
Report Stage: Tuesday 12 July 2022

Online Safety Bill, As Amended (Amendment Paper)

This document lists all amendments tabled to the Online Safety Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Speaker's provisional selection and grouping, which sets out the order in which the amendments will be debated.

☆ Amendments which will comply with the required notice period at their next appearance.

NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 1, PART 2 AND CHAPTERS 1 TO 4, 6 AND 7 OF PART 3 (EXCEPT AMENDMENTS RELATING TO THE REPEAL OF PART 4B OF THE COMMUNICATIONS ACT 2003)

Secretary Nadine Dorries

NC19

To move the following Clause—

“Duties to protect news publisher content

- (1) This section sets out the duties to protect news publisher content which apply in relation to Category 1 services.
- (2) Subject to subsections (4), (5) and (8), a duty, in relation to a service, to take the steps set out in subsection (3) before—
 - (a) taking action in relation to content present on the service that is news publisher content, or
 - (b) taking action against a user who is a recognised news publisher.
- (3) The steps referred to in subsection (2) are—
 - (a) to give the recognised news publisher in question a notification which—
 - (i) specifies the action that the provider is considering taking,
 - (ii) gives reasons for that proposed action by reference to each relevant provision of the terms of service,
 - (iii) where the proposed action relates to news publisher content that is also journalistic content, explains how the provider took the importance of the free expression of journalistic content into account when deciding on the proposed action, and

- (iv) specifies a reasonable period within which the recognised news publisher may make representations,
 - (b) to consider any representations that are made, and
 - (c) to notify the recognised news publisher of the decision and the reasons for it (addressing any representations made).
- (4) If a provider of a service reasonably considers that the provider would incur criminal or civil liability in relation to news publisher content present on the service if it were not taken down swiftly, the provider may take down that content without having taken the steps set out in subsection (3).
- (5) A provider of a service may also take down news publisher content present on the service without having taken the steps set out in subsection (3) if that content amounts to a relevant offence (see section 52 and also subsection (10) of this section).
- (6) Subject to subsection (8), if a provider takes action in relation to news publisher content or against a recognised news publisher without having taken the steps set out in subsection (3), a duty to take the steps set out in subsection (7).
- (7) The steps referred to in subsection (6) are—
 - (a) to swiftly notify the recognised news publisher in question of the action taken, giving the provider's justification for not having first taken the steps set out in subsection (3),
 - (b) to specify a reasonable period within which the recognised news publisher may request that the action is reversed, and
 - (c) if a request is made as mentioned in paragraph (b)—
 - (i) to consider the request and whether the steps set out in subsection (3) should have been taken prior to the action being taken,
 - (ii) if the provider concludes that those steps should have been taken, to swiftly reverse the action, and
 - (iii) to notify the recognised news publisher of the decision and the reasons for it (addressing any reasons accompanying the request for reversal of the action).
- (8) If a recognised news publisher has been banned from using a service (and the ban is still in force), the provider of the service may take action in relation to news publisher content present on the service which was generated or originally published or broadcast by the recognised news publisher without complying with the duties set out in this section.
- (9) For the purposes of subsection (2)(a), a provider is not to be regarded as taking action in relation to news publisher content in the following circumstances—
 - (a) a provider takes action in relation to content which is not news publisher content, that action affects related news publisher content, the grounds for the action only relate to the content which is not news publisher content, and it is not technically feasible for the action only to relate to the content which is not news publisher content;

- (b) a provider takes action against a user, and that action affects news publisher content that has been uploaded to or shared on the service by the user.
- (10) Section (*Providers' judgements about the status of content*) (providers' judgements about the status of content) applies in relation to judgements by providers about whether news publisher content amounts to a relevant offence as it applies in relation to judgements about whether content is illegal content.
- (11) OFCOM's guidance under section (*Guidance about illegal content judgements*) (guidance about illegal content judgements) must include guidance about the matters dealt with in section (*Providers' judgements about the status of content*) as that section applies by reason of subsection (10).
- (12) Any provision of the terms of service has effect subject to this section.
- (13) In this section—
 - (a) references to "news publisher content" are to content that is news publisher content in relation to the service in question;
 - (b) references to "taking action" in relation to content are to—
 - (i) taking down content,
 - (ii) restricting users' access to content, or
 - (iii) taking other action in relation to content (for example, adding warning labels to content);
 - (c) references to "taking action" against a person are to giving a warning to a person, or suspending or banning a person from using a service, or in any way restricting a person's ability to use a service.
- (14) Taking any step set out in subsection (3) or (7) does not count as "taking action" for the purposes of this section.
- (15) See—

section 16 for the meaning of "journalistic content";

section 49 for the meaning of "news publisher content";

section 50 for the meaning of "recognised news publisher".

Member's explanatory statement

This new clause requires providers to notify a recognised news publisher and provide a right to make representations before taking action in relation to news publisher content or against the publisher (except in certain circumstances), and to notify a recognised news publisher after action is taken without that process being followed and provide an opportunity for the publisher to request that the action is reversed.

Alex Davies-Jones
Barbara Keeley
Lucy Powell

NC2

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
Lucy Powell
Kirsty Blackman
John Nicolson
Alison Thewliss

NC3

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”).”

Member’s explanatory statement

This new clause applies provisions to priority illegal content to content which constitutes, encourages or promotes violence against women and girls.

Dame Diana Johnson
Carolyn Harris
Ronnie Cowan
Joanna Cherry

NC4

To move the following Clause—

“Duty about content advertising or facilitating prostitution: Category 1 and Category 2B services

- (1) A provider of a Category 1 or Category 2B service must operate the service so as to—
 - (a) prevent individuals from encountering content that advertises or facilitates prostitution;
 - (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.
- (2) A provider of a Category 1 or Category 2B service must include clear and accessible provisions in a publicly available statement giving information about any proactive technology used by the service for the purpose of compliance with the duty set out in subsection (1) (including the kind of technology, when it is used, and how it works).
- (3) If a person is the provider of more than one Category 1 or Category 2B service, the duties set out in this section apply in relation to each such service.
- (4) The duties set out in this section extend only to the design, operation and use of a Category 1 or Category 2B service in the United Kingdom.
- (5) For the meaning of “Category 1 service” and “Category 2B service”, see section 81 (register of categories of services).
- (6) For the meaning of “prostitution”, see section 54 of the Sexual Offences Act 2003.”

Dame Diana Johnson
Carolyn Harris
Ronnie Cowan
Joanna Cherry

NC5

To move the following Clause—

“Duty about content advertising or facilitating prostitution: Category 2A services

- (1) A provider of a Category 2A service must operate that service so as to minimise the risk of individuals encountering content which advertises or facilitates prostitution in or via search results of the service.
- (2) A provider of a Category 2A service must include clear and accessible provisions in a publicly available statement giving information about any proactive technology used by the service for the purpose of compliance

with the duty set out in subsection (1) (including the kind of technology, when it is used, and how it works).

- (3) The reference to encountering content which advertises or facilitates prostitution “in or via search results” of a search service does not include a reference to encountering such content as a result of any subsequent interactions 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 only to the design, operation and use of a Category 2A service in the United Kingdom.
- (6) For the meaning of “Category 2A service”, see section 81 (register of categories of services).
- (7) For the meaning of “prostitution”, see section 54 of the Sexual Offences Act 2003.”

Dame Diana Johnson
Carolyn Harris
Ronnie Cowan
Joanna Cherry

NC6

To move the following Clause—

“Duty about content advertising or facilitating prostitution: internet services providing pornographic content

- (1) A provider of an internet service within the scope of section 67 of this Act must operate that service so as to—
 - (a) prevent individuals from encountering content that advertises or facilitates prostitution;
 - (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.
- (2) A provider of an internet service under this section must include clear and accessible provisions in a publicly available statement giving information about any proactive technology used by the service for the purpose of compliance with the duty set out in subsection (1) (including the kind of technology, when it is used, and how it works).
- (3) If a person is the provider of more than one internet service under this section, the duties set out in this section apply in relation to each such service.
- (4) For the meaning of “prostitution”, see section 54 of the Sexual Offences Act 2003.”

Mr Kevan Jones

NC8

To move the following Clause—

“Duties about advertisements for cosmetic procedures

- (1) A provider of a regulated service must operate the service using systems and processes designed to—
 - (a) prevent individuals from encountering advertisements for cosmetic procedures that do not meet the conditions specified in subsection (3);
 - (b) minimise the length of time for which any such advertisement is present;
 - (c) where the provider is alerted by a person to the presence of such an advertisement, or becomes aware of it in any other way, swiftly take it down.
- (2) A provider of a regulated service must include clear and accessible provisions in the terms of service giving information about any proactive technology used by the service for the purpose of compliance with the duty set out in subsection (1) (including the kind of technology, when it is used, and how it works).
- (3) The conditions under subsection (1)(a) are that the advertisement—
 - (a) contains a disclaimer as to the health risks of the cosmetic procedure, and
 - (b) includes a certified service quality indicator.
- (4) If a person is the provider or more than one regulated service, the duties set out in this section apply in relation to each such service.
- (5) The duties set out in this section extend only to the design, operation and use of a regulated service in the United Kingdom.
- (6) For the meaning of “regulated service”, see section 3 (“Regulated service”. “Part 3 service” etc).”

Member’s explanatory statement

This new clause would place a duty on all internet service providers regulated by the Bill to prevent individuals from encountering adverts for cosmetic procedures that do not contain a disclaimer as to the health risks of the procedure nor include a certified service quality indicator.

Andrew Percy
 Simon Fell
 Dame Margaret Hodge
 Kim Leadbeater
 Kirsty Blackman
 John Nicolson
 Liz Saville Roberts

NC9

Alison Thewliss

To move the following Clause—

“Content harmful to adults risk assessment duties: regulated search services

- (1) This section sets out the duties about risk assessments which apply in relation to all regulated search services.
- (2) A duty to carry out a suitable and sufficient priority adults risk assessment at a time set out in, or as provided by Schedule 3.
- (3) A duty to take appropriate steps to keep an adults’ risk assessment up to date, including when OFCOM make any significant change to a risk profile that relates to services of the kind in question.
- (4) 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 adult risk assessment relating to the impacts of that proposed change.
- (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 level of risk of individuals who are users of the service encountering each kind of priority content that is harmful to adults (with each kind separately assessed), taking into account (in particular) risks presented by algorithms used by the service, and the way that the service indexes, organises and presents search results;
 - (b) the level of risk of functionalities of the service facilitating individuals encountering search content that is harmful to adults, identifying and assessing those functionalities that present higher levels of risk;
 - (c) the nature, and severity, of the harm that might be suffered by individuals from the matters identified in accordance with paragraphs (a) and (b);
 - (d) 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.
- (6) In this section, references to risk profiles are to the risk profiles for the time being published under section 84 which relate to the risk of harm to adults presented by priority content that is harmful to adults.
- (7) See also— section 20(2) (records of risk assessments), and Schedule 3 (timing of providers’ assessments).”

Andrew Percy
Simon Fell
Dame Margaret Hodge
Kim Leadbeater
Kirsty Blackman
John Nicolson
Liz Saville Roberts

Alison Thewliss

NC10

To move the following Clause—

“Safety Duties Protecting Adults: regulated search services

- (1) This section sets out the duties about protecting adults which apply in relation to all regulated search services.
- (2) A duty to summarise in the policies of the search 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 search service policies 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 (4), which of those kinds of treatment is to be applied.
- (4) The duties set out in subsections (2) and (3) apply across all areas of a service, including the way the search engine is operated and used as well as search content of the service, and (among other things) require the provider of a service to take or use measures in the following areas, if it is proportionate to do so—
 - (a) regulatory compliance and risk management arrangements,
 - (b) design of functionalities, algorithms and other features relating to the search engine,
 - (c) functionalities allowing users to control the content they encounter in search results,
 - (d) content prioritisation and ranking,
 - (e) user support measures, and
 - (f) staff policies and practices.
- (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 policies 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 policies 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.

- (1) 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.
- (2) A duty to ensure that the provisions of the publicly available statement referred to in subsections (5) and (7) are clear and accessible.
- (3) 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.”

Kirsty Blackman
 John Nicolson
 Barbara Keeley
 Alex Davies-Jones
 Lucy Powell
 Alison Thewliss

NC18

To move the following Clause—

“Child user empowerment duties

- (1) This section sets out the duties to empower child users which apply in relation to Category 1 services.
- (2) A duty to include in a service, to the extent that it is proportionate to do so, features which child users may use or apply if they wish to increase their control over harmful content.
- (3) The features referred to in subsection (2) are those which, if used or applied by a user, result in the use by the service of systems or processes designed to—
 - (a) reduce the likelihood of the user encountering priority content that is harmful, or particular kinds of such content, by means of the service, or
 - (b) alert the user to the harmful nature of priority content that is harmful that the user may encounter by means of the service.
- (4) A duty to ensure that all features included in a service in compliance with the duty set out in subsection (2) are made available to all child users.
- (5) A duty to include clear and accessible provisions in the terms of service specifying which features are offered in compliance with the duty set out in subsection (2), and how users may take advantage of them.
- (6) A duty to include in a service features which child users may use or apply if they wish to filter out non-verified users.
- (7) The features referred to in subsection (6) are those which, if used or applied by a user, result in the use by the service of systems or processes designed to—

- (a) prevent non-verified users from interacting with content which that user generates, uploads or shares on the service, and
 - (b) reduce the likelihood of that user encountering content which non-verified users generate, upload or share on the service.
- (8) A duty to include in a service features which child users may use or apply if they wish to only encounter content by users they have approved.
- (9) A duty to include in a service features which child users may use or apply if they wish to filter out private messages from—
 - (a) non-verified users, or
 - (b) adult users, or
 - (c) any user other than those on a list approved by the child user.
- (10) In determining what is proportionate for the purposes of subsection (2), the following factors, in particular, are relevant—
 - (a) all the findings of the most recent child risk assessment (including as to levels of risk and as to nature, and severity, of potential harm), and
 - (b) the size and capacity of the provider of a service.
- (11) In this section “non-verified user” means a user who has not verified their identity to the provider of a service (see section 57(1)).
- (12) In this section references to features include references to functionalities and settings.”

Joanna Cherry
Miriam Cates
Neale Hanvey
Tony Lloyd

NC24

To move the following Clause—

“Category 1 services: duty not to discriminate, harass or victimise against service users

- (1) The following duties apply to all providers of Category 1 services.
- (2) A duty not to discriminate, on the grounds of a protected characteristic, against a person wishing to use the service by not providing the service, if the result of not providing the service is to cause harm to that person.
- (3) A duty not to discriminate, on the grounds of a protected characteristic, against any user of the service in a way that causes harm to the user—
 - (a) as to the terms on which the provider provides the service to the user;
 - (b) by terminating the provision of the service to the user;
 - (c) by subjecting the user to any other harm.
- (4) A duty not to harass, on the grounds of a protected characteristic, a user of the service in a way that causes harm to the user.
- (5) A duty not to victimise because of a protected characteristic a person wishing to use the service by not providing the user with the service, if the result of not providing the service is to cause harm to that person.

- (6) A duty not to victimise a service user—
- (a) as to the terms on which the provider provides the service to the user;
 - (b) by terminating the provision of the service to the user;
 - (c) by subjecting the user to any other harm.
- (7) In this section—

references to harassing, discriminating or victimising have the same meaning as set out in Part 2 of the Equality Act 2010;

“protected characteristic” means a characteristic listed in section 4 of the Equality Act 2010.”

Member’s explanatory statement

This new clause would place a duty, regulated by Ofcom, on Category 1 service providers not to discriminate, harass or victimise users of their services on the basis of a protected characteristic if doing so would result in them being caused harm. Discrimination, harassment and victimisation, and protected characteristics, have the same meaning as in the Equality Act 2010.

Munira Wilson
Sarah Olney

NC25

To move the following Clause—

“Report on duties that apply to all internet services likely to be accessed by children

- (1) Within 12 months of this Act receiving Royal Assent, the Secretary of State must commission an independent evaluation of the matters under subsection (2) and must lay the report of the evaluation before Parliament.
- (2) The evaluation under subsection (1) must consider whether the following duties should be imposed on all providers of services on the internet that are likely to be accessed by children, other than services regulated by this Act—
 - (a) duties similar to those imposed on regulated services by sections 10 and 25 of this Act to carry out a children’s risk assessment, and
 - (b) duties similar to those imposed on regulated services by sections 11 and 26 of this Act to protect children’s online safety.”

Member’s explanatory statement

This new clause would require the Secretary of State to commission an independent evaluation on whether all providers of internet services likely to be accessed by children should be subject to child safety duties and must conduct a children’s risk assessment.

Munira Wilson
Sarah Olney

NC26

To move the following Clause—

“Safety by design

- (1) In exercising their functions under this Act—
 - (a) The Secretary of State, and
 - (b) OFCOMmust have due regard to the principles in subsections (2)-(3).
- (2) The first principle is that providers of regulated services should design those services to prevent harmful content from being disseminated widely, and that this is preferable in the first instance to both—
 - (a) removing harmful content after it has already been disseminated widely, and
 - (b) restricting which users can access the service or part of it on the basis that harmful content is likely to disseminate widely on that service.
- (3) The second principle is that providers of regulated services should safeguard freedom of expression and participation, including the freedom of expression and participation of children.”

Member’s explanatory statement

This new clause requires the Secretary of State and Ofcom to have due regard to the principle that internet services should be safe by design.

John Nicolson
Kirsty Blackman
Alison Thewliss

NC27

To move the following Clause—

“Publication of risk assessments

Whenever a Category 1 service carries out any risk assessment pursuant to Part 3 of this Act, the service must publish the risk assessment on the service’s website.”

Jamie Stone
Mr Alistair Carmichael
Sarah Olney

NC38

To move the following Clause—

“End-to-end encryption

Nothing in this Act shall prevent providers of user-to-user services protecting their users’ privacy through end-to-end encryption.”

Alison Thewliss

NC39

☆ To move the following Clause—

“Online promotion of infant formula: regulations

- (1) The Secretary of State must make regulations relating to the use of Part 3 services for the online promotion of infant formula.
- (2) The regulations must include provision for—
 - (a) restrictions on the promotion of infant formula by means of any service regulated under Part 3 of this Act;
 - (b) functions OFCOM must perform in regulating and enforcing any such restrictions; and
 - (c) penalties for a failure to comply with any regulations made under this section.
- (3) Restrictions under subsection (2) may differ depending on—
 - (a) the type of infant formula;
 - (b) the age of children for whose feeding the formula is intended;
 - (c) the type of Part 3 service being used to promote the formula.
- (4) Regulations under this section are to be made by statutory instrument, and may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.
- (5) For the purposes of this section—

“infant formula” includes follow-on formula;

“promotion” does not include any advice or opinion given by a medical professional.”

Secretary Nadine Dorries

57

Clause 5, page 4, line 36, at beginning insert ““priority offence”,”

Member’s explanatory statement

This is a technical amendment providing for a signpost to the definition of “priority offence” in the clause giving an overview of Part 3.

John Nicolson 202
Kirsty Blackman
Alison Thewliss

Clause 6, page 5, line 11, at end insert—

“(ba) the duty about pornographic content set out in Schedule [Additional duties on pornographic content].”

Member’s explanatory statement

This amendment ensures that user-to-user services must meet the new duties set out in NS1.

Secretary Nadine Dorries 163

Clause 6, page 5, line 30, at end insert—

“(da) the duties to protect news publisher content set out in section (*Duties to protect news publisher content*),”

Member’s explanatory statement

This amendment is consequential on NC19.

Secretary Nadine Dorries 58

Clause 8, page 6, line 45, at end insert—

“(ba) the level of risk of the service being used for the commission or facilitation of a priority offence;”

Member’s explanatory statement

This amendment adds another matter to the matters that should be included in a provider’s risk assessment regarding illegal content on a user-to-user service, so that the risks around use of a service for the commission or facilitation of priority offences are included.

Secretary Nadine Dorries 59

Clause 8, page 7, line 2, at end insert “or by the use of the service for the commission or facilitation of a priority offence”

Member’s explanatory statement

This amendment ensures that providers’ risk assessments about illegal content on a user-to-user service must consider the risk of harm from use of the service for the commission or facilitation of priority offences.

Secretary Nadine Dorries

60

Clause 8, page 7, line 4, after “content” insert “or the use of the service for the commission or facilitation of a priority offence”

Member’s explanatory statement

This amendment ensures that providers’ risk assessments about illegal content on a user-to-user service must consider the risk of functionalities of the service facilitating the use of the service for the commission or facilitation of priority offences.

Alex Davies-Jones

17

Barbara Keeley

Lucy Powell

John Nicolson

Kirsty Blackman

Alison Thewliss

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.”

Member’s explanatory statement

This amendment would incorporate into the duties a requirement to consider cross-platform risk.

Alex Davies-Jones

15

Barbara Keeley

Lucy Powell

John Nicolson

Kirsty Blackman

Alison Thewliss

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.”

Member’s explanatory statement

This amendment extends the illegal content risk assessment duties to cover content which could be foreseen to facilitate or aid the discovery or dissemination of CSEA content.

Secretary Nadine Dorries

61

Clause 9, page 7, line 24, leave out from “measures” to the end of line 26 and insert “relating to the design or operation of the service to—

- (a) prevent individuals from encountering priority illegal content by means of the service,
- (b) effectively mitigate and manage the risk of the service being used for the commission or facilitation of a priority offence, as identified in the most recent illegal content risk assessment of the service, and
- (c) effectively mitigate and manage the risks of harm to individuals, as identified in the most recent illegal content risk assessment of the service (see section 8(5)(f)).”

Member’s explanatory statement

The substantive changes made by this amendment are: (1) making it clear that compliance with duties to mitigate risks as mentioned in paragraphs (a) to (c) is to be achieved by the way a service is designed or operated, and (2) paragraph (b) is a new risk mitigation duty on providers to deal with the risks around use of a user-to-user service for the commission or facilitation of priority offences.

Secretary Nadine Dorries

62

Clause 9, page 7, line 29, leave out paragraph (a)

Member’s explanatory statement

This amendment omits the provision that now appears in subsection (2) of this clause: see paragraph (a) of the provision inserted by Amendment 61.

Alex Davies-Jones
Barbara Keeley
Lucy Powell
John Nicolson
Kirsty Blackman
Alison Thewliss

18

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;”

Member’s explanatory statement

This amendment aims to include within companies’ safety duties a duty to consider cross-platform risk.

Alex Davies-Jones
Barbara Keeley
Lucy Powell
John Nicolson
Kirsty Blackman
Alison Thewliss

16

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.”

Member’s explanatory statement

This amendment brings measures to minimise content that may facilitate or aid the discovery of priority illegal content within the scope of the duty to maintain proportionate systems and processes.

Alex Davies-Jones
Barbara Keeley
Lucy Powell
John Nicolson
Kirsty Blackman
Alison Thewliss

19

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.”

Member’s explanatory statement

This amendment creates a duty to collaborate in cases where there is potential cross-platform risk in relation to priority illegal content and CSEA content.

Secretary Nadine Dorries

63

Clause 9, page 7, line 37, after “is” insert “designed,”

Member’s explanatory statement

This adds a reference to design to clause 9(4) which provides for the illegal content duties for user-to-user services to apply across all areas of a service.

Secretary Nadine Dorries

64

Clause 9, page 8, line 5, leave out “paragraphs (a) and (b)” and insert “paragraph (b)”

Member’s explanatory statement

This amendment is a technical change consequential on Amendment 62.

Secretary Nadine Dorries

65

Clause 9, page 8, line 9, leave out from “consistently” to end of line 10

Member’s explanatory statement

This amendment omits words from a provision imposing a duty to apply the terms of service of a user-to-user service consistently. The omitted words relate to the material now dealt with in NC14.

Secretary Nadine Dorries

66

Clause 11, page 10, line 5, after “measures” insert “relating to the design or operation of the service”

Member’s explanatory statement

This amendment makes it clear that compliance with duties to mitigate risks of harm from content harmful to children on user-to-user services is to be achieved by the way a service is designed or operated.

Secretary Nadine Dorries

67

Clause 11, page 10, line 9, after “service” insert “(see section 10(6)(g))”

Member’s explanatory statement

This is a technical amendment to put beyond doubt the meaning of a provision about risks identified in a risk assessment relating to content that is harmful to children on user-to-user services.

Kirsty Blackman
John Nicolson
Alison Thewliss

190

Clause 11, page 10, line 11, at end insert “, and—

- (c) mitigate the harm to children caused by habit-forming features of the service by consideration and analysis of how processes (including algorithmic serving of content, the display of other users’ approval of posts and notifications) contribute to development of habit-forming behaviour.”

Member’s explanatory statement

This amendment requires services to take or use proportionate measures to mitigate the harm to children caused by habit-forming features of a service.

Secretary Nadine Dorries 68

Clause 11, page 10, line 22, after “is” insert “designed,”

Member’s explanatory statement

This adds a reference to design to clause 11(4) which provides for the children’s safety duties for user-to-user services to apply across all areas of a service.

Secretary Nadine Dorries 69

Clause 11, page 11, line 2, leave out from “consistently” to end of line 4

Member’s explanatory statement

This amendment omits words from a provision imposing a duty to apply the terms of service of a user-to-user service consistently. The omitted words relate to the material now dealt with in NC14.

Sir Jeremy Wright 42
Dame Margaret Hodge

Clause 11, page 11, line 16, at end insert—

“(c) the benefits of the service to children’s well-being.”

Mr David Davis 151
Kevin Hollinrake
Mr Steve Baker
Ben Bradley
Philip Davies

Page 12, line 43, leave out Clause 13

Member’s explanatory statement

This amendment seeks to remove Clause 13 from the Bill.

Secretary Nadine Dorries 70

Clause 13, page 13, line 4, leave out subsection (3) and insert—

“(3) If a provider decides to treat a kind of priority content that is harmful to adults in a way described in subsection (4), a duty to include provisions in the terms of service specifying how that kind of content is to be treated (separately covering each kind of priority content that is harmful to adults which a provider decides to treat in one of those ways).”

Member's explanatory statement

This amendment ensures that a provider must state in the terms of service how priority content that is harmful to adults is to be treated, if the provider decides to treat it in one of the ways listed in clause 13(4).

Adam Afriyie 48
Andrew Lewer
Philip Davies

Clause 13, page 13, line 5, leave out "is to be treated" and insert "the provider decides to treat"

Member's explanatory statement

This amendment would mean that providers would be free to decide how to treat content that has been designated 'legal but harmful' to adults.

Adam Afriyie 49
Andrew Lewer
Philip Davies

Clause 13, page 13, line 11, at end insert—
“(ca) taking no action;”

Member's explanatory statement

This amendment provides that providers would be free to take no action in response to content referred to in subsection (3).

Secretary Nadine Dorries 71

Clause 13, page 13, line 12, at end insert—
“(e) allowing the content without treating it in a way described in any of paragraphs (a) to (d).”

Member's explanatory statement

This amendment expands the list in clause 13(4) with the effect that if a provider decides to treat a kind of priority content that is harmful to adults by not recommending or promoting it, nor taking it down or restricting it etc, the terms of service must make that clear.

Secretary Nadine Dorries 72

Clause 13, page 13, line 23, leave out from “consistently” to end of line 25

Member’s explanatory statement

This amendment omits words from a provision imposing a duty to apply the terms of service of a Category 1 service consistently. The omitted words relate to the material now dealt with in NC14.

Dame Margaret Hodge 157

Sir Stephen Timms
Rosie Cooper
Dame Diana Johnson
Rushanara Ali
Simon Fell

Clause 14, page 14, line 11, leave out subsections (6) and (7)

Member’s explanatory statement

This amendment is consequential to Amendment 156, which would require all users of Category 1 services to be verified.

Secretary Nadine Dorries 73

Clause 15, page 15, line 4, leave out from “consistently” to end of line 5

Member’s explanatory statement

This amendment omits words from a provision imposing a duty to apply the terms of service of a Category 1 service consistently. The omitted words relate to the material now dealt with in NC14.

Secretary Nadine Dorries 164

Clause 16, page 15, line 44, at end insert—

“(5A) Subsections (3) and (4) do not require a provider to make a dedicated and expedited complaints procedure available to a recognised news publisher in relation to a decision if the provider has taken the steps set out in

section (*Duties to protect news publisher content*)(3) in relation to that decision.”

Member’s explanatory statement

This amendment ensures that where a recognised news publisher has a right to make representations about a proposal to take action in relation to news publisher content or against the recognised news publisher under the new clause introduced by NC19, a provider is not also required to offer that publisher a complaints procedure under clause 16.

Secretary Nadine Dorries

74

Clause 16, page 16, line 11, leave out from “consistently” to end of line 12

Member’s explanatory statement

This amendment omits words from a provision imposing a duty to apply the terms of service of a Category 1 service consistently. The omitted words relate to the material now dealt with in NC14.

Secretary Nadine Dorries

165

Clause 16, page 16, line 13, leave out “section” and insert “Part”

Member’s explanatory statement

This is a technical amendment ensuring that the definition of “journalistic content” applies for the purposes of Part 3 of the Bill.

Sir Jeremy Wright

10

John Penrose

Darren Jones

Dame Diana Johnson

Andrew Percy

Simon Fell

Julian Knight

Dame Margaret Hodge

Kim Leadbeater

Clause 16, page 16, line 16, leave out from “or” until the end of line 17

Secretary Nadine Dorries

166

Clause 18, page 19, line 14, at end insert—

“(iiiia) section (*Duties to protect news publisher content*) (news publisher content),”

Member’s explanatory statement

This amendment ensures that users and affected persons can complain if a provider is not complying with a duty set out in NC19.

Secretary Nadine Dorries

167

Clause 19, page 20, line 18, at end insert—

“(5A) An impact assessment relating to a service must include a section which considers the impact of the safety measures and policies on the availability and treatment on the service of content which is news publisher content or journalistic content in relation to the service.”

Member’s explanatory statement

This amendment requires a provider of a Category 1 service to include a section in their impact assessments considering the effect of the provider’s measures and policies on the availability on the service of news publisher content and journalistic content.

Adam Afriyie
Andrew Lewer
Philip Davies
Sir Bernard Jenkin
Sir Iain Duncan Smith
John Redwood

50

Clause 19, page 20, line 21, at end insert—

“(6A) A duty to include clear provision in the terms of service that the provider will not take down, or restrict access to content generated, uploaded or shared by a user save where it reasonably concludes that—

- (a) the provider is required to do so pursuant to the provisions of this Act, or
- (b) it is otherwise reasonable and proportionate to do so.”

Member’s explanatory statement

This amendment sets out a duty for providers to include in terms of service a commitment not to take down or restrict access to content generated, uploaded or shared by a user except in particular circumstances.

Secretary Nadine Dorries 168

Clause 19, page 20, line 37, at end insert—

“(10) See—

section 16 for the meaning of “journalistic content”;

section 49 for the meaning of “news publisher content”.”

Member’s explanatory statement

This amendment inserts a signpost to definitions of terms used in the new subsection inserted by Amendment 167.

Adam Afriyie 51
Andrew Lewer
Philip Davies

Clause 19, page 20, line 37, at end insert—

“(10) In any claim for breach of contract brought in relation to the provisions referred to in subsection (7), where the breach is established, the court may make such award by way of compensation as it considers appropriate for the removal of, or restriction of access to, the content in question.”

Member’s explanatory statement

This amendment means that where a claim is made for a breach of the terms of service result from Amendment 50, the court has the power to make compensation as it considers appropriate.

Secretary Nadine Dorries 169

Clause 20, page 21, line 45, at end insert “and for the purposes of subsection (6), also includes the duties set out in section (*Duties to protect news publisher content*) (news publisher content).”

Member’s explanatory statement

This amendment ensures that providers have a duty to review compliance with the duties set out in NC19 regularly, and after making any significant change to the design or operation of the service.

Andrew Percy 47
Simon Fell
Dame Margaret Hodge
Kim Leadbeater

Clause 21, page 22, line 10, at end insert—

- “(ba) the duties about adults’ risk assessment duties in section (*Content harmful to adult risk assessment duties: regulated search services*),
- (bb) the safety duties protecting adults in section (*Safety duties protecting adults: regulated search services*).”

Secretary Nadine Dorries 75

Clause 24, page 23, line 43, after “measures” insert “relating to the design or operation of the service”

Member’s explanatory statement

This amendment makes it clear that compliance with duties to mitigate risks of harm from illegal content on search services is to be achieved by the way a service is designed or operated.

Secretary Nadine Dorries 76

Clause 24, page 23, line 45, at end insert “(see section 23(5)(c))”

Member’s explanatory statement

This is a technical amendment to put beyond doubt the meaning of a provision about risks identified in a risk assessment relating to illegal content on search services.

Secretary Nadine Dorries 77

Clause 24, page 24, line 8, after “is” insert “designed,”

Member’s explanatory statement

This adds a reference to design to clause 24(4) which provides for the illegal content duties for search services to apply across all areas of a service.

Secretary Nadine Dorries

78

Clause 24, page 24, line 23, leave out from “consistently” to end of line 24

Member’s explanatory statement

This amendment omits words from a provision imposing a duty to apply a search service’s publicly available statement consistently. The omitted words relate to the material now dealt with in NC14.

Secretary Nadine Dorries

79

Clause 26, page 26, line 5, after “measures” insert “relating to the design or operation of the service”

Member’s explanatory statement

This amendment makes it clear that compliance with duties to mitigate risks of harm from content that is harmful to children on search services is to be achieved by the way a service is designed or operated.

Secretary Nadine Dorries

80

Clause 26, page 26, line 9, after “service” insert “(see section 25(5)(d))”

Member’s explanatory statement

This is a technical amendment to put beyond doubt the meaning of a provision about risks identified in a risk assessment relating to content that is harmful to children on search services.

Secretary Nadine Dorries

81

Clause 26, page 26, line 20, after “is” insert “designed,”

Member’s explanatory statement

This adds a reference to design to clause 26(4) which provides for the children’s safety duties for search services to apply across all areas of a service.

Secretary Nadine Dorries

82

Clause 26, page 26, line 40, leave out from “consistently” to end of line 42

Member’s explanatory statement

This amendment omits words from a provision imposing a duty to apply a search service’s publicly available statement consistently. The omitted words relate to the material now dealt with in NC14.

Kirsty Blackman
John Nicolson
Alison Thewliss

162

Clause 31, page 31, line 19, leave out “significant”

Member’s explanatory statement

This amendment removes the requirement for there to be a “significant” number of child users, and replaces it with “a number” of child users.

Secretary Nadine Dorries

85

Clause 37, page 35, line 32, at end insert “or offences within Schedule 5 (terrorism offences)”

Member’s explanatory statement

This amendment ensures that a code of practice under clause 37(1) encompasses duties to deal with the use of a service in connection with terrorism offences as well as terrorism content.

Secretary Nadine Dorries

86

Clause 37, page 35, line 36, at end insert “or offences within Schedule 6 (child sexual exploitation and abuse offences)”

Member’s explanatory statement

This amendment ensures that a code of practice under clause 37(2) encompasses duties to deal with the use of a service in connection with child sexual exploitation and abuse offences as well as CSEA content.

Secretary Nadine Dorries

87

Clause 37, page 36, line 21, leave out “content” and insert “matters”

Member’s explanatory statement

This amendment is consequential on Amendments 85 and 86.

Joanna Cherry
Miriam Cates
Tony Lloyd

192

Clause 37, page 36, line 31, at end insert—

“(ha) persons whom OFCOM consider to have expertise in matters relating to the Equality Act 2010,”

Member’s explanatory statement

This amendment requires Ofcom to consult people with expertise on the Equality Act 2010 about codes of practice.

Julian Knight
John Nicolson
Kevin Brennan
Steve Brine
Clive Efford
Julie Elliott
Damian Green
Jane Stevenson

Dr Rupa Huq
Giles Watling

Simon Jupp

44

Clause 39, page 37, line 25, leave out from beginning to the second “the” in line 26

Member’s explanatory statement

This amendment will remove the ability of the Secretary of State to block codes of practice being, as soon as practical, laid before the House for its consideration.

Julian Knight 45
 John Nicolson
 Kevin Brennan
 Steve Brine
 Clive Efford
 Julie Elliott
 Damian Green Dr Rupa Huq Simon Jupp
 Jane Stevenson Giles Watling

Page 38, line 8, leave out Clause 40

Member's explanatory statement

This amendment will remove the ability of the Secretary of State to block codes of practice being, as soon as practical, laid before the House for its consideration.

Sir Jeremy Wright 13
 John Penrose
 Darren Jones
 Dame Diana Johnson
 Andrew Percy
 Simon Fell
 Dame Margaret Hodge Kim Leadbeater Kirsty Blackman
 John Nicolson Alison Thewliss

Clause 40, page 38, line 12, leave out paragraph (a)

Julian Knight 46
 John Nicolson
 Kevin Brennan
 Steve Brine
 Clive Efford
 Julie Elliott
 Damian Green Dr Rupa Huq Simon Jupp
 Jane Stevenson Giles Watling

Page 39, line 30, leave out Clause 41

Member's explanatory statement

This amendment will remove the ability of the Secretary of State to block codes of practice being, as soon as practical, laid before the House for its consideration.

Sir Jeremy Wright
John Penrose
Darren Jones
Dame Diana Johnson
Andrew Percy
Simon Fell
Dame Margaret Hodge
Kim Leadbeater

Clause 41, page 39, line 33, leave out subsection (2)

Alex Davies-Jones
Barbara Keeley
John Nicolson
Kirsty Blackman
Alison Thewliss

Clause 43, page 40, line 29, leave out “may require” and insert “may make representations to”

Alex Davies-Jones
Barbara Keeley
John Nicolson
Kirsty Blackman
Alison Thewliss

Clause 43, page 40, line 33, at end insert—

“(2A) OFCOM must have due regard to representations by the Secretary of State under subsection (2).”

Secretary Nadine Dorries

Clause 47, page 44, line 32, at end insert “or offences within Schedule 5 (terrorism offences)”

Member’s explanatory statement

This amendment ensures that a reference to the illegal content duties on providers encompasses a reference to terrorism offences as well as terrorism content.

Secretary Nadine Dorries 89

Clause 47, page 44, line 35, after “content” insert “or offences within Schedule 6 (child sexual exploitation and abuse offences)”

Member’s explanatory statement

This amendment ensures that a reference to the illegal content duties on providers encompasses a reference to child sexual exploitation and abuse offences as well as CSEA content.

Secretary Nadine Dorries 170

Clause 48, page 45, line 4, at end insert—

“(A1) OFCOM must produce guidance for providers of Category 1 services to assist them in complying with their duties set out in section (*Duties to protect news publisher content*) (news publisher content).”

Member’s explanatory statement

This amendment requires Ofcom to produce guidance for providers of Category 1 services to assist them with complying with their duties under NC19.

Secretary Nadine Dorries 171

Clause 48, page 45, line 9, leave out “the guidance” and insert “guidance under subsection (1)”

Member’s explanatory statement

This amendment means that the consultation requirements in clause 48 would not apply to guidance required to be produced as a result of Amendment 170.

Secretary Nadine Dorries 172

Clause 48, page 45, line , leave out “the guidance” and insert “guidance under this section”

Member’s explanatory statement

This amendment requires Ofcom to publish guidance required to be produced as a result of Amendment 170.

Kirsty Blackman 161
John Nicolson
Alison Thewliss

Clause 49, page 45, line 23, leave out paragraph (d)

Member's explanatory statement

This amendment removes the exemption for one-to-one live aural communications.

Kirsty Blackman 188
John Nicolson
Alison Thewliss

Clause 49, page 45, line 24, leave out paragraph (e)

Member's explanatory statement

This amendment removes the exemption for comments and reviews on provider content.

Secretary Nadine Dorries 90

Clause 49, page 46, line 1, leave out "operated" and insert "controlled"

Member's explanatory statement

This amendment uses the term "control" in relation to a person responsible for a bot, which is the language used in NC14.

Secretary Nadine Dorries 173

Clause 49, page 46, line , leave out "on, or reviews of," and insert "or reviews relating to"

Member's explanatory statement

This amendment ensures that the wording in this provision is consistent with the wording in paragraph 4(1)(a) of Schedule 1.

John Nicolson 197
Kirsty Blackman
Alison Thewliss

Clause 50, page 47, line 12, after "material" insert "or special interest news material"

Sir Jeremy Wright
 John Penrose
 Darren Jones
 Dame Diana Johnson
 Andrew Percy
 Simon Fell
 Julian Knight
 Dame Margaret Hodge Kim Leadbeater

Clause 50, page 47, line 19, after “has” insert “suitable and sufficient”

John Nicolson
 Kirsty Blackman
 Alison Thewliss

Clause 50, page 47, line 37, leave out the first “is” and insert “and special interest news material are”

John Nicolson
 Kirsty Blackman
 Alison Thewliss

Clause 50, page 48, line 3, at end insert—
 ““special interest news material” means material consisting of news or information about a particular pastime, hobby, trade, business, industry or profession.”

Sir Jeremy Wright
 John Penrose
 Darren Jones
 Dame Diana Johnson
 Andrew Percy
 Simon Fell
 Julian Knight Dame Margaret Hodge Kim Leadbeater

Clause 50, page 48, line 7, after “a” insert “suitable and sufficient”

Secretary Nadine Dorries

Clause 52, page 49, line 1, leave out paragraph (b)

Member’s explanatory statement

This amendment leaves out material which is now dealt with in NC14.

Secretary Nadine Dorries 92

Clause 52, page 49, line 9, leave out paragraph (a) and insert—
“(a) a priority offence, or”

Member’s explanatory statement

This is a technical amendment to insert a defined term, a “priority offence” (see Amendment 95).

Secretary Nadine Dorries 93

Clause 52, page 49, line 10, leave out paragraphs (b) and (c)

Member’s explanatory statement

This amendment is consequential on the new approach of referring to a “priority offence”.

Secretary Nadine Dorries 94

Clause 52, page 49, line 13, leave out paragraph (d) and insert—
“(d) an offence within subsection (4A).

(4A) An offence is within this subsection if—

- (a) it is not a priority offence,
- (b) the victim or intended victim of the offence is an individual (or individuals), and
- (c) the offence is created by this Act or, before or after this Act is passed, by—
 - (i) another Act,
 - (ii) an Order in Council,
 - (iii) an order, rules or regulations made under an Act by the Secretary of State or other Minister of the Crown, including such an instrument made jointly with a devolved authority, or
 - (iv) devolved subordinate legislation made by a devolved authority with the consent of the Secretary of State or other Minister of the Crown.”

Member’s explanatory statement

New subsection (4A), inserted by this amendment, describes offences which are relevant for the purposes of the concept of “illegal content”, but which are not priority offences as defined by new subsection (4B) (see amendment). Subsection (4A)(c) requires there to have been some involvement of HMG in relation to the creation of the offence.

Adam Afriyie
Andrew Lewer
Philip Davies

52

Clause 52, page 49, line 13, leave out paragraph (d)

Member’s explanatory statement

This amendment limits the list of relevant offences to those specifically specified.

Secretary Nadine Dorries

95

Clause 52, page 49, line 14, at end insert—

“(4B) “Priority offence” means—

- (a) an offence specified in Schedule 5 (terrorism offences),
- (b) an offence specified in Schedule 6 (offences related to child sexual exploitation and abuse), or
- (c) an offence specified in Schedule 7 (other priority offences).”

Member’s explanatory statement

This amendment inserts a definition of “priority offence” into clause 52.

Secretary Nadine Dorries

96

Page 49, line 23, that subsection (8) of clause 52 be transferred to the end of line 14 on page 49.

Member’s explanatory statement

This is a technical amendment moving provision to a more appropriate position in clause 52.

Secretary Nadine Dorries

97

Clause 52, page 49, leave out line 23 and insert “But an offence is not within subsection (4A)”

Member’s explanatory statement

This is a technical amendment consequential on the changes to clause 52 made by Amendment 94.

Secretary Nadine Dorries

98

Clause 52, page 49, line 35, at end insert—

“(9A) References in subsection (3) to conduct of particular kinds are not to be taken to prevent content generated by a bot or other automated tool from being capable of amounting to an offence (see also section *(Providers’ judgements about the status of content)*(7) (providers’ judgements about the status of content)).”

Member's explanatory statement

This amendment ensures that content generated by bots is capable of being illegal content (so that the duties about dealing with illegal content may apply to such content).

Secretary Nadine Dorries

99

Clause 52, page 50, line 1, leave out subsection (12) and insert—

“(12) In this section—

“devolved authority” means—

- (a) the Scottish Ministers,
- (b) the Welsh Ministers, or
- (c) a Northern Ireland department;

“devolved subordinate legislation” means—

- (a) an instrument made under an Act of the Scottish Parliament,
- (b) an instrument made under an Act or Measure of Senedd Cymru, or
- (c) an instrument made under Northern Ireland legislation;

“Minister of the Crown” has the meaning given by section 8 of the Ministers of the Crown Act 1975 and also includes the Commissioners for Her Majesty's Revenue and Customs;

“offence” means an offence under the law of any part of the United Kingdom.”

Member's explanatory statement

This amendment inserts definitions into clause 52 that are needed as a result of Amendment 94.

Secretary Nadine Dorries

100

Clause 52, page 50, line 2, at end insert—

“(13) See also section (*Providers' judgements about the status of content*) (providers' judgements about the status of content).”

Member's explanatory statement

This amendment inserts a signpost into clause 52 pointing to the NC about Providers' judgements inserted by NC14.

Alex Davies-Jones 20
 Barbara Keeley
 John Nicolson
 Kirsty Blackman
 Alison Thewliss

Clause 54, page 51, line 3, at end insert—

“(2A) Priority content designated under subsection (2) must include—

- (a) content that contains public health related misinformation or disinformation, and
- (b) misinformation or disinformation that is promulgated by a foreign state.”

Member’s explanatory statement

This amendment would require the Secretary of State’s designation of “priority content that is harmful to adults” to include public health-related misinformation or disinformation, and misinformation or disinformation spread by a foreign state.

Adam Afriyie 53
 Andrew Lewer
 Philip Davies

Clause 55, page 51, line 47, after “State” insert “reasonably”

Member’s explanatory statement

This amendment, together with Amendment 54, would mean that the Secretary of State must reasonably consider the risk of harm to each one of an appreciable number of adults before specifying a description of the content.

Adam Afriyie 54
 Andrew Lewer
 Philip Davies

Clause 55, page 52, line 1, after “to” insert “each of”

Member’s explanatory statement

This amendment is linked to Amendment 53.

Adam Afriyie 55
 Andrew Lewer
 Philip Davies
 Nick Fletcher

Clause 55, page 52, line 12, after “OFCOM” insert “, Parliament and members of the public in a manner the Secretary of State considers appropriate”

Member's explanatory statement

This amendment requires the Secretary of State to consult Parliament and the public, as well as Ofcom, in a manner the Secretary of State considers appropriate before making regulations about harmful content.

Secretary Nadine Dorries

147

Schedule 3, page 175, line 23, leave out the definition of "illegal content risk assessment guidance"

Member's explanatory statement

This technical amendment is consequential on Amendment 107.

Secretary Nadine Dorries

148

Schedule 3, page 175, line 30, leave out from second "to" to end of line 31 and insert "OFCOM's guidance under section 85(1)."

Member's explanatory statement

Schedule 3 is about the timing of risk assessments etc. This amendment ensures that the provisions about guidance re risk assessments work with the changes made by Amendment 107.

Secretary Nadine Dorries

149

Schedule 3, page 175, line 36, leave out from second "to" to end of line 37 and insert "OFCOM's guidance under section 85(1A)."

Member's explanatory statement

Schedule 3 is about the timing of risk assessments etc. This amendment ensures that the provisions about guidance re risk assessments work with the changes made by Amendment 107.

Sir Jeremy Wright
Dame Margaret Hodge

43

Schedule 4, page 177, line 23, after "ages" insert ", including the benefits of the service to their well-being,"

John Nicolson 196
 Kirsty Blackman
 Alison Thewliss

Schedule 4, page 180, line 9, at end insert—

“except for where the use of proactive technology is used to identify CSEA content.”

Kirsty Blackman 187
 John Nicolson
 Alison Thewliss

Schedule 7, page 186, line 32, at end insert—

“Human trafficking

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

Member’s explanatory statement

This amendment includes Human Trafficking as a priority offence.

John Nicolson 211
 Kirsty Blackman
 Alison Thewliss

Schedule 7, page 187, line 23, at end insert—

“29A An offence under section 993 of the Companies Act 2006 (fraudulent trading).”

NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, CHAPTER 5 OF PART 3, PART 4, PART 5, PART 6, CLAUSES 160 TO 162 AND SCHEDULE 15, CLAUSES 163 TO 171, CLAUSES 176 TO 182, AND PART 12 (EXCEPT AMENDMENTS RELATING TO THE REPEAL OF PART 4B OF THE COMMUNICATIONS ACT 2003)

Secretary Nadine Dorries NC14

To move the following Clause—

“Providers’ judgements about the status of content

(1) This section sets out the approach to be taken where—

- (a) a system or process operated or used by a provider of a Part 3 service for the purpose of compliance with relevant requirements, or
 - (b) a risk assessment required to be carried out by Part 3, involves a judgement by a provider about whether content is content of a particular kind.
- (2) Such judgements are to be made on the basis of all relevant information that is reasonably available to a provider.
- (3) In construing the reference to information that is reasonably available to a provider, the following factors, in particular, are relevant—
 - (a) the size and capacity of the provider, and
 - (b) whether a judgement is made by human moderators, by means of automated systems or processes or by means of automated systems or processes together with human moderators.
- (4) Subsections (5) to (7) apply (as well as subsection (2)) in relation to judgements by providers about whether content is—
 - (a) illegal content, or illegal content of a particular kind, or
 - (b) a fraudulent advertisement.
- (5) In making such judgements, the approach to be followed is whether a provider has reasonable grounds to infer that content is content of the kind in question (and a provider must treat content as content of the kind in question if reasonable grounds for that inference exist).
- (6) Reasonable grounds for that inference exist in relation to content and an offence if, following the approach in subsection (2), a provider—
 - (a) has reasonable grounds to infer that all elements necessary for the commission of the offence, including mental elements, are present or satisfied, and
 - (b) does not have reasonable grounds to infer that a defence to the offence may be successfully relied upon.
- (7) In the case of content generated by a bot or other automated tool, the tests mentioned in subsection (6)(a) and (b) are to be applied in relation to the conduct or mental state of a person who may be assumed to control the bot or tool (or, depending what a provider knows in a particular case, the actual person who controls the bot or tool).
- (8) In considering a provider's compliance with relevant requirements to which this section is relevant, OFCOM may take into account whether providers' judgements follow the approaches set out in this section (including judgements made by means of automated systems or processes, alone or together with human moderators).
- (9) In this section—

"fraudulent advertisement" has the meaning given by section 34 or 35 (depending on the kind of service in question);

"illegal content" has the same meaning as in Part 3 (see section 52);

"relevant requirements" means—

- (a) duties and requirements under this Act, and

(b) requirements of a notice given by OFCOM under this Act.”

Member’s explanatory statement

This new clause clarifies how providers are to approach judgements (human or automated) about whether content is content of a particular kind, and in particular, makes provision about how questions of mental state and defences are to be approached when considering whether content is illegal content or a fraudulent advertisement.

Secretary Nadine Dorries

NC15

To move the following Clause—

“Guidance about illegal content judgements

- (1) OFCOM must produce guidance for providers of Part 3 services about the matters dealt with in section (*Providers’ judgements about the status of content*) so far as relating to illegal content judgements.
- (2) “Illegal content judgements” means judgements of a kind mentioned in subsection (4) of that section.
- (3) Before producing the guidance (including revised or replacement guidance), OFCOM must consult such persons as they consider appropriate.
- (4) OFCOM must publish the guidance (and any revised or replacement guidance).”

Member’s explanatory statement

This new clause requires OFCOM to give guidance to providers about how they should approach judgements about whether content is illegal content or a fraudulent advertisement.

Dame Diana Johnson
 Sarah Champion
 Carolyn Harris
 Dame Margaret Hodge
 Seema Malhotra
 Rosie Duffield
 Julie Elliott
 Joanna Cherry

NC7

Ronnie Cowan

Geraint Davies

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).”

John Nicolson
Kirsty Blackman
Alison Thewliss

NC33

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.”

Member's explanatory statement

This new clause defines pornographic content for the purposes of the Act and would apply to user-to-user services and commercial pornographic content.

Secretary Nadine Dorries

83

Clause 34, page 33, line 20, leave out "and (9)" and insert ", (9) and (9A)"

Member's explanatory statement

This technical amendment ensures that a reference to clause 52 takes account of the new subsection inserted by Amendment 98.

John Nicolson
Kirsty Blackman
Alison Thewliss

205

Clause 34, page 33, line 23, at end insert—

"(3A) But an advertisement shall not be regarded as regulated user-generated content and precluded from being a "fraudulent advertisement" by reason of the content constituting the advertisement being generated directly on, uploaded to, or shared on a user-to-user service before being modified to a paid-for advertisement."

John Nicolson
Kirsty Blackman
Alison Thewliss

206

Clause 34, page 33, line 30, after "has" insert "or may reasonably be expected to have"

Secretary Nadine Dorries 84

Clause 35, page 34, line 21, leave out “and (9)” and insert “, (9) and (9A)”

Member’s explanatory statement

This technical amendment ensures that a reference to clause 52 takes account of the new subsection inserted by Amendment 98.

John Nicolson 207
Kirsty Blackman
Alison Thewliss

Clause 36, page 35, line 12, at end insert—

“(3A) An offence under section 993 of the Companies Act 2006 (fraudulent trading).”

John Nicolson 208
Kirsty Blackman
Alison Thewliss

Clause 36, page 35, line 18, after “(3)” insert “, 3(A)”

John Nicolson 209
Kirsty Blackman
Alison Thewliss

Clause 36, page 35, line 20, after “(3)” insert “, 3(A)”

John Nicolson 210
Kirsty Blackman
Alison Thewliss

Clause 36, page 35, line 23, after “(3)” insert “, 3(A)”

Dame Margaret Hodge 156
 Sir Stephen Timms
 Rosie Cooper
 Dame Diana Johnson
 Rushanara Ali
 Simon Fell

Clause 57, page 53, line 7, leave out subsections (1) and (2) and insert—

- “(1) A provider of a Category 1 service must require all adult users of the service to verify their identity in order to access the service.
- (2) The verification process—
- (a) may be of any kind (and in particular, it need not require documentation to be provided),
 - (b) must—
 - (i) be carried out by a third party on behalf of the provider of the Category 1 service,
 - (ii) ensure that all anonymous users of the Category 1 service cannot be identified by other users, apart from where provided for by section (*Duty to ensure anonymity of users*).”

Member’s explanatory statement

This amendment would require all users of Category 1 services to be verified. The verification process would have to be carried out by a third party and to ensure the anonymity of users.

Secretary Nadine Dorries 101

Clause 63, page 56, line 32, leave out “and (9)” and insert “, (9) and (9A)”

Member’s explanatory statement

This technical amendment ensures that a reference to clause 52 takes account of the new subsection inserted by Amendment 98.

Joanna Cherry 193
 Miriam Cates
 Tony Lloyd

Clause 65, page 58, line 33, at end insert—

- “(ea) persons whom OFCOM consider to have expertise in matters relating to the Equality Act 2010,”

Member's explanatory statement

This amendment requires Ofcom to consult people with expertise on the Equality Act 2010 in respect of guidance about transparency reports.

John Nicolson 201
Kirsty Blackman
Alison Thewliss

Clause 66, page 59, line 8, leave out from "Pornographic content" to end of line 10 and insert "has the same meaning as section [meaning of pornographic content]".

Member's explanatory statement

This amendment defines pornographic content for the purposes of the Part 5. It is consequential on NC33.

Adam Afriyie 56
Andrew Lewer
Philip Davies

Clause 66, page 59, line 8, after "content" insert ", taken as a whole,"

Member's explanatory statement

This amendment would require that content is considered as a whole before being defined as pornographic content.

Dame Diana Johnson 33
Sarah Champion
Carolyn Harris
Dame Margaret Hodge
Seema Malhotra
Rosie Duffield
Julie Elliott Geraint Davies Joanna Cherry

Clause 68, page 60, line 33, 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.”

Member’s explanatory statement

This amendment creates a duty to verify that each individual featured in pornographic content is an adult and has agreed to the content being uploaded before it is published. It would also impose a duty to remove content if the individual withdraws consent at any time.

John Nicolson 203
 Kirsty Blackman
 Alison Thewliss

Clause 68, page 60, line 33, at end insert—

“(2B) A duty to meet the conditions set out in Schedule [Additional duties on pornographic content].”

Member’s explanatory statement

This amendment ensures that commercial pornographic websites must meet the new duties set out in NS1.

Dame Diana Johnson 34
 Sarah Champion
 Carolyn Harris
 Dame Margaret Hodge
 Seema Malhotra
 Rosie Duffield
 Julie Elliott Geraint Davies Joanna Cherry

Clause 68, page 60, line 37, leave out “subsection (2)” and insert “subsections (2) to (2D)”

Member’s explanatory statement

This amendment is consequential on Amendment 33.

Secretary Nadine Dorries	141
Clause 176, page 141, line 39, leave out “and (9)” and insert “, (9) and (9A)”	
Member’s explanatory statement	
This technical amendment ensures that a reference to clause 52 takes account of the new subsection inserted by Amendment 98.	
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Secretary Nadine Dorries	177
Clause 177, page 142, line 6, at beginning insert “Subject to subsection (2A),”	
Secretary Nadine Dorries	178
Clause 177, page 142, line 7, after “49” insert “(2)(e),”	
Secretary Nadine Dorries	179
Clause 177, page 142, line 8, leave out paragraph (b)	
Secretary Nadine Dorries	180
Clause 177, page 142, line 12, at end insert—	
“(2A) Regulations under subsection (2) may not have the effect that comments and reviews on provider content present on a service of which the provider is a recognised news publisher become regulated user-generated content within the meaning of Part 3.”	
Secretary Nadine Dorries	181
Clause 177, page 142, line 25, leave out “any” and insert “either”	
Secretary Nadine Dorries	182
Clause 177, page 142, line 28, leave out paragraph (b)	

Secretary Nadine Dorries 183

Clause 177, page 142, line 34, at end insert—

- “(7A) Subject to subsection (7B), the Secretary of State may by regulations amend paragraph 4 of Schedule 1 (limited functionality services) if the Secretary of State considers that it is appropriate because of the risk of harm to individuals in the United Kingdom presented by a service described in that paragraph.
- (7B) Regulations under subsection (7A) may not have the effect that a service described in paragraph 4 of Schedule 1 of which the provider is a recognised news publisher is no longer exempt under that paragraph.”

Secretary Nadine Dorries 184

Clause 177, page 142, line 46, leave out subsection (11) and insert—

“(11) In this section—

“comments and reviews on provider content” and “one-to-one live aural communications” have the meaning given by section 49;

“recognised news publisher” has the meaning given by section 50;

“regulated provider pornographic content” and “published or displayed” have the same meaning as in Part 5 (see section 66).”

Member’s explanatory statement

Amendments 177 to 184 ensure that the power to amend the definition of “regulated user-generated content” in clause 49 cannot be exercised so as to include comments and reviews on content on services provided by recognised news publishers, and the power to amend paragraph 4 of Schedule 1 (limited functionality services) cannot be exercised so as to remove such services which are provided by recognised news publishers from the exemption.

Secretary Nadine Dorries 142

Clause 179, page 145, leave out lines 13 and 14 and insert—

“But an offence may be added to that Schedule only on the grounds in subsection (4) or (4A), and subsection (5) limits the power to add an offence.”

Member’s explanatory statement

This amendment is consequential on Amendments 143 and 144.

Secretary Nadine Dorries 143

Clause 179, page 145, line 15, leave out from beginning to “the” and insert “The first ground for adding an offence to Schedule 7 is that”

Member’s explanatory statement

This amendment is consequential on Amendment 144.

Secretary Nadine Dorries 144

Clause 179, page 145, line 24, at end insert—

- “(4A) The second ground for adding an offence to Schedule 7 is that the Secretary of State considers it appropriate to do so because of—
- (a) the prevalence of the use of regulated user-to-user services for the commission or facilitation of that offence,
 - (b) the risk of harm to individuals in the United Kingdom presented by the use of such services for the commission or facilitation of that offence, and
 - (c) the severity of that harm.”

Member’s explanatory statement

This amendment extends the Secretary of State’s power to make regulations adding an offence to Schedule 7 so that it will be a priority offence. The new grounds concern the prevalence of user-to-user services being used to commit or facilitate the offence in question.

Secretary Nadine Dorries 145

Clause 179, page 146, line 5, leave out “and (9)” and insert “, (9) and (9A)”

Member’s explanatory statement

This technical amendment ensures that a reference to clause 52 takes account of the new subsection inserted by Amendment 98.

Secretary Nadine Dorries 185

Clause 182, page 147, line 3, after “(6)” insert “, (7A)”

Member’s explanatory statement

This amendment ensures that regulations under clause 177(7A) (inserted by Amendment 183) are subject to the affirmative procedure.

Alex Davies-Jones 31
Barbara Keeley

Clause 182, page 147, line 16, leave out from “unless” to end of line 17 and insert—

- “(a) a draft of the instrument has been laid before each House of Parliament,
- (b) the Secretary of State has made a motion in the House of Commons in relation to the draft instrument, and
- (c) the draft instrument has been approved by a resolution of each House of Parliament.”

Member’s explanatory statement

This amendment would require a draft of a statutory instrument containing regulations under sections 53 or 54 to be debated on the floor of the House of Commons, rather than in a delegated legislation committee (as part of the affirmative procedure).

Kirsty Blackman 158
John Nicolson
Alison Thewliss

Clause 192, page 155, line 26, after “including” insert “but not limited to”

Member’s explanatory statement

This amendment clarifies that the list of types of content in clause 192 is not exhaustive.

Secretary Nadine Dorries 186

Clause 193, page 158, line 25, at end insert—

“journalistic content (in Part 3) | section 16”

Member’s explanatory statement

This is a technical amendment adding a definition of “journalistic content” to the index of defined terms.

Secretary Nadine Dorries

146

Clause 193, page 159, line 18, at end insert—

“priority offence (in Part 3) | section 52”

Member’s explanatory statement

This technical amendment adds a definition of “priority offence” to the index of defined terms.

John Nicolson
Kirsty Blackman
Alison Thewliss

NS1

To move the following Schedule—

“Additional duties on pornographic content

30 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 review all relevant content before publication.

31 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).”

Member’s explanatory statement

The new schedule sets out additional duties for pornographic content which apply to user-to-user services under Part 3 and commercial pornographic websites under Part 5.

Secretary Nadine Dorries

150

Schedule 8, page 188, line 29, at end insert—

“7A Features, including functionalities, that a provider considers may contribute to risks of harm to individuals using the service, and measures taken or in use by the provider to mitigate and manage those risks.”

Member’s explanatory statement

This amendment adds a new matter to Schedule 8, which is about things that providers can be asked to provide transparency reports about. The new matter is about risks around functionalities used by user-to-user services.

NEW CLAUSES, NEW SCHEDULES AND AMENDMENTS RELATING TO THE REPEAL OF PART 4B OF THE COMMUNICATIONS ACT 2003, AND REMAINING PROCEEDINGS ON CONSIDERATION

Secretary Nadine Dorries

NC11

To move the following Clause—

“Notices to deal with terrorism content or CSEA content (or both)

- (1) If OFCOM consider that it is necessary and proportionate to do so, they may give a notice described in subsection (2), (3) or (4) relating to a regulated user-to-user service or a regulated search service to the provider of the service.
- (2) A notice under subsection (1) that relates to a regulated user-to-user service is a notice requiring the provider of the service—
 - (a) to do any or all of the following—
 - (i) use accredited technology to identify terrorism content communicated publicly by means of the service and to swiftly take down that content;
 - (ii) use accredited technology to prevent individuals from encountering terrorism content communicated publicly by means of the service;
 - (iii) use accredited technology to identify CSEA content, whether communicated publicly or privately by means of the service, and to swiftly take down that content;
 - (iv) use accredited technology to prevent individuals from encountering CSEA content, whether communicated publicly or privately, by means of the service; or
 - (b) to use the provider’s best endeavours to develop or source technology for use on or in relation to the service or part of the service, which—
 - (i) achieves the purpose mentioned in paragraph (a)(iii) or (iv), and
 - (ii) meets the standards published by the Secretary of State (see section 106(10)).

- (3) A notice under subsection (1) that relates to a regulated search service is a notice requiring the provider of the service—
 - (a) to do either or both of the following—
 - (i) use accredited technology to identify search content of the service that is terrorism content and to swiftly take measures designed to secure, so far as possible, that search content of the service no longer includes terrorism content identified by the technology;
 - (ii) use accredited technology to identify search content of the service that is CSEA content and to swiftly take measures designed to secure, so far as possible, that search content of the service no longer includes CSEA content identified by the technology; or
 - (b) to use the provider's best endeavours to develop or source technology for use on or in relation to the service which—
 - (i) achieves the purpose mentioned in paragraph (a)(ii), and
 - (ii) meets the standards published by the Secretary of State (see section 106(10)).
- (4) A notice under subsection (1) that relates to a combined service is a notice requiring the provider of the service—
 - (a) to do any or all of the things described in subsection (2)(a) in relation to the user-to-user part of the service, or to use best endeavours to develop or source technology as described in subsection (2)(b) for use on or in relation to that part of the service;
 - (b) to do either or both of the things described in subsection (3)(a) in relation to the search engine of the service, or to use best endeavours to develop or source technology as described in subsection (3)(b) for use on or in relation to the search engine of the service;
 - (c) to do any or all of the things described in subsection (2)(a) in relation to the user-to-user part of the service and either or both of the things described in subsection (3)(a) in relation to the search engine of the service; or
 - (d) to use best endeavours to develop or source—
 - (i) technology as described in subsection (2)(b) for use on or in relation to the user-to-user part of the service, and
 - (ii) technology as described in subsection (3)(b) for use on or in relation to the search engine of the service.
- (5) For the purposes of subsections (2) and (3), a requirement to use accredited technology may be complied with by the use of the technology alone or by means of the technology together with the use of human moderators.
- (6) See—
 - (a) section (*Warning notices*), which requires OFCOM to give a warning notice before giving a notice under subsection (1), and
 - (b) section 105 for provision about matters which OFCOM must consider before giving a notice under subsection (1).

- (7) A notice under subsection (1) relating to terrorism content present on a service must identify the content, or parts of the service that include content, that OFCOM consider is communicated publicly on that service (see section 188).
- (8) For the meaning of “accredited” technology, see section 106(9) and (10).”

Member’s explanatory statement

This clause replaces existing clause 104. The main changes are: for user-to-user services, a notice may require the use of accredited technology to prevent individuals from encountering terrorism or CSEA content; for user-to-user and search services, a notice may require a provider to use best endeavours to develop or source technology to deal with CSEA content.

Secretary Nadine Dorries

NC12

To move the following Clause—

“Warning notices

- (1) OFCOM may give a notice under section (*Notices to deal with terrorism content or CSEA content (or both)*)(1) to a provider relating to a service or part of a service only after giving a warning notice to the provider that they intend to give such a notice relating to that service or that part of it.
- (2) A warning notice under subsection (1) relating to the use of accredited technology (see section (*Notices to deal with terrorism content or CSEA content (or both)*)(2)(a) and (3)(a)) must—
 - (a) contain details of the technology that OFCOM are considering requiring the provider to use,
 - (b) specify whether the technology is to be required in relation to terrorism content or CSEA content (or both),
 - (c) specify any other requirements that OFCOM are considering imposing (see section 106(2) to (4)),
 - (d) specify the period for which OFCOM are considering imposing the requirements (see section 106(6)),
 - (e) state that the provider may make representations to OFCOM (with any supporting evidence), and
 - (f) specify the period within which representations may be made.
- (3) A warning notice under subsection (1) relating to the development or sourcing of technology (see section (*Notices to deal with terrorism content or CSEA content (or both)*)(2)(b) and (3)(b)) must—
 - (a) describe the proposed purpose for which the technology must be developed or sourced (see section (*Notices to deal with terrorism content or CSEA content (or both)*)(2)(a)(iii) and (iv) and (3)(a)(ii)),
 - (b) specify steps that OFCOM consider the provider needs to take in order to comply with the requirement described in section (*Notices to deal with terrorism content or CSEA content (or both)*)(2)(b) or (3)(b), or both those requirements (as the case may be),
 - (c) specify the proposed period within which the provider must take each of those steps,

- (d) specify any other requirements that OFCOM are considering imposing,
 - (e) state that the provider may make representations to OFCOM (with any supporting evidence), and
 - (f) specify the period within which representations may be made.
- (4) A notice under section (*Notices to deal with terrorism content or CSEA content (or both)*)(1) that relates to both the user-to-user part of a combined service and the search engine of the service (as described in section (*Notices to deal with terrorism content or CSEA content (or both)*)(4)(c) or (d)) may be given to the provider of the service only if—
- (a) two separate warning notices have been given to the provider (one relating to the user-to-user part of the service and the other relating to the search engine), or
 - (b) a single warning notice relating to both the user-to-user part of the service and the search engine has been given to the provider.
- (5) A notice under section (*Notices to deal with terrorism content or CSEA content (or both)*)(1) may not be given to a provider until the period allowed by the warning notice for the provider to make representations has expired.”

Member’s explanatory statement

This clause, which would follow NC11, also replaces part of existing clause 104. There are additions to the warning notice procedure to take account of the new options for notices under NC11.

Secretary Nadine Dorries

NC13

To move the following Clause—

“Exemptions from offences under sections 151 and 152

- (1) A recognised news publisher cannot commit an offence under section 151 or 152.
- (2) An offence under section 151 or 152 cannot be committed by the holder of a licence under the Broadcasting Act 1990 or 1996 in connection with anything done under the authority of the licence.
- (3) An offence under section 151 or 152 cannot be committed by the holder of a multiplex licence in connection with anything done under the authority of the licence.
- (4) An offence under section 151 or 152 cannot be committed by the provider of an on-demand programme service in connection with anything done in the course of providing such a service.
- (5) An offence under section 151 or 152 cannot be committed in connection with the showing of a film made for cinema to members of the public.”

Member’s explanatory statement

This clause contains exemptions from the offences in clauses 151 and 152 (harmful and false communications). The clause ensures that holders of certain licences are only exempt if they are

acting as authorised by the licence and, in the case of Wireless Telegraphy Act licences, if they are providing a multiplex service.

Secretary Nadine Dorries

NC20

To move the following Clause—

“OFCOM’s reports about news publisher content and journalistic content

- (1) OFCOM must produce and publish a report assessing the impact of the regulatory framework provided for in this Act on the availability and treatment of news publisher content and journalistic content on Category 1 services (and in this section, references to a report are to a report described in this subsection).
- (2) Unless the Secretary of State requires the production of a further report (see subsection (6)), the requirement in subsection (1) is met by producing and publishing one report within the period of two years beginning with the day on which sections (*Duties to protect news publisher content*) and 16 come into force (or if those sections come into force on different days, the period of two years beginning with the later of those days).
- (3) A report must, in particular, consider how effective the duties to protect such content set out in sections (*Duties to protect news publisher content*) and 16 are at protecting it.
- (4) In preparing a report, OFCOM must consult—
 - (a) persons who represent recognised news publishers,
 - (b) persons who appear to OFCOM to represent creators of journalistic content,
 - (c) persons who appear to OFCOM to represent providers of Category 1 services, and
 - (d) such other persons as OFCOM consider appropriate.
- (5) OFCOM must send a copy of a report to the Secretary of State, and the Secretary of State must lay it before Parliament.
- (6) The Secretary of State may require OFCOM to produce and publish a further report if the Secretary of State considers that the regulatory framework provided for in this Act is, or may be, having a detrimental effect on the availability and treatment of news publisher content or journalistic content on Category 1 services.
- (7) But such a requirement may not be imposed—
 - (a) within the period of three years beginning with the date on which the first report is published, or
 - (b) more frequently than once every three years.
- (8) For further provision about reports under this section, see section 138.
- (9) In this section—

“journalistic content” has the meaning given by section 16;

“news publisher content” has the meaning given by section 49;

“recognised news publisher” has the meaning given by section 50.

- (10) For the meaning of “Category 1 service”, see section 82 (register of categories or services).”

Member’s explanatory statement

This inserts a new clause (after clause 135) which requires Ofcom to publish a report on the impact of the regulatory framework provided for in the Bill within two years of the relevant provisions coming into force. It also allows the Secretary of State to require Ofcom to produce further reports.

Sir Jeremy Wright

NC1

John Penrose

Darren Jones

Dame Diana Johnson

Andrew Percy

Simon Fell

Dame Margaret Hodge

Kim Leadbeater

Julian Knight

To move the following Clause—

“Provisional re-categorisation of a Part 3 service

- (1) This section applies in relation to OFCOM’s duty to maintain the register of categories of regulated user-to-user services and regulated search services under section 83.
- (2) If OFCOM—
- (a) consider that a Part 3 service not included in a particular part of the register is likely to meet the threshold conditions relevant to that part, and
 - (b) reasonably consider that urgent application of duties relevant to that part is necessary to avoid or mitigate significant harm,

OFCOM may require the service to comply immediately with such duties on a provisional basis pending full re-assessment of the service.”

Mr David Davis

NC16

Kevin Hollinrake

Rob Roberts

Richard Burgon

John Nicolson

Kirsty Blackman

Philip Davies

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 (“D”) commits an offence if—
- (a) D sends a message,

- (b) the message encourages or could be used to assist another person (“P”) to inflict serious physical harm upon themselves, and
 - (c) D’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, D.
- (3) D 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 D arranges for a person (“D2”) to do an Act and D2 does that Act, D 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 D to prove that—
 - (a) P had expressed intention to inflict serious physical harm upon themselves prior to them receiving the message from D; and
 - (b) P’s intention to inflict serious physical harm upon themselves was not initiated by D; and
 - (c) the message was wholly motivated by compassion towards D or to promote the interests of P’s health or wellbeing.””

Member’s explanatory statement

This new clause would create a new communication offence for sending a message encouraging or assisting another person to self-harm.

Dame Margaret Hodge
Rob Roberts
Sir Stephen Timms
Rosie Cooper
Dame Diana Johnson
Rushanara Ali
Simon Fell

NC17

To move the following Clause—

“Liability of directors for compliance failure

- “(1) This section applies where OFCOM considers that there are reasonable grounds for believing that a provider of a regulated service has failed, or is failing, to comply with any enforceable requirement (see section 112) that applies in relation to the service.
- (2) If OFCOM considers that the failure results from any—
- (a) action,
 - (b) direction,
 - (c) neglect, or
 - (d) with the consent

of any director, manager or other similar officer at the provider, then the powers under Chapter 6 (Enforcement Powers) of Part 7 of this Act may be exercised against that individual as well as the provider as a body corporate.”

Member’s explanatory statement

This new clause would enable Ofcom to exercise its enforcement powers under Chapter 6, Part 7 of the Bill against individual directors, managers and other officers at a regulated service provider where it considers the provider has failed, or is failing, to comply with any enforceable requirement.

Dame Maria Miller
Wera Hobhouse
Liz Saville Roberts
Dame Caroline Dinenage
Sarah Champion
Dame Diana Johnson
Paul Blomfield

NC21

To move the following Clause—

“Taking, making and sharing intimate photographs or film without consent

- (1) A person (A) commits an offence if A intentionally—
- (a) takes or makes an intimate photograph or film of another person (B) without B’s consent; or
 - (b) shares an intimate photograph or film of B to a third person (C), if B has not provided consent for A to share the photograph or film with C.

- (2) An “intimate photograph or film” is—
 - (a) any photograph or film of an intimate part of a person’s body; or
 - (b) a photograph or film of a person engaging in a sexual activity.
- (3) References to taking or making such a photograph or film include, in particular—
 - (a) using equipment to record a photograph or film;
 - (b) using computer software to create an image which appears to be a photograph or film; or
 - (c) using computer software to alter or manipulate an image in order that it appears to be a photograph or film of a different person.
- (4) References to sharing such a photograph or film to another person include, in particular—
 - (a) sending it to another person by any means, electronically or otherwise,
 - (b) showing it to another person,
 - (c) placing it for a person to find, or
 - (d) sharing it on or uploading it to a user-to-user service.
- (5) “Photograph” includes the negative as well as the positive version.
- (6) “Film” means a moving image.
- (7) References to a photograph or film include—
 - (a) an image, whether made by computer graphics or in any other way, which appears to be a photograph or film,
 - (b) an image which has been altered through computer graphics,
 - (c) a copy of a photograph, film or image, and
 - (d) data stored by any means which is capable of conversion into a photograph, film or image.
- (8) A person consents if the person agrees by choice, and has the freedom and capacity to make that choice.
- (9) A person who commits 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 conviction on indictment, to imprisonment for a term not exceeding two years.
- (10) Subsections 11 and 12 apply where a person has committed an offence under this section, and the person who has committed the offence—
 - (a) intends that the subject of the image or film will be caused alarm, distress or humiliation by the sharing of the photograph or film, or
 - (b) is reckless as to whether the subject of the image or film will be caused alarm, distress or humiliation.

- (11) The court—
- (a) must treat the fact mentioned in subsection 10 as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and
 - (b) must state in open court that the offence is so aggravated.
- (12) A person who commits an offence to which the aggravating factor in this section applies is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding three years.”

Dame Maria Miller
 Wera Hobhouse
 Liz Saville Roberts
 Dame Caroline Dinenage
 Sarah Champion
 Dame Diana Johnson
 Paul Blomfield

NC22

To move the following Clause—

“Sending etc intimate photographs or film without consent

- (1) A person (A) who intentionally shares an intimate photograph or film of another person (B) with a third person (C) commits an offence if B has not provided consent for A to share the photograph or film with C.
- (2) An “intimate photograph or film” is—
 - (a) any photograph or film of an intimate part of a person’s body; or
 - (b) a photograph or film of a person engaging in a sexual activity.
- (3) References to sharing such a photograph or film to another person include, in particular—
 - (a) sending it to another person by any means, electronically or otherwise,
 - (b) showing it to another person,
 - (c) placing it for another person to find, or
 - (d) sharing it on or uploading it to a user-to-user service.
- (4) “Photograph” includes the negative as well as the positive version.
- (5) “Film” means a moving image.
- (6) References to a photograph or film include—
 - (a) an image, whether made by computer graphics or in any other way, which appears to be a photograph or film,
 - (b) an image which has been altered through computer graphics,
 - (c) a copy of a photograph, film or image, and
 - (d) data stored by any means which is capable of conversion into a photograph, film or image.

- (7) A person consents if the person agrees by choice, and has the freedom and capacity to make that choice.
- (8) A person who commits 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 conviction on indictment, to imprisonment for a term not exceeding two years.
- (9) Subsections 10 and 11 apply where a person has committed an offence under this section, and the person who has committed the offence—
 - (a) intends that the subject of the image or film will be caused alarm, distress or humiliation by the sharing of the photograph or film, or
 - (b) is reckless as to whether the subject of the image or film will be caused alarm, distress or humiliation.
- (10) The court—
 - (a) must treat the fact mentioned in subsection 9 as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and
 - (b) must state in open court that the offence is so aggravated.
- (11) A person who commits an offence to which the aggravating factor in this section applies is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding three years.”

Dame Maria Miller
Wera Hobhouse
Liz Saville Roberts
Dame Caroline Dinenage
Sarah Champion
Dame Diana Johnson
Paul Blomfield

NC23

To move the following Clause—

“Financial support for victims support services

- (1) The Secretary of State must by regulations make provision for penalties paid under Chapter 6 to be used for funding for victims support services.
- (2) Those regulations must—
 - (a) specify criteria setting out which victim support services are eligible for financial support under this provision;
 - (b) set out a means by which the amount of funding available should be determined;
 - (c) make provision for the funding to be reviewed and allocated on a three year basis.

- (3) Regulations under this section—
 - (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”

Kirsty Blackman
John Nicolson
Alison Thewliss

NC28

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 interests 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 Advocacy Body must assess emerging threats to child users of regulated services and must bring information regarding these threats to OFCOM.
- (8) The Advocacy Body may undertake research on their own account.
- (9) The Secretary of State must either appoint an organisation known to represent children to be designated the functions under this Act, or create an organisation to carry out the designated functions.
- (10) The budget of the Advocacy Body will be subject to annual approval by the board of OFCOM.
- (11) The Secretary of State must 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).”

John Nicolson
Kirsty Blackman
Alison Thewliss

NC29

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.”

Member’s explanatory statement

This new clause places an additional duty on Ofcom to promote media literacy of the public in relation to regulated user-to-user services and search services.

John Nicolson
Kirsty Blackman
Alison Thewliss

NC30

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.”

Member’s explanatory statement

This new clause places an additional duty on Ofcom to promote media literacy of the public in relation to regulated user-to-user services and search services.

John Nicolson
Kirsty Blackman
Alison Thewliss

NC31

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.”

John Penrose

NC34

To move the following Clause—

“Factual Accuracy

- (1) The purpose of this section is to reduce the risk of harm to users of regulated services caused by disinformation or misinformation.
- (2) Any Regulated Service must provide an index of the historic factual accuracy of material published by each user who has—
 - (a) produced user-generated content,
 - (b) news publisher content, or
 - (c) comments and reviews on provider contactwhose content is viewed more widely than a minimum threshold to be defined and set by OFCOM.
- (3) The index under subsection (1) must—
 - (a) satisfy minimum quality criteria to be set by OFCOM, and
 - (b) be displayed in a way which allows any user easily to reach an informed view of the likely factual accuracy of the content at the same time as they encounter it.”

John Penrose

NC35

To move the following Clause—

“Duty of balance

- (1) The purpose of this section is to reduce the risk of harm to users of regulated services caused by disinformation or misinformation.
- (2) Any Regulated Service which selects or prioritises particular—
 - (a) user-generated content,
 - (b) news publisher content, or
 - (c) comments and reviews on provider content

to present to their users, must do so in compliance with the duties of Due Impartiality and of Undue Prominence Of Views And Opinions in the OFCOM Broadcasting Code.”

John Nicolson
Kirsty Blackman
Alison Thewliss

NC36

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.”

Member’s explanatory statement

This new clause would insert a new clause into the Bill to give Ofcom a proactive role in identifying and responding to the sorts of information incidents that can occur in moments of crisis.

Jamie Stone
Munira Wilson
Sarah Olney

NC37

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 encourage the development and use of technologies and systems in relation to user-to-user services and search services which help to improve the media literacy of members of the public, including in particular technologies and systems which—
 - (i) indicate the nature of content on a service (for example, show where it is an advertisement);
 - (ii) indicate the reliability and accuracy of the content; and
 - (iii) facilitate control over what content is received;
 - (b) 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;

- (c) to promote greater availability and effectiveness of media literacy initiatives and other measures, including by carrying out, commissioning or encouraging educational initiatives designed to improve the media literacy of the public.
- (4) OFCOM must prepare guidance about—
 - (a) the matters referred to in subsection (3) as it considers appropriate; and
 - (b) minimum standards that media literacy initiatives must meet.
- (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) Every report under paragraph 12 of the Schedule to the Office of Communications Act 2002 (OFCOM's annual report) for a financial year must contain a summary of the steps that OFCOM have taken under subsection (1) in that year."

Member's explanatory statement

This new clause places an additional duty on Ofcom to promote media literacy of the public in relation to regulated user-to-user services and search services.

Secretary Nadine Dorries

102

Clause 84, page 72, line 28, leave out paragraph (a) and insert—

- "(a) the risks of harm to individuals in the United Kingdom presented by illegal content present on regulated user-to-user services and by the use of such services for the commission or facilitation of priority offences;
- (aa) the risk of harm to individuals in the United Kingdom presented by search content of regulated search services that is illegal content;"

Member's explanatory statement

This amendment ensures that OFCOM must prepare risk profiles relating to the use of user-to-user services for the commission or facilitation of priority offences.

Secretary Nadine Dorries

103

Clause 84, page 72, line 40, leave out from the second "the" to end of line and insert "risk of harm mentioned in subsection (1)(b)"

Member's explanatory statement

This technical amendment is consequential on Amendment 102.

Secretary Nadine Dorries 104

Clause 84, page 73, line 23, leave out “(1)(c)” and insert “(1)(a) or (c)”

Member’s explanatory statement

This technical amendment is consequential on Amendment 102.

Secretary Nadine Dorries 105

Clause 84, page 73, line 24, at end insert—

“(c) in the case of a risk assessment or risk profiles which relate only to the risk of harm mentioned in subsection (1)(aa), are to be read as references to regulated search services.”

Member’s explanatory statement

This technical amendment is consequential on Amendment 102.

Secretary Nadine Dorries 106

Clause 84, page 73, line 36, at end insert—

““priority offence” has the same meaning as in Part 3 (see section 52).”

Member’s explanatory statement

This amendment inserts a definition of “priority offence” into clause 84.

Secretary Nadine Dorries 107

Clause 85, page 73, line 38, leave out subsection (1) and insert—

- “(1) As soon as reasonably practicable after OFCOM have published the first risk profiles relating to the illegality risks, OFCOM must produce guidance to assist providers of regulated user-to-user services in complying with their duties to carry out illegal content risk assessments under section 8.
- (1A) As soon as reasonably practicable after OFCOM have published the first risk profiles relating to the risk of harm from illegal content, OFCOM must produce guidance to assist providers of regulated search services in complying with their duties to carry out illegal content risk assessments under section 23.”

Member’s explanatory statement

This amendment splits up OFCOM’s duty to produce guidance for providers about illegal content risk assessments, since, for user-to-user services, the effect of Amendment 102 is that such a risk

assessment must also consider risks around the use of such services for the commission or facilitation of priority offences.

Secretary Nadine Dorries 108

Clause 85, page 74, line 11, leave out “(1) or”

Member’s explanatory statement

This technical amendment is consequential on Amendment 107.

Secretary Nadine Dorries 109

Clause 85, page 74, line 12, leave out “those subsections are” and insert “that subsection is”

Member’s explanatory statement

This technical amendment is consequential on Amendment 107.

Secretary Nadine Dorries 110

Clause 85, page 74, line 15, leave out “subsection (7)” and insert “this section”

Member’s explanatory statement

This technical amendment is consequential on Amendment 107.

Secretary Nadine Dorries 111

Clause 85, page 74, line 17, at end insert—

““illegality risks” means the risks mentioned in section 84(1)(a);”

Member’s explanatory statement

This amendment inserts a definition of “illegality risks” which is now used in clause 85.

Secretary Nadine Dorries 112

Clause 85, page 74, line 19, leave out “84(1)(a)” and insert “84(1)(aa)”

Member’s explanatory statement

This technical amendment is consequential on Amendment 102.

Secretary Nadine Dorries 113

Clause 86, page 75, line 38, at end insert—

“(fa) the purpose of assessing whether to give a notice under section (*Notices to deal with terrorism content or CSEA content (or both)*)(1) relating to the development or sourcing of technology (see subsections (2)(b) and (3)(b) of that section);”

Member’s explanatory statement

This amendment makes it clear that OFCOM have the power to require information to decide whether to give a notice under the clause inserted by NC11 which requires a provider to develop or source technology to deal with CSEA content.

Secretary Nadine Dorries 114

Clause 89, page 77, line 36, leave out “either or both” and insert “any”

Member’s explanatory statement

This amendment is consequential on Amendment 116.

Secretary Nadine Dorries 115

Clause 89, page 77, line 39, leave out “or”

Member’s explanatory statement

This amendment is consequential on Amendment 116.

Secretary Nadine Dorries 116

Clause 89, page 77, line 43, at end insert—

“(c) assisting OFCOM in deciding whether to give a provider of a Part 3 service a notice under section (*Notices to deal with terrorism content or CSEA content (or both)*)(1) requiring the provider to use their best endeavours to develop or source technology dealing with CSEA content (see subsections (2)(b) and (3)(b) of that section), or assisting OFCOM in deciding the requirements to be imposed by such a notice.”

Member’s explanatory statement

This amendment extends OFCOM’s power to require a skilled person’s report to cover assistance

in relation to a notice under the clause inserted by amendment 1 which requires a provider to develop or source technology to deal with CSEA content.

Secretary Nadine Dorries 117
Page 87, line 9, leave out Clause 104

Member's explanatory statement

This amendment leaves out existing Clause 104, which is replaced by NC11 and NC12.

John Nicolson 195
Kirsty Blackman
Alison Thewliss

Clause 104, page 87, line 10, leave out subsection 1 and insert—

- “(1) If OFCOM consider that it is necessary and proportionate to do so, they may—
- (a) give a notice described in subsection (2), (3) or (4) relating to a regulated user to user service or a regulated search service to the provider of the service;
 - (b) give a notice described in subsection (2), (3) or (4) to a provider or providers of Part 3 services taking into account risk profiles produced by OFCOM under section 84.”

Mr David Davis 152
Kevin Hollinrake
Philip Davies
Mr Steve Baker

Clause 104, page 87, line 18, leave out ‘whether’

Member's explanatory statement

This amendment is consequential on Amendment 153.

Mr David Davis
Kevin Hollinrake
Philip Davies
Mr Steve Baker

153

Clause 104, page 87, line 19, leave out 'or privately'

Member's explanatory statement

This amendment removes the ability to monitor encrypted communications.

Secretary Nadine Dorries

118

Clause 105, page 88, line 40, at beginning insert "In the case of a notice requiring the use of accredited technology,"

Member's explanatory statement

This amendment ensures that the matters listed in clause 105(2) which OFCOM have to take account of in deciding whether to give a notice under the clause inserted by amendment 1 apply just to such notices which require the use of accredited technology.

John McDonnell
Kim Johnson
Rebecca Long Bailey
Jamie Stone
Caroline Lucas

204

Clause 105, page 89, line 17, at end insert—

- "(ia) the level of risk of the use of the specified technology accessing, retaining or disclosing the identity or provenance of any confidential journalistic source or confidential journalistic material."

Member's explanatory statement

This amendment would require Ofcom to consider the risk of the use of accredited technology by a Part 3 service accessing, retaining or disclosing the identity or provenance of journalistic sources or confidential journalistic material, when deciding whether to give a notice under Clause 104(1) of the Bill.

Secretary Nadine Dorries

119

Clause 105, page 89, line 25, at end insert—

"(3A) In the case of a notice relating to the development or sourcing of technology, subsection (2) applies—

- (a) as if references to relevant content were to CSEA content, and

(b) with the omission of paragraphs (h), (i) and (j)."

Member's explanatory statement

This amendment sets out how the matters listed in clause 105(2) which OFCOM have to take account of in deciding whether to give a notice under the clause inserted by amendment 1 apply to such notices which require the development or sourcing of technology to deal with CSEA content.

Secretary Nadine Dorries

120

Clause 106, page 89, line 47, at end insert—

"(4A) A notice given to a provider of a Part 3 service requiring the use of accredited technology is to be taken to require the provider to make such changes to the design or operation of the service as are necessary for the technology to be used effectively."

Member's explanatory statement

This amendment makes it clear that if OFCOM give a notice under NC11 requiring a provider to use accredited technology, that encompasses necessary design changes to a service.

Secretary Nadine Dorries

121

Clause 106, page 90, line 1, after "notice" insert "requiring the use of accredited technology"

Member's explanatory statement

This amendment ensures that requirements listed in clause 106(5) about the contents of a notice given under NC11 apply just to such notices which require the use of accredited technology.

Secretary Nadine Dorries

122

Clause 106, page 90, line 15, after "notice" insert "requiring the use of accredited technology"

Member's explanatory statement

This amendment is consequential on Amendment 121.

Secretary Nadine Dorries

123

Clause 106, page 90, line 17, at end insert—

"(6A) A notice relating to the development or sourcing of technology must—
 (a) give OFCOM's reasons for their decision to give the notice,

- (b) describe the purpose for which technology is required to be developed or sourced (see section (*Notices to deal with terrorism content or CSEA content (or both)*)(2)(a)(iii) and (iv) and (3)(a)(ii)),
 - (c) specify steps that the provider is required to take (including steps relating to the use of a system or process) in order to comply with the requirement described in section (*Notices to deal with terrorism content or CSEA content (or both)*)(2)(b) or (3)(b), or both those requirements (as the case may be),
 - (d) specify a reasonable period within which each of the steps specified in the notice must be taken,
 - (e) contain details of any other requirements imposed by the notice,
 - (f) contain details of the rights of appeal under section 140,
 - (g) contain information about when OFCOM intend to review the notice (see section 107), and
 - (h) contain information about the consequences of not complying with the notice (including information about the further kinds of enforcement action that it would be open to OFCOM to take).
- (6B) In deciding what period or periods to specify for steps to be taken in accordance with subsection (6A)(d), OFCOM must, in particular, consider—
- (a) the size and capacity of the provider, and
 - (b) the state of development of technology capable of achieving the purpose described in the notice in accordance with subsection (6A)(b)."

Member's explanatory statement

This amendment sets out the requirements which apply regarding the contents of a notice given under the NC11 requiring the development or sourcing of technology to deal with CSEA content.

Secretary Nadine Dorries

124

Clause 106, page 90, line 18, after "the" insert "design and"

Member's explanatory statement

This amendment makes it clear that a notice given under NC11 may impose requirements about design of a service.

Secretary Nadine Dorries

125

Clause 106, page 90, line 24, leave out "section 104 and this section" and insert "this Chapter"

Member's explanatory statement

This amendment is consequential on NC12

Secretary Nadine Dorries

126

Clause 107, page 90, line 42, leave out from “must” to end of line 44 and insert “carry out a review of the provider’s compliance with the notice—

- (a) in the case of a notice requiring the use of accredited technology, before the end of the period for which the notice has effect;
- (b) in the case of a notice relating to the development or sourcing of technology, before the last date by which any step specified in the notice is required to be taken.”

Member’s explanatory statement

This amendment is consequential on NC11.

Secretary Nadine Dorries

127

Clause 107, page 90, line 45, leave out “The” and insert “In the case of a notice requiring the use of accredited technology, the”

Member’s explanatory statement

This amendment is needed because the matters listed in the provision which is amended can only relate to a notice given under the clause inserted by NC11 which requires the use of accredited technology.

Secretary Nadine Dorries

128

Clause 107, page 91, line 10, leave out “require the use of different accredited technology from” and insert “impose different requirements from”

Member’s explanatory statement

This amendment is needed because the provision which is amended is relevant to all notices given under NC11 (not just those which require the use of accredited technology).

Secretary Nadine Dorries

129

Clause 107, page 91, line 12, leave out “Section 104(7) to (10) (warning notice) do” and insert “Section (*Warning notices*) (warning notices) does”

Member’s explanatory statement

This amendment is consequential on the warning notice procedure now being contained in NC12

Secretary Nadine Dorries 174

Clause 112, page 93, line 38, at end insert—

“Section (*Duties to protect news publisher content*) | News publisher content”

Member’s explanatory statement

This amendment ensures that Ofcom are able to use their enforcement powers in Chapter 6 of Part 7 in relation to a breach of any of the duties set out in NC19.

Joanna Cherry 191
Tony Lloyd

Clause 112, page 94, line 24, at end insert—

“Section [Category 1 services: duty not to discriminate against, harass or victimise service users] | Duty not to discriminate against, harass or victimise

Member’s explanatory statement

This amendment makes NC24 an enforceable requirement.

Secretary Nadine Dorries 130

Clause 115, page 96, line 40, leave out “illegal content” and insert “matters required to be covered by an illegal content risk assessment”

Member’s explanatory statement

This amendment ensures that clause 115, which relates to a confirmation decision that may be given where a risk assessment is defective, covers matters in a risk assessment relating to the use of a service for commission or facilitation of priority offences, not just illegal content.

Secretary Nadine Dorries 131

Clause 115, page 96, line 41, after “9(2)” insert “(b) or (c)”

Member’s explanatory statement

This technical amendment is consequential on Amendment 61.

Secretary Nadine Dorries

132

Clause 115, page 96, line 44, leave out “content that is harmful to children” and insert “matters required to be covered by a children’s risk assessment”

Member’s explanatory statement

This amendment brings clause 115(2)(b) (children’s risk assessments) into line with clause 115(2)(a) (illegal content risk assessments).

Secretary Nadine Dorries

133

Clause 115, page 97, line 15, leave out the definition of “content that is harmful to children”

Member’s explanatory statement

This technical amendment is consequential on Amendment 132.

Secretary Nadine Dorries

134

Clause 115, page 97, line 17, leave out the definition of “illegal content”

Member’s explanatory statement

This technical amendment is consequential on Amendment 130.

Secretary Nadine Dorries

135

Clause 120, page 101, line 37, leave out from beginning to “OFCOM”

Member’s explanatory statement

This is about a penalty notice which OFCOM may give for failure to comply with a notice given under NC11. The amendment omits words which are not apt to cover such a notice which relates to the development or sourcing of technology to deal with CSEA content.

Alex Davies-Jones 23
Barbara Keeley

Clause 130, page 114, line 3, leave out paragraph (a)

Secretary Nadine Dorries 175

Clause 138, page 118, line 29, at end insert—

“(aa) a report under section (*OFCOM’s reports about news publisher content and journalistic content*) (report about news publisher content and journalistic content),”

Member’s explanatory statement

This amendment ensures that the provisions about excluding confidential information from a report before publication apply to the duty to publish the report produced under NC20.

Kirsty Blackman 160
John Nicolson
Alison Thewliss

Clause 141, page 121, line 9, leave out subsection (2)

Member’s explanatory statement

This amendment removes the bar of conditionality that must be met for super complaints that relate to a single regulated service.

Alex Davies-Jones 24
Barbara Keeley
John Nicolson
Kirsty Blackman
Alison Thewliss

Clause 141, page 121, line 16, leave out “The Secretary of State” and insert “OFCOM”

Alex Davies-Jones 25
Barbara Keeley

Clause 141, page 121, line 21, leave out from “(3),” to end of line 24 and insert “OFCOM must consult—

“(a) The Secretary of State, and

(b) such other persons as OFCOM considers appropriate.”

Member’s explanatory statement

This amendment would provide that regulations under clause 141 are to be made by OFCOM rather than by the Secretary of State.

Kirsty Blackman
John Nicolson
Alison Thewliss

189

Clause 142, page 121, line 45, leave out from “including” to end of line 46 and insert “90 day maximum time limits in relation to the determination and notification to the complainant of –”

Member’s explanatory statement

This requires the Secretary of State’s guidance to require Ofcom to determine whether a complaint is eligible for the super-complaints procedure within 90 days.

Alex Davies-Jones
Barbara Keeley
John Nicolson
Kirsty Blackman
Alison Thewliss

26

Clause 146, page 123, line 33, leave out “give OFCOM a direction requiring” and insert “may make representations to”

Alex Davies-Jones
Barbara Keeley
John Nicolson
Kirsty Blackman
Alison Thewliss

27

Clause 146, page 123, line 36, leave out subsection (2) and insert—

“(2) OFCOM must have due regard to any representations made by the Secretary of State under subsection (1).”

Alex Davies-Jones 28
Barbara Keeley

Clause 146, page 123, line 38, leave out from “committee” to end of line 39 and insert “established under this section is to consist of the following members—”

Alex Davies-Jones 29
Barbara Keeley

Clause 146, page 124, line 1, leave out from “committee” to “publish” in line 2 and insert “established under this section must”

Alex Davies-Jones 30
Barbara Keeley

Clause 146, page 124, line 4, leave out subsection (5)

Alex Davies-Jones 32
Barbara Keeley

Page 124, line 40, leave out Clause 148

Secretary Nadine Dorries 176

Clause 150, page 126, line 36, at end insert—

“(5A) In carrying out the review, the Secretary of State must take into account any report published by OFCOM under section (*OFKOM’s reports about news publisher content and journalistic content*) (reports about news publisher content and journalistic content).”

Member’s explanatory statement

This amendment ensures that the Secretary of State is required to take into account Ofcom’s reports published under NC20 when carrying out the review under clause 150.

Secretary Nadine Dorries 136

Clause 151, page 127, line 33, leave out subsections (6) and (7)

Member's explanatory statement

This amendment leaves out material which now appears, with changes, in the new clause inserted by NC13.

Secretary Nadine Dorries 137

Clause 151, page 127, line 40, at end insert—

“(7A) See section (*Exemptions from offences under sections 151 and 152*) for exemptions from the offence under this section.”

Member's explanatory statement

This amendment adds a signpost to NC13.

Secretary Nadine Dorries 138

Clause 152, page 128, line 22, leave out subsections (4) and (5)

Member's explanatory statement

This amendment leaves out material which now appears, with changes, in NC13.

Secretary Nadine Dorries 139

Clause 152, page 128, line 29, at end insert—

“(5A) See section (*Exemptions from offences under sections 151 and 152*) for exemptions from the offence under this section.”

Member's explanatory statement

This amendment adds a signpost to NC13.

Secretary Nadine Dorries 140

Clause 154, page 130, line 24, at end insert—

“(9A) “Recognised news publisher” has the meaning given by section 50.

- (9B) “Multiplex licence” means a licence under section 8 of the Wireless Telegraphy Act 2006 which authorises the provision of a multiplex service within the meaning of section 42(6) of that Act.”

Member’s explanatory statement

This amendment adds definitions of terms used in NC13.

Caroline Nokes 194
 Carolyn Harris

Clause 157, page 131, line 16, leave out from beginning to end of line 17 and insert—

- “(a) B has not consented for A to send or give the photograph or film to B, and”

Alex Davies-Jones 35
 Barbara Keeley
 John Nicolson
 Kirsty Blackman
 Alison Thewliss

Schedule 11, page 198, line 5, leave out “The Secretary of State” and insert “OFCOM”

Member’s explanatory statement

This amendment would give the power to make regulations under Schedule 11 to OFCOM.

Sir Jeremy Wright 2
 John Penrose
 Darren Jones
 Dame Diana Johnson
 Andrew Percy
 Simon Fell
 Dame Maria Miller
 Kim Leadbeater
 Mr Steve Baker

Julian Knight
 John Nicolson
 Liz Saville Roberts

Dame Margaret Hodge
 Kirsty Blackman
 Alison Thewliss

Schedule 11, page 198, line 9, leave out “functionalities” and insert “characteristics”

Sir Jeremy Wright 1
 John Penrose
 Darren Jones
 Dame Diana Johnson
 Andrew Percy
 Simon Fell
 Dame Maria Miller
 Kim Leadbeater
 Mr Steve Baker

Julian Knight
 John Nicolson
 Liz Saville Roberts

Dame Margaret Hodge
 Kirsty Blackman
 Alison Thewliss

Schedule 11, page 198, line 9, at end insert—

“(1A) In this schedule, “characteristics” of a service include its functionalities, user base, business model, governance and other systems and processes.”

Kirsty Blackman 159
 John Nicolson
 Richard Burgon
 Alison Thewliss

Schedule 11, page 198, line 9, at end insert—

“(1A) Regulations made under sub-paragraph (1) must provide for any regulated user-to-user service which OFCOM assesses as posing a very high risk of harm to be included within Category 1, regardless of the number of users.”

Member’s explanatory statement

This amendment allows Ofcom to impose Category 1 duties on user-to-user services which pose a very high risk of harm.

Alex Davies-Jones 36
 Barbara Keeley
 John Nicolson
 Kirsty Blackman
 Alison Thewliss

Schedule 11, page 198, line 10, leave out “The Secretary of State” and insert “OFCOM”

Member’s explanatory statement

This amendment is consequential on Amendment 35.

Alex Davies-Jones 37
 Barbara Keeley
 John Nicolson
 Kirsty Blackman
 Alison Thewliss

Schedule 11, page 198, line 16, leave out “The Secretary of State” and insert “OFCOM”

Member’s explanatory statement

This amendment is consequential on Amendment 35.

Sir Jeremy Wright 3
 John Penrose
 Darren Jones
 Dame Diana Johnson
 Andrew Percy
 Simon Fell
 Dame Maria Miller Julian Knight Dame Margaret Hodge
 Kim Leadbeater John Nicolson Kirsty Blackman
 Liz Saville Roberts Alison Thewliss

Schedule 11, page 198, line 20, leave out “functionalities” and insert “characteristics”

Sir Jeremy Wright 9
 John Penrose
 Darren Jones
 Dame Diana Johnson
 Andrew Percy
 Simon Fell
 Dame Maria Miller Julian Knight Dame Margaret Hodge
 Kim Leadbeater Liz Saville Roberts

Schedule 11, page 198, line 28, leave out “and” and insert “or”

Sir Jeremy Wright 4
 John Penrose
 Darren Jones
 Dame Diana Johnson
 Andrew Percy
 Simon Fell
 Dame Maria Miller Julian Knight Dame Margaret Hodge
 Kim Leadbeater Mr Steve Baker Liz Saville Roberts

Schedule 11, page 198, line 29, leave out “functionality” and insert “characteristic”

Alex Davies-Jones 38
 Barbara Keeley

Schedule 11, page 198, line 32, leave out “the Secretary of State” and insert “OFCOM”

Member’s explanatory statement

This amendment is consequential on Amendment 35.

Sir Jeremy Wright 5
 John Penrose
 Darren Jones
 Dame Diana Johnson
 Andrew Percy
 Simon Fell
 Dame Maria Miller Julian Knight Dame Margaret Hodge
 Kim Leadbeater Liz Saville Roberts

Schedule 11, page 198, line 34, leave out “functionalities” and insert “characteristics”

Alex Davies-Jones 39
Barbara Keeley

Schedule 11, page 198, line 37, leave out “the Secretary of State” and insert “OFCOM”

Member’s explanatory statement

This amendment is consequential on Amendment 35.

Alex Davies-Jones 40
Barbara Keeley

Schedule 11, page 198, line 41, leave out “the Secretary of State” and insert “OFCOM”

Member’s explanatory statement

This amendment is consequential on Amendment 35.

Sir Jeremy Wright 6
John Penrose
Darren Jones
Dame Diana Johnson
Andrew Percy
Simon Fell
Dame Maria Miller Julian Knight Dame Margaret Hodge
Kim Leadbeater Liz Saville Roberts

Schedule 11, page 198, line 43, leave out “functionalities” and insert “characteristics”

Sir Jeremy Wright 7
John Penrose
Darren Jones
Dame Diana Johnson
Andrew Percy
Simon Fell
Dame Maria Miller Julian Knight Dame Margaret Hodge
Kim Leadbeater Liz Saville Roberts

Schedule 11, page 199, line 11, leave out “functionalities” and insert “characteristics”

Sir Jeremy Wright 8
John Penrose
Darren Jones
Dame Diana Johnson
Andrew Percy
Simon Fell
Dame Maria Miller Julian Knight Dame Margaret Hodge
Kim Leadbeater Liz Saville Roberts

Schedule 11, page 199, line 28, leave out “functionalities” and insert “characteristics”

Alex Davies-Jones
Barbara Keeley

41

Schedule 11, page 199, line 32, leave out subparagraphs (5) to (11)

Member's explanatory statement

This amendment is consequential on Amendment 35.

Order of the House

[19 April 2022]

That the following provisions shall apply to the Online Safety Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 30 June 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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Online Safety Bill: Programme (No. 2)

Secretary Nadine Dorries

That the Order of 19 April 2022 in the last Session of Parliament (Online Safety Bill: Programme) be varied as follows:

1. Paragraphs (4) and (5) of the Order shall be omitted.
2. Proceedings on Consideration and Third Reading shall be taken in two days in accordance with the following provisions of this Order.

3. Proceedings on Consideration—

- (a) shall be taken on each of those days in the order shown in the first column of the following Table, and
- (b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Proceedings	Time for conclusion of proceedings
First day	
New clauses and new Schedules relating to, and amendments to, Part 1, Part 2 and Chapters 1 to 4, 6 and 7 of Part 3 (except amendments relating to the repeal of Part 4B of the Communications Act 2003)	4.30 pm on the first day
New clauses and new Schedules relating to, and amendments to, Chapter 5 of Part 3, Part 4, Part 5, Part 6, clauses 160 to 162 and Schedule 15, clauses 163 to 171, clauses 176 to 182, and Part 12 (except amendments relating to the repeal of Part 4B of the Communications Act 2003)	7.00 pm on the first day
Second day	
New clauses, new Schedules and amendments relating to the repeal of Part 4B of the Communications Act 2003, and remaining proceedings on Consideration	6.00 pm on the second day

- 4. Proceedings on Third Reading shall be taken on the second day and shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.

Withdrawn Amendments

The following amendments were withdrawn on 8 July 2022: NC32

The following amendments were withdrawn on 11 July 2022: 154 and 155