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Report Stage: Wednesday 6 July 2022

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## 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 Any withdrawn amendments are listed at the end of the document.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.

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

★ New Amendments.

New Amendments: 35 to 150 and NC8 to NC15

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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.

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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.

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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.

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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.

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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.

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Sir Jeremy Wright  
John Penrose  
Darren Jones  
Dame Diana Johnson  
Andrew Percy

NC1

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.”

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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.”

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Alex Davies-Jones  
Barbara Keeley  
Lucy Powell

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.

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Dame Diana Johnson

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.”

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Dame Diana Johnson

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.”

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Dame Diana Johnson

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.”

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Dame Diana Johnson

NC7

☆ 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).”

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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.

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Andrew Percy

NC9

★ 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)."

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Andrew Percy

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.”

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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.

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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.

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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.

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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.

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Alex Davies-Jones  
Barbara Keeley  
Lucy Powell

17

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.

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Alex Davies-Jones  
Barbara Keeley  
Lucy Powell

15

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.

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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.

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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.

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Alex Davies-Jones 18  
 Barbara Keeley  
 Lucy Powell

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.

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Alex Davies-Jones 16  
 Barbara Keeley  
 Lucy Powell

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.

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Alex Davies-Jones 19  
 Barbara Keeley  
 Lucy Powell

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.

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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.



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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.

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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.

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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.

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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

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

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

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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

- ★ Clause 13, page 13, line 10, 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

- ★ 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.

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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.

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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.

---

Sir Jeremy Wright

10

John Penrose

Darren Jones

Dame Diana Johnson

Andrew Percy

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

---

Adam Afriyie

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.

---

Adam Afriyie

51

★ 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.

---

Andrew Percy

47

## ★ 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*).”

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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

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Dr Rupa Huq  
Giles Watling

Simon Jupp

44

- ★ Clause 39, page 37, line 25, leave out from beginning to the second “the” in line 20

**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.

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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.

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Sir Jeremy Wright 13  
 John Penrose  
 Darren Jones  
 Dame Diana Johnson  
 Andrew Percy

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

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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 38, 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.

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Sir Jeremy Wright  
 John Penrose  
 Darren Jones  
 Dame Diana Johnson  
 Andrew Percy

14

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

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Alex Davies-Jones  
 Barbara Keeley

21

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

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Alex Davies-Jones  
 Barbara Keeley

22

☆ 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).”

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Secretary Nadine Dorries

88

★ 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.

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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.

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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.

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Sir Jeremy Wright

John Penrose

Darren Jones

Dame Diana Johnson

Andrew Percy

11

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

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Sir Jeremy Wright

John Penrose

Darren Jones

Dame Diana Johnson

Andrew Percy

12

Clause 50, page 48, line 5, after “a” insert “suitable and sufficient”

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Secretary Nadine Dorries

91

- ★ 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.

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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.

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Adam Afriyie

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.

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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

- ★ 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).

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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.

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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.

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Alex Davies-Jones  
Barbara Keeley

20

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

★ 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.

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Adam Afriyie

54

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

**Member’s explanatory statement**

This amendment is linked to Amendment 53.

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Adam Afriyie

55

- ★ 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.

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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.

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Adam Afriyie

56

- ★ 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.

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Dame Diana Johnson

34

- ☆ Clause 68, page 60, line 17, after “(2)” insert “to (2D)”

**Member’s explanatory statement**

This amendment is consequential on Amendment 33.



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Dame Diana Johnson

33

☆ 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.

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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.

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Secretary Nadine Dorries

103

★ Clause 84, page 72, line 40, leave out from “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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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 amendment 1 which requires a provider to develop or source technology to deal with CSEA content.

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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.

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Secretary Nadine Dorries

115

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

**Member’s explanatory statement**

This amendment is consequential on Amendment 116.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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

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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.

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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.

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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).

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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

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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.

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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.

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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).

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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.

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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.

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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.

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Alex Davies-Jones  
Barbara Keeley

23

- ☆ Clause 130, page 114, line 3, leave out paragraph (a)
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Alex Davies-Jones  
Barbara Keeley

24

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

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Alex Davies-Jones  
Barbara Keeley

25

- ☆ 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.

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Alex Davies-Jones 26  
Barbara Keeley

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

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Alex Davies-Jones 27  
Barbara Keeley

- ☆ 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).”

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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—”

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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”

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Alex Davies-Jones 30  
Barbara Keeley

- ☆ Clause 146, page 124, line 4, leave out subsection (5)
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Alex Davies-Jones 32  
Barbara Keeley

- ☆ Page 124, line 40, leave out Clause 148
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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.

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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.

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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.

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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.

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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.

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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 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.

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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.

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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.

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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.

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Alex Davies-Jones  
Barbara Keeley

31

☆ 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).

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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.

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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.

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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.

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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.

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Sir Jeremy Wright

43

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

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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.

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Alex Davies-Jones  
Barbara Keeley

35

- ★ 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.

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Sir Jeremy Wright  
John Penrose  
Darren Jones  
Dame Diana Johnson  
Andrew Percy

2

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



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Sir Jeremy Wright 1  
 John Penrose  
 Darren Jones  
 Dame Diana Johnson  
 Andrew Percy

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.”

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Alex Davies-Jones 36  
 Barbara Keeley

- ★ 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.

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Alex Davies-Jones 37  
 Barbara Keeley

- ★ 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.

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Sir Jeremy Wright 3  
 John Penrose  
 Darren Jones  
 Dame Diana Johnson  
 Andrew Percy

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

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Sir Jeremy Wright 9  
 John Penrose  
 Darren Jones  
 Dame Diana Johnson  
 Andrew Percy

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

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Sir Jeremy Wright 4  
 John Penrose  
 Darren Jones  
 Dame Diana Johnson  
 Andrew Percy

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

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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.

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Sir Jeremy Wright 5  
 John Penrose  
 Darren Jones  
 Dame Diana Johnson  
 Andrew Percy

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

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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.

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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.

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Sir Jeremy Wright 6  
 John Penrose  
 Darren Jones  
 Dame Diana Johnson  
 Andrew Percy

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

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Sir Jeremy Wright 7  
 John Penrose  
 Darren Jones  
 Dame Diana Johnson  
 Andrew Percy

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

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Sir Jeremy Wright 8  
 John Penrose  
 Darren Jones  
 Dame Diana Johnson  
 Andrew Percy

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

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Alex Davies-Jones 41  
 Barbara Keeley

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

**Member’s explanatory statement**

This amendment is consequential on Amendment 35.

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## 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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