented in the circumstances mentioned in subsection (1).
- (5) OFCOM may, by a public statement notice or a subsequent notice, require a provider of a regulated service to provide OFCOM with such information as they may require for the purpose of responding to that threat.
- (6) If OFCOM takes any of the steps set out in this Chapter, they must publish their reasons for doing so.

- (7) In subsection (2) “media literacy functions” means OFCOM’s functions under section 11 of the Communications Act (duty to promote media literacy), so far as functions under that section relate to regulated services.”

Alex Davies-Jones
Barbara Keeley

Not selected NC11

To move the following Clause—

“Supply chain risk assessment duties

- (1) This section sets out duties to assess risks arising in a provider’s supply chain, which apply to all Part 3 services.
- (2) A duty to carry out a suitable and sufficient assessment of the risk of harm arising to persons employed by contractors of the provider, where the role of such persons is to moderate content on the service.
- (3) A duty to keep the risk assessment up to date.
- (4) Where any change is proposed to any contract for the moderation of content on the service, a duty to carry out a further suitable and sufficient risk assessment.
- (5) In this section, the “risk of harm” includes any risks arising from—
 - (a) exposure to harmful content; and
 - (b) a lack of training, counselling or support.”

Alex Davies-Jones
Barbara Keeley

Negated on division NC12

To move the following Clause—

“Secretary of State’s powers to suggest modifications to a code of practice

- (1) The Secretary of State may on receipt of a code write within one month of that day to OFCOM with reasoned, evidence-based suggestions for modifying the code.
- (2) OFCOM shall have due regard to the Secretary of State’s letter and must reply to the Secretary of State within one month of receipt.
- (3) The Secretary of State may only write to OFCOM twice under this section for each code.
- (4) The Secretary of State and OFCOM shall publish their letters as soon as reasonably possible after transmission, having made any reasonable redactions for public safety and national security.
- (5) If the draft of a code of practice contains modifications made following changes arising from correspondence under this section, the affirmative procedure applies.”

Alex Davies-Jones
Barbara Keeley

Negatived on division NC13

To move the following Clause—

“Liability for companies associated with regulated services

- (1) A relevant regulated entity (“C”) is liable for penalties set out in the Bill where a person or company (“A”) associated with C and considered by a user to be a component of C does not comply with the duties established in the Bill.
- (2) Subsection (1) applies whether or not C has made A aware of the duties established in the Bill.
- (3) But it is a defence for C to prove that C had in place adequate procedures designed to prevent persons associated with C from undertaking such conduct.
- (4) In this section a “relevant regulated entity” means a regulated service as defined in section 3(4) of this Act.
- (5) For the purposes of this section, A is associated with C if A is a person who performs services for or on behalf of C notwithstanding—
 - (a) the capacity in which A performs services for or on behalf of C;
 - (b) whether or not A is an employee, agent or subsidiary of C.
- (6) Whether or not A is a person who performs services for or on behalf of C is to be determined by reference to all the relevant circumstances and not merely by reference to the nature of the relationship between A and C.
- (7) If A is an employee of C, it is to be presumed unless the contrary is shown that A is a person who performs services for or on behalf of C.”

Alex Davies-Jones
Barbara Keeley
John Nicolson
Kirsty Blackman
Kim Leadbeater

Negatived on division NC14

To move the following Clause—

“Duty to promote media literacy: regulated user-to-user services and search services

- (1) In addition to the duty on OFCOM to promote media literacy under section 11 of the Communications Act 2003, OFCOM must take such steps as they consider appropriate to improve the media literacy of the public in relation to regulated user-to-user services and search services.
- (2) This section applies only in relation to OFCOM’s duty to regulate—
 - (a) user-to-user services, and
 - (b) search services.
- (3) OFCOM’s performance of its duty in subsection (1) must include pursuit of the following objectives—

- (a) to reach audiences who are less engaged with, and harder to reach through, traditional media literacy initiatives;
 - (b) to address gaps in the availability and accessibility of media literacy provisions targeted at vulnerable users;
 - (c) to build the resilience of the public to disinformation and misinformation by using media literacy as a tool to reduce the harm from that misinformation and disinformation;
 - (d) to promote greater availability and effectiveness of media literacy initiatives and other measures, including by—
 - (i) carrying out, commissioning or encouraging educational initiatives designed to improve the media literacy of the public;
 - (ii) seeking to ensure, through the exercise of OFCOM's online safety functions, that providers of regulated services take appropriate measures to improve users' media literacy;
 - (iii) seeking to improve the evaluation of the effectiveness of the initiatives and measures mentioned in sub paras (2)(d)(i) and (ii) (including by increasing the availability and adequacy of data to make those evaluations);
 - (e) to promote better coordination within the media literacy sector.
- (4) OFCOM may prepare such guidance about the matters referred to in subsection (2) as it considers appropriate.
- (5) Where OFCOM prepares guidance under subsection (4) it must—
- (a) publish the guidance (and any revised or replacement guidance); and
 - (b) keep the guidance under review.
- (6) OFCOM must co-operate with the Secretary of State in the exercise and performance of their duty under this section."

Alex Davies-Jones
Barbara Keeley
John Nicolson
Kirsty Blackman
Kim Leadbeater

Not called NC15

To move the following Clause—

"Media literacy strategy

- (1) OFCOM must prepare a strategy which sets out how they intend to undertake their duty to promote media literacy in relation to regulated user-to-user services and regulated search services under section (Duty to promote media literacy: regulated user-to-user services and search services).
- (2) The strategy must—
 - (a) set out the steps OFCOM propose to take to achieve the pursuit of the objectives set out in section (Duty to promote media literacy: regulated user-to-user services and search services),

- (b) set out the organisations, or types of organisations, that OFCOM propose to work with in undertaking the duty;
 - (c) explain why OFCOM considers that the steps it proposes to take will be effective;
 - (d) explain how OFCOM will assess the extent of the progress that is being made under the strategy.
- (3) In preparing the strategy OFCOM must have regard to the need to allocate adequate resources for implementing the strategy.
- (4) OFCOM must publish the strategy within the period of 6 months beginning with the day on which this section comes into force.
- (5) Before publishing the strategy (or publishing a revised strategy), OFCOM must consult—
 - (a) persons with experience in or knowledge of the formulation, implementation and evaluation of policies and programmes intended to improve media literacy;
 - (b) the advisory committee on disinformation and misinformation, and
 - (c) any other person that OFCOM consider appropriate.
- (6) If OFCOM have not revised the strategy within the period of 3 years beginning with the day on which the strategy was last published, they must either—
 - (a) revise the strategy, or
 - (b) publish an explanation of why they have decided not to revise it.
- (7) If OFCOM decides to revise the strategy they must—
 - (a) consult in accordance with subsection (3), and
 - (b) publish the revised strategy.”

Alex Davies-Jones
 Barbara Keeley
 John Nicolson
 Kirsty Blackman
 Kim Leadbeater

Not called NC16

To move the following Clause—

“Media literacy strategy: progress report

- (1) OFCOM must report annually on the delivery of the strategy required under section (Duty to promote media literacy: regulated user-to-user services and search services).
- (2) The report must include—
 - (a) a description of the steps taken in accordance with the strategy during the year to which the report relates; and
 - (b) an assessment of the extent to which those steps have had an effect on the media literacy of the public in that year.
- (3) The assessment referred to in subsection (2)(b) must be made in accordance with the approach set out by OFCOM in the strategy (see

section (Duty to promote media literacy: regulated user-to-user services and search services) (2)(d).

- (4) OFCOM must—
- (a) publish the progress report in such manner as they consider appropriate; and
 - (b) send a copy of the report to the Secretary of State who must lay the copy before Parliament.”

John Nicolson
Kirsty Blackman

Negated on division NC17

To move the following Clause—

“Algorithmic prompts: prohibition of protected characteristics

- (1) A search service which uses an algorithm to suggest search terms to users, an “algorithmic prompt”, must not apply any algorithm where any of the words in the search term relate to any protected characteristic as defined in the Equality Act 2010.
- (2) If the word relating to a protected characteristic is not the first word input, the algorithmic prompt must cease as soon as the word relating to a protected characteristic is input by the user.”

John Nicolson
Kirsty Blackman

Negated on division NC18

To move the following Clause—

“Identification of information incidents by Ofcom

- (1) OFCOM must maintain arrangements for identifying and understanding patterns in the presence and dissemination of harmful misinformation and disinformation on regulated services.
- (2) Arrangements for the purposes of subsection (1) must in particular include arrangements for—
 - (a) identifying, and assessing the severity of, actual or potential information incidents; and
 - (b) consulting with persons with expertise in the identification, prevention and handling of disinformation and misinformation online (for the purposes of subsection (2)(a)).
- (3) Where an actual or potential information incident is identified, OFCOM must as soon as reasonably practicable—
 - (a) set out any steps that OFCOM plans to take under its online safety functions in relation to that situation; and
 - (b) publish such recommendations or other information that OFCOM considers appropriate.
- (4) Information under subsection (3) may be published in such a manner as appears to OFCOM to be appropriate for bringing it to the attention of the persons who, in OFCOM’s opinion, should be made aware of it.

- (5) OFCOM must prepare and issue guidance about how it will exercise its functions under this section and, in particular—
- (a) the matters it will take into account in determining whether an information incident has arisen;
 - (b) the matters it will take into account in determining the severity of an incident; and
 - (c) the types of responses that OFCOM thinks are likely to be appropriate when responding to an information incident.
- (6) For the purposes of this section—

“harmful misinformation or disinformation” means misinformation or disinformation which, taking into account the manner and extent of its dissemination, may have a material adverse effect on users of regulated services or other members of the public;

“information incident” means a situation where it appears to OFCOM that there is a serious or systemic dissemination of harmful misinformation or disinformation relating to a particular event or situation.”

John Nicolson
Kirsty Blackman

Withdrawn after debate NC19

To move the following Clause—

“Research conducted by regulated services

- (1) OFCOM may, at any time it considers appropriate, produce a report into how regulated services commission, collate, publish and make use of research.
- (2) For the purposes of the report, OFCOM may require services to submit to OFCOM—
 - (a) a specific piece of research held by the service, or
 - (b) all research the service holds on a topic specified by OFCOM.”

Alex Davies-Jones
Barbara Keeley

Not called NC20

To move the following Clause—

“Use of proactive technology in private messaging: report

- (1) OFCOM must produce a report—
 - (a) examining the case for the use of proactive technology in private messaging where the aim is to identify CSEA content; and
 - (b) making recommendations to whether or not proactive technology should be used in such cases.
- (2) The report must be produced in consultation with organisations that have expertise and experience in tackling CSEA.
- (3) The report must be published and laid before both Houses of Parliament within six months of this Act being passed.”

Carla Lockhart

Not selected NC21

To move the following Clause—

“Meaning of “pornographic content”

- (1) In this Act “pornographic content” means any of the following—
- (a) a video work in respect of which the video works authority has issued an R18 certificate;
 - (b) content that was included in a video work to which paragraph (a) applies, if it is reasonable to assume from its nature that its inclusion was among the reasons why the certificate was an R18 certificate;
 - (c) any other content if it is reasonable to assume from its nature that any classification certificate issued in respect of a video work including it would be an R18 certificate;
 - (d) a video work in respect of which the video works authority has issued an 18 certificate, and that it is reasonable to assume from its nature was produced solely or principally for the purposes of sexual arousal;
 - (e) content that was included in a video work to which paragraph (d) applies, if it is reasonable to assume from the nature of the content—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that its inclusion was among the reasons why the certificate was an 18 certificate;
 - (f) any other content if it is reasonable to assume from its nature—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that any classification certificate issued in respect of a video work including it would be an 18 certificate;
 - (g) a video work that the video works authority has determined not to be suitable for a classification certificate to be issued in respect of it, if—
 - (i) it includes content that it is reasonable to assume from its nature was produced solely or principally for the purposes of sexual arousal, and
 - (ii) it is reasonable to assume from the nature of that content that its inclusion was among the reasons why the video works authority made that determination;
 - (h) content that was included in a video work that the video works authority has determined not to be suitable for a classification certificate to be issued in respect of it, if it is reasonable to assume from the nature of the content—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that its inclusion was among the reasons why the video works authority made that determination;

- (i) any other content if it is reasonable to assume from the nature of the content—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that the video works authority would determine that a video work including it was not suitable for a classification certificate to be issued in respect of it.

(2) In this section—

“18 certificate” means a classification certificate which—

- (a) contains, pursuant to section 7(2)(b) of the Video Recordings Act 1984, a statement that the video work is suitable for viewing only by persons who have attained the age of 18 and that no video recording containing that work is to be supplied to any person who has not attained that age, and
- (b) does not contain the statement mentioned in section 7(2)(c) of that Act that no video recording containing the video work is to be supplied other than in a licensed sex shop;

“classification certificate” has the same meaning as in the Video Recordings Act 1984 (see section 7 of that Act);

“content” means—

- (a) a series of visual images shown as a moving picture, with or without sound;
- (b) a still image or series of still images, with or without sound; or
- (c) sound;

“R18 certificate” means a classification certificate which contains the statement mentioned in section 7(2)(c) of the Video Recordings Act 1984 that no video recording containing the video work is to be supplied other than in a licensed sex shop;

“the video works authority” means the person or persons designated under section 4(1) of the Video Recordings Act 1984 as the authority responsible for making arrangements in respect of video works other than video games;

“video work” means a video work within the meaning of the Video Recordings Act 1984, other than a video game within the meaning of that Act.”

Carla Lockhart

Not selected NC22

To move the following Clause—

“Requirement on Part 5 service to report CSEA

- (1) This section sets out a requirement which applies in relation to internet services within section 67(2).

- (2) A UK service must operate the service using systems and processes which secure (so far as possible) that the provider reports all detected and unreported CSEA content present on the service to the NCA.
- (3) A non-UK service must operate the service using systems and processes which secure (so far as possible) that the provider reports all detected and unreported UK-lined CSEA content present on the service to the NCA (and does not report to the NCA CSEA content which is not UK-linked).
- (4) Providers' reports under this section—
 - (a) must meet the requirements set out in regulations under section 60, and
 - (b) must be sent to the NCA in the manner, and within the time frames, set out in those regulations.
- (5) Terms used in this section are defined in section 63.
- (6) This section applies only in relation to CSEA content detected on or after the date on which this section comes into force."

Alex Davies-Jones
Barbara Keeley

Negated on division NC23

To move the following Clause—

"Priority illegal content: violence against women and girls

- (1) For the purposes of this Act, any provision applied to priority illegal content should also be applied to any content which—
 - (a) constitutes,
 - (b) encourages, or
 - (c) promotesviolence against women or girls.
- (2) "Violence against women and girls" is defined by Article 3 of the Council of Europe Convention on Preventing Violence Against Women and Domestic Violence ("the Istanbul Convention")."

Alex Davies-Jones
Barbara Keeley

Negated on division NC24

To move the following Clause—

"Civil claims for breach of duty

A user may bring civil proceedings against the provider of a regulated service in respect of a breach by a provider of any of its duties under Part 3 of this Act."

Kim Leadbeater

Negated on division NC25

To move the following Clause—

“Annual reporting by OFCOM to Parliament

- (1) OFCOM must publish and lay before Parliament an annual report on the operation of its regulatory functions under this Act.
- (2) The report must include—
 - (a) an overall assessment of the continued effectiveness of this Act in reducing harm online;
 - (b) figures of the volume of content removed by category 1 services in compliance with their duties under this Act;
 - (c) details of the exercise of any powers by OFCOM under Chapter 4, Part 7 of this Act, including—
 - (i) the number of times each power has been exercised, and
 - (ii) the service providers subject to the power;
 - (d) the number of reports received by OFCOM from regulated services in compliance with their duties under this Act, including details of the type of content that the reports concern.”

Alex Davies-Jones
Barbara Keeley

Withdrawn after debate NC26

To move the following Clause—

“Report on synthetic media content harms

- (1) The Secretary of State must publish and lay before Parliament a report on the harms caused to users by synthetic media content appearing on regulated services.
- (2) The report must contain analysis of the harms caused specifically to individuals working in the entertainment industry, including, but not limited to, infringements of their intellectual property rights.
- (3) The report must be published within six months of this Act being passed.
- (4) In this section, “synthetic media content” means any content that has been produced or modified by automated means.”

Kirsty Blackman
John Nicolson

Negated on division NC27

To move the following Clause—

“OFCOM: power to impose duties on regulated services

- (1) OFCOM may carry out an assessment of the risk of harm posed by any regulated service.
- (2) Where OFCOM assess a service to pose a very high risk of harm, OFCOM may, notwithstanding the categorisation of the service or the number or profile of its users, impose upon the service duties equivalent to—
 - (a) the children’s risk assessment duties set out in sections 10 and 25 of this Act; and
 - (b) the safety duties protecting children set out in sections 11 and 26 of this Act.”

Kirsty Blackman
John Nicolson

Negated on division NC28

To move the following Clause—

“Empowerment features for child users

- (1) This section applies where a Part 3 service has empowerment features for adults of a type described in section 14(2).
- (2) OFCOM may require a service to provide equivalent features designed specifically for child users.
- (3) Where OFCOM places a requirement on a service under subsection (2) it must provide guidance to the service on how to ensure the features are easily accessible and understandable for children.”

Kirsty Blackman
John Nicolson

Negated on division NC29

To move the following Clause—

“Accessibility to adult users with learning disabilities

- (1) This section applies to the following functions—
 - (a) any user empowerment features provided under section 14;
 - (b) any content reporting systems or processes under section 17 or section 27;
 - (c) any complaints procedure under section 18 or section 28.
- (2) The service must, as part of its compliance with any duties under the sections listed in subsection (1), ensure that the functions are accessible and understandable to adult users with learning disabilities.”

Carla Lockhart

Not selected NC30

To move the following Clause—

“OFCOM’s guidance about duties set out in section 68

- (1) OFCOM must prepare and issue a code of practice for providers of internet services within section 67(2) for the purposes of compliance with their duties set out in section 68.
- (2) Where a code of practice under this section is in force, OFCOM may—
 - (a) prepare a draft of amendments of the code of practice,
 - (b) prepare a draft of a code of practice under subsection (1) as a replacement for a code of practice previously issued under the subsection in question, and
 - (c) withdraw the code of practice.
- (3) The code of practice must include—
 - (a) examples of measures and policies that may be appropriate for the purpose of compliance with the duty set out in section 68(2),
 - (b) examples of ways in which a provider may have regard to the importance of protecting users as mentioned in section 68(3)(b),
 - (c) principles that OFCOM propose to apply when determining whether a provider has complied with each of the duties set out in section 68, and
 - (d) examples of circumstances in which OFCOM are likely to consider that a provider has not complied with each of those duties.
- (4) In the course of preparing a draft of a code of practice or amendments of a code of practice under this section, OFCOM must consult—
 - (a) the Secretary of State,
 - (b) persons who appear to OFCOM to represent providers of internet services within section 67(2),
 - (c) persons who appear to OFCOM to represent adult users of internet services within section 67(2),
 - (d) persons who appear to OFCOM to represent the interests of children (generally or with particular reference to online safety matters),
 - (e) the Information Commissioner,
 - (f) persons whom OFCOM consider to have expertise in innovation, or emerging technology, that is relevant to online safety matters, and
 - (g) such other persons as OFCOM consider appropriate.
- (5) But if OFCOM propose to revise the code of practice, and consider that the minor nature of the proposal means that consultation is unnecessary—
 - (a) OFCOM must notify the Secretary of State of the proposed changes, and
 - (b) if the Secretary of State agrees that it is appropriate, the consultation requirements set out in subsection (3) do not apply in relation to the proposed changes.

- (6) The procedure for issuing the code of practice under this section shall be the same as the procedure in section 39.”

Carla Lockhart

Not selected NC31

To move the following Clause—

“Consistent codes of practice for pornographic material

The code of practices issued under sections 39 and 69 must be consistent on the requirements to meet the relevant duties that children should be prevented from encountering pornographic content.”

Carla Lockhart

Not selected NC32

To move the following Clause—

“Power to delegate functions

- (1) OFCOM may designate any body corporate to carry out the duties of this section in whole or in part.
- (2) OFCOM may not designate a body under subsection (1) unless, as respects that designation, they are satisfied that the body—
 - (a) is a fit and proper body to be designated;
 - (b) has consented to being designated;
 - (c) has access to financial resources that are adequate to ensure the effective performance of its functions under this section; and
 - (d) is sufficiently independent of providers regulated by this Act.”

Carla Lockhart

Not selected NC33

To move the following Clause—

“Commencement of Section 94 of the Digital Economy Act 2017

The Secretary of State must make regulations under section 118(6) (commencement) of the Digital Economy Act 2017 (“the 2017 Act”) to ensure that when Part 5 of this Act comes into force, section 94 (on-demand programme services: specially restricted material) of the 2017 Act come into force at the same time.”

Carla Lockhart

Not selected NC34

To move the following Clause—

“Additional Duties on Pornographic Content

A user-to-user service has a duty to meet the conditions set out in Schedule (Additional duties on pornographic content).”

John Nicolson
Kirsty Blackman
Barbara Keeley
Alex Davies-Jones

Negatived on division NC36

To move the following Clause—

“Communication offence for encouraging or assisting self-harm

(1) In the Suicide Act 1961, after section 3 insert—

“3A Communication offence for encouraging or assisting self-harm

- (1) A person (“A”) commits an offence if—
- (a) A sends a message,
 - (b) the message encourages or could be used to assist another person (“B”) to inflict serious physical harm upon themselves, and
 - (c) A’s act was intended to encourage or assist the infliction of serious physical harm.
- (2) The person referred to in subsection (1)(b) need not be a specific person (or class of persons) known to, or identified by, A.
- (3) A may commit an offence under this section whether or not any person causes serious physical harm to themselves, or attempts to do so.
- (4) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both;
 - (b) on indictment, to imprisonment for a term not exceeding 5 years, or a fine, or both.
- (5) “Serious physical harm” means serious injury amounting to grievous bodily harm within the meaning of the Offences Against the Person Act 1861.
- (6) No proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.
- (7) If A arranges for a person (“A2”) to do an Act and A2 does that Act, A is also to be treated as having done that Act for the purposes of subsection (1).
- (8) In proceedings for an offence to which this section applies, it shall be a defence for A to prove that—
- (a) B had expressed intention to inflict serious physical harm upon themselves prior to them receiving the message from A;
 - (b) B’s intention to inflict serious physical harm upon themselves was not initiated by A; and
 - (c) the message was wholly motivated by compassion towards B or to promote the interests of B’s health or wellbeing.””

Kirsty Blackman

Withdrawn after debate NC37

To move the following Clause—

“The Digital Regulation Committee

- (1) There shall be a Committee, to be known as the Digital Regulation Committee and in this section referred to as “the Committee”, to undertake the following functions in connection with the provisions of this Act—
 - (a) to review all codes of practice and any other relevant publication produced by OFCOM; and
 - (b) to monitor and report on any other matter relevant to the functioning of this Act.
- (2) The Committee may publish reports in connection with its activities under subsection (1).
- (3) The Secretary of State must—
 - (a) respond to the recommendations contained in any report by the Committee within three months; and
 - (b) publish and lay copies of their response in both Houses of Parliament.
- (4) The Committee shall consist of twelve members—
 - (a) who shall be drawn from both the House of Commons and from members of the House of Lords; and
 - (b) none of whom shall be a Minister of the Crown.
- (5) The membership and Chair of the Committee shall be appointed by regulations made by the Secretary of State.
- (6) Details of the tenure of office of members of, the procedure of and other matters relating to, the Committee shall be set out in regulations made by the Secretary of State.
- (7) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.”

John Nicolson

Negatived on division NC38

To move the following Clause—

“Adults’ risk assessment duties

- (1) This section sets out duties which apply in relation to internet services within section 67(2).
- (2) A duty to take appropriate steps to keep an adults’ risk assessment up to date, including when OFCOM makes any significant change to a risk profile that relates to services of the kind in question.
- (3) Before making any significant change to any aspect of a service’s design or operation, a duty to carry out a further suitable and sufficient adults’ risk assessment relating to the impacts of that proposed change.

- (4) A duty to make and keep a written record, in an easily understandable form, of every risk assessment under subsections (2) and (3).
- (5) An “adults’ risk assessment” of a service of a particular kind means an assessment of the following matters, taking into account the risk profile that relates to services of that kind—
 - (a) the user base;
 - (b) the level of risk of adults who are users of the service encountering, by means of the service, each kind of priority content that is harmful to adults (with each kind separately assessed).
- (6) An “adults’ risk assessment” of a service of a particular kind means an assessment of the following matters, taking into account the risk profile that relates to services of that kind—
 - (a) the user base;
 - (b) the level of risk of adults who are users of the service encountering, by means of the service, each kind of priority content that is harmful to adults (with each kind separately assessed), taking into account (in particular) algorithms used by the service, and how easily, quickly and widely content may be disseminated by means of the service;
 - (c) the level of risk of harm to adults presented by different kinds of priority content that is harmful to adults;
 - (d) the level of risk of harm to adults presented by priority content that is harmful to adults which particularly affects individuals with a certain characteristic or members of a certain group;
 - (e) the level of risk of functionalities of the service facilitating the presence or dissemination of priority content that is harmful to adults, identifying and assessing those functionalities that present higher levels of risk;
 - (f) the different ways in which the service is used, and the impact of such use on the level of risk of harm that might be suffered by adults;
 - (g) the nature, and severity, of the harm that might be suffered by adults from the matters identified in accordance with paragraphs (b) to (f);
 - (h) how the design and operation of the service (including the business model, governance, use of proactive technology, measures to promote users’ media literacy and safe use of the service, and other systems and processes) may reduce or increase the risks identified.
- (7) In this section references to risk profiles are to the risk profiles for the time being published under section 83 which relate to the risk of harm to adults presented by priority content that is harmful to adults.
- (8) The provisions of Schedule 3 apply to any assessment carried out under this section in the same way they apply to any relating to a Part 3 service.”

John Nicolson

Negatived on division NC39

To move the following Clause—

“Safety duties protecting adults

- (1) This section sets out duties which apply in relation to internet services within section 67(2).
- (2) A duty to summarise in the terms of service the findings of the most recent adults’ risk assessment of a service (including as to levels of risk and as to nature, and severity, of potential harm to adults).
- (3) A duty to include provisions in the terms of service specifying, in relation to each kind of priority content that is harmful to adults that is to be treated in a way described in subsection (3), which of those kinds of treatment is to be applied.
- (4) These are the kinds of treatment of content referred to in subsection (3)—
 - (a) taking down the content;
 - (b) restricting users’ access to the content.
- (5) A duty to explain in the terms of service the provider’s response to the risks relating to priority content that is harmful to adults (as identified in the most recent adults’ risk assessment of the service), by reference to—
 - (a) any provisions of the terms of service included in compliance with the duty set out in subsection (3), and
 - (b) any other provisions of the terms of service designed to mitigate or manage those risks.
- (6) If provisions are included in the terms of service in compliance with the duty set out in subsection (3), a duty to ensure that those provisions—
 - (a) are clear and accessible, and
 - (b) are applied consistently in relation to content which the provider reasonably considers is priority content that is harmful to adults or a particular kind of priority content that is harmful to adults.
- (7) If the provider of a service becomes aware of any non-designated content that is harmful to adults present on the service, a duty to notify OFCOM of—
 - (a) the kinds of such content identified, and
 - (b) the incidence of those kinds of content on the service.
- (8) In this section—

“adults’ risk assessment” has the meaning given by section 12;

“non-designated content that is harmful to adults” means content that is harmful to adults other than priority content that is harmful to adults.”

John Nicolson

Negated on division NC40

To move the following Clause—

“Duties to prevent users from encountering illegal content

- (1) This section sets out duties which apply in relation to internet services within section 67(2).
- (2) A duty to operate an internet service using proportionate systems and processes designed to—
 - (a) prevent individuals from encountering priority illegal content that amounts to an offence in either Schedule 6 or paragraphs 17 and 18 of Schedule 7 by means of the service;
 - (b) minimise the length of time for which the priority illegal content referred to in subsection (a) is present;
 - (c) where the provider is alerted by a person to the presence of the illegal content referred to in subsection (a), or becomes aware of it in any other way, swiftly take down such content.
- (3) A duty to operate systems and processes that—
 - (a) verify the identity and age of all persons depicted in the content;
 - (b) obtain and keep on record written consent from all persons depicted in the content;
 - (c) only permit content uploads from verified content providers and must have a robust process for verifying the age and identity of the content provider;
 - (d) all uploaded content must be reviewed before publication to ensure that the content is not illegal and does not otherwise violate its terms of service;
 - (e) unloaded content must not be marketed by content search terms that give the impression that the content contains child exploitation materials or the depiction of non-consensual activities;
 - (f) the service must offer the ability for any person depicted in the content to appeal to remove the content in question.”

Alex Davies-Jones
Barbara Keeley

Withdrawn after debate NC41

To move the following Clause—

“Co-operation and disclosure of information: UK regulators

- (1) OFCOM may co-operate with a regulator established by statute or a recognised self-regulatory body in the United Kingdom, including by disclosing online safety information to that regulator, for the purposes of—
 - (a) tackling harm arising from illegal content, primary priority content harmful to children, priority content harmful to children, or priority content that is harmful to adults, or

- (b) criminal investigations or proceedings relating to a matter to which the regulator's functions relate.
- (2) Where information is disclosed to a person in reliance on subsection (1), the person may not—
 - (a) use the information for a purpose other than the purpose for which it was disclosed, or
 - (b) further disclose the information, except with OFCOM's consent (which may be general or specific) or in accordance with an order of a court or tribunal.
- (3) A disclosure of information under subsection (1) does not breach—
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information."

Alex Davies-Jones
Barbara Keeley

Not selected NC44

To move the following Clause—

"Expenses of the Advocacy Body

The Secretary of State may give directions to OFCOM as to how it should recover the costs relating to the expenses of the Advocacy Body, or the Secretary of State in relation to the establishment of the Advocacy Body, through the provisions to require a provider of a regulated service to pay a fee (as set out in section 71)."

Alex Davies-Jones
Barbara Keeley

Not selected NC45

To move the following Clause—

"Sharing of information relating to counter-disinformation

- (1) The Secretary of State must produce a report setting out any steps the Secretary of State has taken to tackle the presence of disinformation on Part 3 services.
 - (2) The purpose of the report is to assist OFCOM in carrying out its regulatory duties under this Act.
 - (3) The first report must be submitted to OFCOM and laid before Parliament within six months of this Act being passed.
 - (4) Thereafter, the Secretary of State must submit an updated report to OFCOM and lay it before Parliament at least once every three months."
-

Chris Philp

Added NS2

To move the following Schedule—

“Recovery of OFCOM’s initial costs

Recovery of initial costs

32 (1) This Schedule concerns the recovery by OFCOM of an amount equal to the aggregate of the amounts of WTA receipts which, in accordance with section 401(1) of the Communications Act and OFCOM’s statement under that section, are retained by OFCOM for the purpose of meeting their initial costs.

(2) OFCOM must seek to recover the amount described in sub-paragraph (1) (“the total amount of OFCOM’s initial costs”) by charging providers of regulated services fees under this Schedule (“additional fees”).

(3) In this Schedule—

“initial costs” means the costs incurred by OFCOM before the day on which section 75 comes into force on preparations for the exercise of their online safety functions;

“WTA receipts” means the amounts described in section 401(1)(a) of the Communications Act which are paid to OFCOM (certain receipts under the Wireless Telegraphy Act 2006).

Recovery of initial costs: first phase

33 (1) The first phase of OFCOM’s recovery of their initial costs is to take place over a period of several charging years to be specified in regulations under paragraph 7 (“specified charging years”).

(2) Over that period OFCOM must, in aggregate, charge providers of regulated services additional fees of an amount equal to the total amount of OFCOM’s initial costs.

(3) OFCOM may not charge providers additional fees in respect of any charging year which falls before the first specified charging year.

(4) OFCOM may require a provider to pay an additional fee in respect of a charging year only if the provider is required to pay a fee in respect of that year under section 71 (and references in this Schedule to charging providers are to be read accordingly).

(5) The amount of an additional fee payable by a provider is to be calculated in accordance with regulations under paragraph 7.

Further recovery of initial costs

34 (1) The second phase of OFCOM’s recovery of their initial costs begins after the end of the last of the specified charging years.

(2) As soon as reasonably practicable after the end of the last of the specified charging years, OFCOM must publish a statement specifying—

- (a) the amount which is at that time the recoverable amount (see paragraph 6), and

- (b) the amounts of the variables involved in the calculation of the recoverable amount.
- (3) OFCOM's statement must also specify the amount which is equal to that portion of the recoverable amount which is not likely to be paid or recovered. The amount so specified is referred to in sub-paragraphs (4) and (5) as "the outstanding amount".
- (4) Unless a determination is made as mentioned in sub-paragraph (5), OFCOM must, in aggregate, charge providers of regulated services additional fees of an amount equal to the outstanding amount.
- (5) The Secretary of State may, as soon as reasonably practicable after the publication of OFCOM's statement, make a determination specifying an amount by which the outstanding amount is to be reduced, and in that case OFCOM must, in aggregate, charge providers of regulated services additional fees of an amount equal to the difference between the outstanding amount and the amount specified in the determination.
- (6) Additional fees mentioned in sub-paragraph (4) or (5) must be charged in respect of the charging year immediately following the last of the specified charging years ("year 1").
- (7) The process set out in sub-paragraphs (2) to (6) is to be repeated in successive charging years, applying those sub-paragraphs as if—
 - (a) in sub-paragraph (2), the reference to the end of the last of the specified charging years were to the end of year 1 (and so on for successive charging years);
 - (b) in sub-paragraph (6), the reference to year 1 were to the charging year immediately following year 1 (and so on for successive charging years).
- (8) Any determination by the Secretary of State under this paragraph must be published in such manner as the Secretary of State considers appropriate.
- (9) Sub-paragraphs (4) and (5) of paragraph 2 apply to the charging of additional fees under this paragraph as they apply to the charging of additional fees under that paragraph.
- (10) The process set out in this paragraph comes to an end in accordance with paragraph 4.

End of the recovery process

- 35 (1) The process set out in paragraph 3 comes to an end if a statement by OFCOM under that paragraph records that—
- (a) the recoverable amount is nil, or
 - (b) all of the recoverable amount is likely to be paid or recovered.
- (2) Or the Secretary of State may bring that process to an end by making a determination that OFCOM are not to embark on another round of charging providers of regulated services additional fees.
 - (3) The earliest time when such a determination may be made is after the publication of OFCOM's first statement under paragraph 3.
 - (4) A determination under sub-paragraph (2)—
 - (a) must be made as soon as reasonably practicable after the publication of a statement by OFCOM under paragraph 3;

- (b) must be published in such manner as the Secretary of State considers appropriate.
- (5) A determination under sub-paragraph (2) does not affect OFCOM's power—
- (a) to bring proceedings for the recovery of the whole or part of an additional fee for which a provider became liable at any time before the determination was made, or
 - (b) to act in accordance with the procedure set out in section 120 in relation to such a liability.

Providers for part of a year only

- 36 (1) For the purposes of this Schedule, the “provider” of a regulated service, in relation to a charging year, includes a person who is the provider of the service for part of the year.
- (2) Where a person is the provider of a regulated service for part of a charging year only, OFCOM may refund all or part of an additional fee paid to OFCOM under paragraph 2 or 3 by that provider in respect of that year.

Calculation of the recoverable amount

- 37 For the purposes of a statement by OFCOM under paragraph 3, the “recoverable amount” is given by the formula—

$$C - (F - R) - D$$

where—

C is the total amount of OFCOM's initial costs,

F is the aggregate amount of the additional fees received by OFCOM at the time of the statement in question,

R is the aggregate amount of the additional fees received by OFCOM that at the time of the statement in question have been, or are due to be, refunded (see paragraph 5(2)), and

D is the amount specified in a determination made by the Secretary of State under paragraph 3 (see paragraph 3(5)) at a time before the statement in question or, where more than one such determination has been made, the sum of the amounts specified in those determinations.

If no such determination has been made before the statement in question, $D = 0$.

Regulations about recovery of initial costs

- 38 (1) The Secretary of State must make regulations making such provision as the Secretary of State considers appropriate in connection with the recovery by OFCOM of their initial costs.
- (2) The regulations must include provision as set out in sub-paragraphs (3), (4) and (6).
- (3) The regulations must specify the total amount of OFCOM's initial costs.
- (4) For the purposes of paragraph 2, the regulations must specify—
- (a) the charging years in respect of which additional fees are to be charged, and

- (b) the proportion of the total amount of initial costs which OFCOM must seek to recover in each of the specified charging years.
- (5) The following rules apply to provision made in accordance with subparagraph (4)(a)—
 - (a) the initial charging year may not be specified;
 - (b) only consecutive charging years may be specified;
 - (c) at least three charging years must be specified;
 - (d) no more than five charging years may be specified.
- (6) The regulations must specify the computation model that OFCOM must use to calculate fees payable by individual providers of regulated services under paragraphs 2 and 3 (and that computation model may be different for different charging years).
- (7) The regulations may make provision about what OFCOM may or must do if the operation of this Schedule results in them recovering more than the total amount of their initial costs.
- (8) The regulations may amend this Schedule or provide for its application with modifications in particular cases.
- (9) Before making regulations under this paragraph, the Secretary of State must consult—
 - (a) OFCOM,
 - (b) providers of regulated user-to-user services,
 - (c) providers of regulated search services,
 - (d) providers of internet services within section 67(2), and
 - (e) such other persons as the Secretary of State considers appropriate.

Interpretation

39 In this Schedule—

“additional fees” means fees chargeable under this Schedule in respect of the recovery of OFCOM’s initial costs;

“charging year” has the meaning given by section 76;

“initial charging year” has the meaning given by section 76;

“initial costs” has the meaning given by paragraph 1(3), and the “total amount” of initial costs means the amount described in paragraph 1(1);

“recoverable amount” has the meaning given by paragraph 6;

“specified charging year” means a charging year specified in regulations under paragraph 7 for the purposes of paragraph 2.”

Carla Lockhart

Not moved NS1

To move the following Schedule—

“Additional Duties on Pornographic Content

- 1 All user-to-user services and an internet service which provides regulated provider pornographic content must meet the following conditions for pornographic content and content that includes sexual photographs and films (“relevant content”).

The conditions are—

- (a) the service must not contain any prohibited material,
- (b) the service must verify the identity and age of all persons depicted in the content to ensure that all persons depicted are aged 18 or over,
- (c) the service must be able to provide evidence of the identity under sub-paragraph (c) on request,
- (d) the service must obtain and keep on record written consent from all persons depicted in the content,
- (e) the service must review all relevant content before publication,
- (f) the service must offer the ability for any person depicted in the content to appeal to remove the content in question.

- 2 In this Schedule—

“photographs and films” has the same meaning as section 34 of the Criminal Justice and Courts Act 2015 (meaning of “disclose” and “photograph or film”);

“prohibited material” has the same meaning as section 368E(3) of the Communications Act 2003 (harmful material).”

Bill, as amended, to be reported.

Glossary

Added: New Clause agreed without a vote and added to the Bill.

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negated: rejected without a vote.

Negated on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.
