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Committee Stage: Wednesday 7 December 2022

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## Online Safety Bill (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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

New Amendments: 1 to 95 and NC1 to NC7

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Paul Scully

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

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Paul Scully

1

★ Clause 11, page 10, line 22, leave out “, or another means of age assurance”

**Member’s explanatory statement**

This amendment omits words which are no longer necessary in subsection (3)(a) of clause 11 because they are dealt with by the new subsection inserted by Amendment 3.

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Paul Scully

2

★ Clause 11, page 10, line 25, leave out “(for example, by using age assurance)”

**Member’s explanatory statement**

This amendment omits words which are no longer necessary in subsection (3)(b) of clause 11 because they are dealt with by the new subsection inserted by Amendment 3.

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Paul Scully

3

★ Clause 11, page 10, line 26, at end insert—

“(3A) Age assurance to identify who is a child user or which age group a child user is in is an example of a measure which may be taken or used (among others) for the purpose of compliance with a duty set out in subsection (2) or (3).”

**Member’s explanatory statement**

This amendment makes it clear that age assurance measures may be used to comply with duties in clause 11(2) as well as (3) (safety duties protecting children).

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Paul Scully

4

★ Clause 11, page 11, line 9, at end insert—

“(6A) If a provider takes or uses a measure designed to prevent access to the whole of the service or a part of the service by children under a certain age, a duty to—

- (a) include provisions in the terms of service specifying details about the operation of the measure, and
- (b) apply those provisions consistently.”

**Member’s explanatory statement**

This amendment requires providers to give details in their terms of service about any measures they use which prevent access to a service (or part of it) by children under a certain age, and to apply those terms consistently.

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Paul Scully

5

★ Clause 11, page 11, line 15, after “(5)” insert “, (6A)”

**Member’s explanatory statement**

This amendment ensures that the duty in clause 11(8) to have clear and accessible terms of service applies to the terms of service mentioned in the new subsection inserted by Amendment 4.

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Paul Scully

6

- ★ Page 12, line 2, leave out Clause 12

**Member's explanatory statement**

This amendment removes clause 12, which sets out duties about adults' risk assessments.

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Paul Scully

7

- ★ Page 13, line 1, leave out Clause 13

**Member's explanatory statement**

This amendment removes clause 13, which sets out duties about adults' safety.

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Paul Scully

8

- ★ Clause 14, page 14, line 3, leave out "harmful content" and insert "content to which this subsection applies"

**Member's explanatory statement**

This amendment, and Amendments 9 to 17, amend clause 14 (user empowerment) as the adult safety duties are removed (see Amendments 6, 7 and 41). New subsections (8B) to (8D) describe the kinds of content which are now relevant to the duty in clause 14(2) - see Amendment 15.

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Paul Scully

9

- ★ Clause 14, page 14, line 5, after "to" insert "effectively"

**Member's explanatory statement**

This amendment strengthens the duty in this clause by requiring that the systems or processes used to deal with the kinds of content described in subsections (8B) to (8D) (see Amendment 15) should be designed to effectively increase users' control over such content.

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Paul Scully

10

- ★ Clause 14, page 14, line 6, leave out from “encountering” to “the” in line 7 and insert “content to which subsection (2) applies present on”

**Member’s explanatory statement**

This amendment inserts a reference to the kinds of content now relevant for this clause, instead of referring to priority content that is harmful to adults.

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Paul Scully

11

- ★ Clause 14, page 14, line 9, leave out from “to” to end of line 10 and insert “content present on the service that is a particular kind of content to which subsection (2) applies”

**Member’s explanatory statement**

This amendment inserts a reference to the kinds of content now relevant for this clause, instead of referring to priority content that is harmful to adults.

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Paul Scully

12

- ★ Clause 14, page 14, line 12, at end insert “and are easy to access”

**Member’s explanatory statement**

This amendment requires providers to ensure that features for users to increase their control over content described in subsections (8B) to (8D) (see Amendment 15) are easy to access.

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Paul Scully

13

- ★ Clause 14, page 14, line 26, leave out paragraph (a) and insert—  
    “(a) the likelihood of adult users encountering content to which subsection (2) applies by means of the service, and”

**Member’s explanatory statement**

This amendment is about factors relevant to the proportionality of measures to comply with the duty in subsection (2). The new wording replaces a reference to an adults’ risk assessment, as adults’ risk assessments are no longer required (see Amendment 6 which removes clause 12).

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Paul Scully

14

- ★ Clause 14, page 14, line 29, leave out “a” and insert “the”

**Member’s explanatory statement**

This is a technical amendment consequential on Amendment 13.

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Paul Scully

15

★ Clause 14, page 14, line 29, at end insert—

“(8A) Subsection (2) applies to content that—

- (a) is regulated user-generated content in relation to the service in question, and
- (b) is within subsection (8B), (8C) or (8D).

(8B) Content is within this subsection if it encourages, promotes or provides instructions for—

- (a) suicide or an act of deliberate self-injury, or
- (b) an eating disorder or behaviours associated with an eating disorder.

(8C) Content is within this subsection if it is abusive and the abuse targets any of the following characteristics—

- (a) race,
- (b) religion,
- (c) sex,
- (d) sexual orientation,
- (e) disability, or
- (f) gender reassignment.

(8D) Content is within this subsection if it incites hatred against people—

- (a) of a particular race, religion, sex or sexual orientation,
- (b) who have a disability, or
- (c) who have the characteristic of gender reassignment.”

**Member’s explanatory statement**

This amendment describes the content relevant to the duty in subsection (2) of clause 14. The effect is (broadly) that providers must offer users tools to reduce their exposure to these kinds of content.

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Paul Scully

16

★ Clause 14, page 14, line 30, leave out subsection (9) and insert—

“(9) In this section—

“disability” means any physical or mental impairment;

“injury” includes poisoning;

“non-verified user” means a user who has not verified their identity to the provider of a service (see section 58(1));

“race” includes colour, nationality, and ethnic or national origins.”

**Member’s explanatory statement**

This amendment inserts definitions of terms now used in clause 14.

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Paul Scully

17

★ Clause 14, page 14, line 33, at end insert “, and

(b) references to religion include references to a lack of religion.

(11) For the purposes of this section, a person has the characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex, and the reference to gender reassignment in subsection (8C) is to be construed accordingly.”

**Member’s explanatory statement**

This amendment clarifies the meaning of terms now used in clause 14.

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Paul Scully

18

★ Clause 18, page 19, line 15, leave out subsection (5)

**Member’s explanatory statement**

This amendment is consequential on the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully

19

★ Clause 18, page 19, line 32, leave out from “also” to second “section”

**Member’s explanatory statement**

This is a technical amendment relating to Amendment 20.

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Paul Scully

20

★ Clause 18, page 19, line 33, at end insert “, and

(b) section (*Further duties about terms of service*)(5)(a) (reporting of content that terms of service allow to be taken down or restricted).”

**Member’s explanatory statement**

This amendment inserts a signpost to the new provision about content reporting inserted by NC4.

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Paul Scully

21

- ★ Clause 19, page 20, line 15, leave out “, (3) or (4)” and insert “or (3)”

**Member’s explanatory statement**

This amendment removes a reference to clause 20(4), as that provision is moved to NC4.

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Paul Scully

22

- ★ Clause 19, page 20, line 27, leave out from “down” to “and” in line 28 and insert “or access to it being restricted, or given a lower priority or otherwise becoming less likely to be encountered by other users,”

**Member’s explanatory statement**

NC2 states what is meant by restricting users’ access to content, and this amendment makes a change in line with that, to avoid any implication that downranking is a form of restriction on access to content.

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Paul Scully

23

- ★ Clause 19, page 21, line 7, leave out from “The” to “complaints” in line 10 and insert “relevant kind of complaint for Category 1 services is”

**Member’s explanatory statement**

This amendment is consequential on the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully

24

- ★ Clause 19, page 21, line 12, leave out sub-paragraph (i)

**Member’s explanatory statement**

This amendment is consequential on Amendment 7 (removal of clause 13).

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Paul Scully

25

- ★ Clause 19, page 21, line 18, leave out paragraphs (c) and (d)

**Member’s explanatory statement**

This amendment is consequential on the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully

26

- ★ Clause 19, page 21, line 33, leave out from “also” to second “section”

**Member’s explanatory statement**

This is a technical amendment relating to Amendment 27.

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Paul Scully

27

- ★ Clause 19, page 21, line 34, at end insert “, and  
(b) section (*Further duties about terms of service*)(6) (complaints procedure relating to content that terms of service allow to be taken down or restricted).”

**Member’s explanatory statement**

This amendment inserts a signpost to the new provision about complaints procedures inserted by NC4.

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Paul Scully

28

- ★ Clause 20, page 21, line 42, after “have” insert “particular”

**Member’s explanatory statement**

This amendment has the result that providers of regulated user-to-user services must have particular regard to freedom of expression when deciding on and implementing safety measures and policies.

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Paul Scully

29

- ★ Clause 20, page 22, line 2, after “have” insert “particular”

**Member’s explanatory statement**

This amendment has the result that providers of regulated user-to-user services must have particular regard to users’ privacy when deciding on and implementing safety measures and policies.

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Paul Scully

30

- ★ Clause 20, page 22, line 6, leave out subsection (4)

**Member’s explanatory statement**

This amendment removes clause 20(4), as that provision is moved to NC4.

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Paul Scully

31

- ★ Clause 20, page 22, line 37, leave out paragraph (c) and insert—  
“(c) section 14 (user empowerment),”

**Member’s explanatory statement**

The main effect of this amendment is that providers must consider freedom of expression and privacy issues when deciding on measures and policies to comply with clause 14 (user empowerment). The reference to clause 14 replaces the previous reference to clause 13 (adults’ safety duties), which is now removed (see Amendment 7).

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Paul Scully

32

- ★ Clause 21, page 23, line 5, leave out “, 10 or 12” and insert “or 10”

**Member’s explanatory statement**

This amendment is consequential on Amendment 6 (removal of clause 12).

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Paul Scully

33

- ★ Clause 21, page 23, line 45, leave out paragraph (c)

**Member’s explanatory statement**

This amendment is consequential on Amendment 7 (removal of clause 13).

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Paul Scully

34

- ★ Clause 21, page 24, line 6, leave out “section” and insert “sections”

**Member’s explanatory statement**

This amendment is consequential on Amendment 35.

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Paul Scully

35

- ★ Clause 21, page 24, line 6, at end insert “, (*Duty not to act against users except in accordance with terms of service*) and (*Further duties about terms of service*) (duties about terms of service).”

**Member’s explanatory statement**

This amendment ensures that providers have a duty to review compliance with the duties set out in NC3 and NC4 regularly, and after making any significant change to the design or operation of the service.

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Paul Scully

36

- ★ Clause 30, page 31, line 31, after “have” insert “particular”

**Member’s explanatory statement**

This amendment has the result that providers of regulated search services must have particular regard to freedom of expression when deciding on and implementing safety measures and policies.

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Paul Scully

37

- ★ Clause 30, page 31, line 34, after “have” insert “particular”

**Member’s explanatory statement**

This amendment has the result that providers of regulated search services must have particular regard to users’ privacy when deciding on and implementing safety measures and policies.

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Paul Scully

38

- ★ Clause 46, page 44, line 27, after “have” insert “particular”

**Member’s explanatory statement**

This amendment has the result that providers of services who take measures other than those recommended in codes of practice in order to comply with safety duties must have particular regard to freedom of expression and users’ privacy.

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Paul Scully

39

- ★ Clause 46, page 45, line 12, leave out paragraph (c)

**Member's explanatory statement**

This amendment is consequential on Amendment 7 (removal of clause 13).

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Paul Scully

40

- ★ Clause 46, page 45, line 31, at end insert “, or  
(ii) a duty set out in section 14 (user empowerment);”

**Member's explanatory statement**

This amendment has the effect that measures recommended in codes of practice to comply with the duty in clause 14 are relevant to the question of whether a provider is complying with the duties in clause 20(2) and (3) (having regard to freedom of expression and users' privacy).

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Paul Scully

41

- ★ Page 53, line 38, leave out Clause 55

**Member's explanatory statement**

This amendment removes clause 55, which allows the Secretary of State to make regulations designating content as “priority content that is harmful to adults” and defines related expressions.

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Paul Scully

42

- ★ Clause 56, page 54, line 40, leave out subsection (3)

**Member's explanatory statement**

This amendment is consequential on Amendment 41 (removal of clause 55).

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Paul Scully

43

- ★ Clause 56, page 54, line 46, leave out “or 55”

**Member’s explanatory statement**

This amendment is consequential on Amendment 41 (removal of clause 55).

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Paul Scully

44

- ★ Clause 56, page 55, line 8, leave out “or 55”

**Member’s explanatory statement**

This amendment is consequential on Amendment 41 (removal of clause 55).

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Paul Scully

45

- ★ Clause 56, page 55, line 9, leave out “or adults” in both places

**Member’s explanatory statement**

This amendment is consequential on Amendment 41 (removal of clause 55).

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Paul Scully

46

- ★ Clause 79, page 69, line 35, after “Chapter 1” insert “or 2A”

**Member’s explanatory statement**

Clause 79 is about OFCOM’s general duties. This amendment inserts a reference to Chapter 2A, which is the new Chapter expected to be formed by NC3 to NC6.

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Paul Scully

47

- ★ Clause 79, page 70, line 9, after “Chapter 1” insert “or 2A”

**Member’s explanatory statement**

Clause 79 is about OFCOM’s general duties. This amendment inserts a reference to Chapter 2A, which is the new Chapter expected to be formed by NC3 to NC6.

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Paul Scully

48

- ★ Clause 82, page 72, line 21, at end insert—

“(ca) a regulated user-to-user service meets the conditions in section (*List of emerging Category 1 services*)(2) if those conditions are met in relation to the user-to-user part of the service;”

**Member’s explanatory statement**

This is a technical amendment ensuring that references to user-to-user services in the new clause inserted by NC7 relate to the user-to-user part of the service.

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Paul Scully

49

- ★ Clause 82, page 72, line 23, after “conditions” insert “or the conditions in section (*List of emerging Category 1 services*)(2)”

**Member’s explanatory statement**

This is a technical amendment ensuring that references to assessments of user-to-user services in the new clause inserted by NC7 relate to the user-to-user part of the service.

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Paul Scully

50

- ★ Clause 87, page 78, line 18, at end insert—

“(iia) any duty set out in section (*Duty not to act against users except in accordance with terms of service*) or (*Further duties about terms of service*) (terms of service),”

**Member’s explanatory statement**

This amendment mentions the new duties imposed by NC3 and NC4 in the clause that sets out the purposes for which OFCOM may require people to provide information.

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Paul Scully

51

- ★ Clause 90, page 82, line 5, leave out “12,”

**Member’s explanatory statement**

This amendment is consequential on Amendment 6 (removal of clause 12).

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Paul Scully

52

- ★ Clause 90, page 82, line 8, leave out sub-paragraph (iv)

**Member's explanatory statement**

This amendment is consequential on Amendment 7 (removal of clause 13).

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Paul Scully

53

- ★ Clause 90, page 82, line 16, at end insert—

“(xiia) section (*Duty not to act against users except in accordance with terms of service*) or (*Further duties about terms of service*) (terms of service);”

**Member's explanatory statement**

This amendment has the effect that OFCOM may require a skilled person's report in relation to compliance with the new duties imposed by NC3 and NC4.

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Paul Scully

54

- ★ Clause 115, page 98, leave out lines 35 and 36

**Member's explanatory statement**

This amendment is consequential on Amendments 6 and 7 (removal of clauses 12 and 13).

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Paul Scully

55

- ★ Clause 115, page 99, line 19, at end insert—

“Section (*Duty not to act against users except in accordance with terms of service*)

Acting against users only in accordance with terms of service

Section (*Further duties about terms of service*)

Terms of service”

**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 new duties imposed by NC3 and NC4.

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Paul Scully

56

- ★ Clause 155, page 133, line 27, after “Chapter 1” insert “or 2A”

**Member’s explanatory statement**

Clause 155 is about a review by the Secretary of State of the regulatory framework established by this Bill. This amendment inserts a reference to Chapter 2A, which is the new Chapter expected to be formed by NC3 to NC6.

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Paul Scully

57

- ★ Clause 169, page 143, line 15, at end insert—

“(fa) Chapter 2A of Part 4 (terms of service: transparency, accountability and freedom of expression);”

**Member’s explanatory statement**

Clause 169 is about liability of providers who are individuals. This amendment inserts a reference to Chapter 2A, which is the new Chapter expected to be formed by NC3 to NC6, so that individuals may be jointly and severally liable for the duties imposed by that Chapter.

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Paul Scully

58

- ★ Clause 203, page 167, line 26, leave out the definition of “maximum summary term for either-way offences”

**Member’s explanatory statement**

This amendment removes the definition of the “maximum summary term for either-way offences”, as that term has been replaced by references to the general limit in a magistrates’ court.

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Paul Scully

59

- ★ Clause 203, page 168, line 48, at end insert “and references to restrictions on access to a service or to content are to be read accordingly.”

**Member’s explanatory statement**

NC2 states what is meant by restricting users’ access to content, and this amendment makes it clear that the propositions in clause 203 about access read across to references about restricting access.

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Paul Scully

60

- ★ Clause 207, page 173, line 15, leave out “to” and insert “and”

**Member’s explanatory statement**

This amendment is consequential on amendment 41 (removal of clause 55).

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Paul Scully

NC1

- ★ To move the following Clause—

**“OFCOM’s guidance: content that is harmful to children and user empowerment**

- (1) OFCOM must produce guidance for providers of Part 3 services which contains examples of content or kinds of content that OFCOM consider to be, or consider not to be—
  - (a) primary priority content that is harmful to children, or
  - (b) priority content that is harmful to children.
- (2) OFCOM must produce guidance for providers of Category 1 services which contains examples of content or kinds of content that OFCOM consider to be, or consider not to be, content to which section 14(2) applies (see section 14(8A)).
- (3) Before producing any guidance under this section (including revised or replacement guidance), OFCOM must consult such persons as they consider appropriate.
- (4) OFCOM must publish guidance under this section (and any revised or replacement guidance).”

**Member's explanatory statement**

This new clause requires OFCOM to give guidance to providers in relation to the kinds of content that OFCOM consider to be content that is harmful to children and content relevant to the duty in clause 14(2) (user empowerment).

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Paul Scully

NC2

★ To move the following Clause—

**“Restricting users’ access to content**

- (1) This section applies for the purposes of this Part.
- (2) References to restricting users’ access to content, and related references, include any case where a provider takes or uses a measure which has the effect that—
  - (a) a user is unable to access content without taking a prior step (whether or not taking that step might result in access being denied), or
  - (b) content is temporarily hidden from a user.
- (3) But such references do not include any case where—
  - (a) the effect mentioned in subsection (2) results from the use or application by a user of features, functionalities or settings which a provider includes in a service in compliance with the duty set out in section 14(2) (user empowerment), or
  - (b) access to content is controlled by another user, rather than the provider.
- (4) See also section 203(5).”

**Member's explanatory statement**

This new clause deals with the meaning of references to restricting users’ access to content, in particular by excluding restrictions resulting from the use of user empowerment tools as described in clause 14.

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Paul Scully

NC3

★ To move the following Clause—

**“Duty not to act against users except in accordance with terms of service**

- (1) A provider of a Category 1 service must operate the service using proportionate systems and processes designed to ensure that the provider does not—
  - (a) take down regulated user-generated content from the service,
  - (b) restrict users’ access to regulated user-generated content, or
  - (c) suspend or ban users from using the service,except in accordance with the terms of service.
- (2) Nothing in subsection (1) is to be read as preventing a provider from taking down content from a service or restricting users’ access to it, or suspending or banning a user, if such an action is taken—
  - (a) to comply with the duties set out in—
    - (i) section 9(2) or (3) (protecting individuals from illegal content), or
    - (ii) section 11(2) or (3) (protecting children from content that is harmful to children), or
  - (b) to avoid criminal or civil liability on the part of the provider that might reasonably be expected to arise if such an action were not taken.
- (3) In addition, nothing in subsection (1) is to be read as preventing a provider from—
  - (a) taking down content from a service or restricting users’ access to it on the basis that a user has committed an offence in generating, uploading or sharing it on the service, or
  - (b) suspending or banning a user on the basis that—
    - (i) the user has committed an offence in generating, uploading or sharing content on the service, or
    - (ii) the user is responsible for, or has facilitated, the presence or attempted placement of a fraudulent advertisement on the service.
- (4) The duty set out in subsection (1) does not apply in relation to—
  - (a) consumer content (see section (*Interpretation of this Chapter*));
  - (b) terms of service which deal with the treatment of consumer content.
- (5) If a person is the provider of more than one Category 1 service, the duty set out in subsection (1) applies in relation to each such service.
- (6) The duty set out in subsection (1) extends only to the design, operation and use of a service in the United Kingdom, and references in this section to users are to United Kingdom users of a service.
- (7) In this section—

“criminal or civil liability” includes such a liability under the law of a country outside the United Kingdom;

“fraudulent advertisement” has the meaning given by section 35;

“offence” includes an offence under the law of a country outside the United Kingdom.

(8) See also section 16 (duties to protect news publisher content).”

#### **Member’s explanatory statement**

This new clause imposes a duty on providers of Category 1 services to ensure that they do not take down content or restrict users’ access to it, or suspend or ban users, except in accordance with the terms of service.

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Paul Scully

NC4

★ To move the following Clause—

#### **“Further duties about terms of service**

##### *All services*

- (1) A provider of a regulated user-to-user service must include clear and accessible provisions in the terms of service informing users about their right to bring a claim for breach of contract if—
  - (a) regulated user-generated content which they generate, upload or share is taken down, or access to it is restricted, in breach of the terms of service, or
  - (b) they are suspended or banned from using the service in breach of the terms of service.

##### *Category 1 services*

- (2) The duties set out in subsections (3) to (7) apply in relation to a Category 1 service, and references in subsections (3) to (9) to “provider” and “service” are to be read accordingly.
- (3) A provider must operate a service using proportionate systems and processes designed to ensure that—
  - (a) if the terms of service state that the provider will take down a particular kind of regulated user-generated content from the service, the provider does take down such content;
  - (b) if the terms of service state that the provider will restrict users’ access to a particular kind of regulated user-generated content in a specified way, the provider does restrict users’ access to such content in that way;
  - (c) if the terms of service state cases in which the provider will suspend or ban a user from using the service, the provider does suspend or ban the user in those cases.

- (4) A provider must ensure that—
  - (a) terms of service which make provision about the provider taking down regulated user-generated content from the service or restricting users' access to such content, or suspending or banning a user from using the service, are—
    - (i) clear and accessible, and
    - (ii) written in sufficient detail to enable users to be reasonably certain whether the provider would be justified in taking the specified action in a particular case, and
  - (b) those terms of service are applied consistently.
- (5) A provider must operate a service using systems and processes that allow users and affected persons to easily report—
  - (a) content which they consider to be relevant content (see section *(Interpretation of this Chapter)*);
  - (b) a user who they consider should be suspended or banned from using the service in accordance with the terms of service.
- (6) A provider must operate a complaints procedure in relation to a service that—
  - (a) allows for complaints of a kind mentioned in subsection (8) to be made,
  - (b) provides for appropriate action to be taken by the provider of the service in response to complaints of those kinds, and
  - (c) is easy to access, easy to use (including by children) and transparent.
- (7) A provider must include in the terms of service provisions which are easily accessible (including to children) specifying the policies and processes that govern the handling and resolution of complaints of a kind mentioned in subsection (8).
- (8) The kinds of complaints referred to in subsections (6) and (7) are—
  - (a) complaints by users and affected persons about content present on a service which they consider to be relevant content;
  - (b) complaints by users and affected persons if they consider that the provider is not complying with a duty set out in any of subsections (1) or (3) to (5);
  - (c) complaints by a user who has generated, uploaded or shared content on a service if that content is taken down, or access to it is restricted, on the basis that it is relevant content;
  - (d) complaints by users who have been suspended or banned from using a service.
- (9) The duties set out in subsections (3) and (4) do not apply in relation to terms of service which—
  - (a) make provision of the kind mentioned in section 9(5) (protecting individuals from illegal content) or 11(5) (protecting children from content that is harmful to children), or
  - (b) deal with the treatment of consumer content.

*Further provision*

- (10) If a person is the provider of more than one regulated user-to-user service or Category 1 service, the duties set out in this section apply in relation to each such service.
- (11) The duties set out in this section extend only to the design, operation and use of a service in the United Kingdom, and references to users are to United Kingdom users of a service.
- (12) See also section 16 (duties to protect news publisher content)."

**Member's explanatory statement**

Subsections (3) to (8) of this new clause impose new duties on providers of Category 1 services in relation to terms of service that allow a provider to take down content or restrict users' access to it, or to suspend or ban users. Such terms of service must be clear and applied consistently. Subsection (1) of the clause contains a duty which, in part, was previously in clause 20 of the Bill.

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Paul Scully

NC5

★ To move the following Clause—

***“OFCOM’s guidance about duties set out in sections (*Duty not to act against users except in accordance with terms of service*) and (*Further duties about terms of service*)***

- (1) OFCOM must produce guidance for providers of Category 1 services to assist them in complying with their duties set out in sections (*Duty not to act against users except in accordance with terms of service*) and (*Further duties about terms of service*)(3) to (7).
- (2) 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 complying with the duties imposed by NC3 and NC4.

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Paul Scully

NC6

★ To move the following Clause—

**“Interpretation of this Chapter**

- (1) This section applies for the purposes of this Chapter.
- (2) “Regulated user-generated content” has the same meaning as in Part 3 (see section 50), and references to such content are to content that is regulated user-generated content in relation to the service in question.
- (3) “Consumer content” means—
  - (a) regulated user-generated content that constitutes, or is directly connected with content that constitutes, an offer to sell goods or to supply services,
  - (b) regulated user-generated content that amounts to an offence under the Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277) (construed in accordance with section 53: see subsections (3), (11) and (12) of that section), or
  - (c) any other regulated user-generated content in relation to which an enforcement authority has functions under those Regulations (see regulation 19 of those Regulations).
- (4) References to restricting users’ access to content, and related references, are to be construed in accordance with sections (*Restricting users’ access to content*) and 203(5).
- (5) Content of a particular kind is “relevant content” if—
  - (a) a term of service, other than a term of service mentioned in section (*Further duties about terms of service*)(9), states that a provider may or will take down content of that kind from the service or restrict users’ access to content of that kind, and
  - (b) it is regulated user-generated content.

References to relevant content are to content that is relevant content in relation to the service in question.
- (6) “Affected person” means a person, other than a user of the service in question, who is in the United Kingdom and who is—
  - (a) the subject of the content,
  - (b) a member of a class or group of people with a certain characteristic targeted by the content,
  - (c) a parent of, or other adult with responsibility for, a child who is a user of the service or is the subject of the content, or
  - (d) an adult providing assistance in using the service to another adult who requires such assistance, where that other adult is a user of the service or is the subject of the content.
- (7) In determining what is proportionate for the purposes of sections (*Duty not to act against users except in accordance with terms of service*) and (*Further duties about terms of service*), the size and capacity of the provider of a service is, in particular, relevant.

- (8) For the meaning of “Category 1 service”, see section 83 (register of categories of services).”

**Member’s explanatory statement**

This new clause gives the meaning of terms used in NC3 and NC4.

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Paul Scully

NC7

★ To move the following Clause—

**“List of emerging Category 1 services**

- (1) As soon as reasonably practicable after the first regulations under paragraph 1(1) of Schedule 11 come into force (regulations specifying Category 1 threshold conditions), OFCOM must comply with subsections (2) and (3).
- (2) OFCOM must assess each regulated user-to-user service which they consider is likely to meet each of the following conditions, to determine whether the service does, or does not, meet them—
  - (a) the first condition is that the number of United Kingdom users of the user-to-user part of the service is at least 75% of the figure specified in any of the Category 1 threshold conditions relating to number of users (calculating the number of users in accordance with the threshold condition in question);
  - (b) the second condition is that—
    - (i) at least one of the Category 1 threshold conditions relating to functionalities of the user-to-user part of the service is met, or
    - (ii) if the regulations under paragraph 1(1) of Schedule 11 specify that a Category 1 threshold condition relating to a functionality of the user-to-user part of the service must be met in combination with a Category 1 threshold condition relating to another characteristic of that part of the service or a factor relating to that part of the service (see paragraph 1(4) of Schedule 11), at least one of those combinations of conditions is met.
- (3) OFCOM must prepare a list of regulated user-to-user services which meet the conditions in subsection (2).
- (4) The list must contain the following details about a service included in it—
  - (a) the name of the service,
  - (b) a description of the service,
  - (c) the name of the provider of the service, and
  - (d) a description of the Category 1 threshold conditions by reference to which the conditions in subsection (2) are met.

- (5) OFCOM must take appropriate steps to keep the list up to date, including by carrying out further assessments of regulated user-to-user services.
- (6) OFCOM must publish the list when it is first prepared and each time it is revised.
- (7) When assessing whether a service does, or does not, meet the conditions in subsection (2), OFCOM must take such steps as are reasonably practicable to obtain or generate information or evidence for the purposes of the assessment.
- (8) An assessment for the purposes of this section may be included in an assessment under section 83 or 84 (as the case may be) or carried out separately."

**Member's explanatory statement**

This new clause requires OFCOM to prepare and keep up to date a list of regulated user-to-user services that have 75% of the number of users of a Category 1 service, and at least one functionality of a Category 1 service or one required combination of a functionality and another characteristic or factor of a Category 1 service.

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Paul Scully

61

- ★ Schedule 8, page 203, line 13, leave out "priority content that is harmful to adults" and insert "relevant content"

**Member's explanatory statement**

This amendment means that OFCOM can require providers of user-to-user services to include information in their transparency report about content which the terms of service say can be taken down or restricted. The reference to content that is harmful to adults is omitted, as a result of the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully

62

- ★ Schedule 8, page 203, line 15, leave out "priority content that is harmful to adults" and insert "relevant content"

**Member's explanatory statement**

This amendment means that OFCOM can require providers of user-to-user services to include information in their transparency report about content which the terms of service say can be taken down or restricted. The reference to content that is harmful to adults is omitted, as a result of the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully

63

- ★ Schedule 8, page 203, line 17, leave out “priority content that is harmful to adults” and insert “relevant content”

**Member’s explanatory statement**

This amendment means that OFCOM can require providers of user-to-user services to include information in their transparency report about content which the terms of service say can be taken down or restricted. The reference to content that is harmful to adults is omitted, as a result of the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully

64

- ★ Schedule 8, page 203, line 21, leave out from “or” to end of line 23 and insert “relevant content”

**Member’s explanatory statement**

This amendment means that OFCOM can require providers of user-to-user services to include information in their transparency report about user reporting of content which the terms of service say can be taken down or restricted. The reference to content that is harmful to adults is omitted, as a result of the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully

65

- ★ Schedule 8, page 203, line 25, leave out “priority content that is harmful to adults” and insert “relevant content”

**Member’s explanatory statement**

This amendment means that OFCOM can require providers of user-to-user services to include information in their transparency report about content which the terms of service say can be taken down or restricted. The reference to content that is harmful to adults is omitted, as a result of the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully

66

- ★ Schedule 8, page 203, line 29, leave out “priority content that is harmful to adults” and insert “relevant content”

**Member’s explanatory statement**

This amendment means that OFCOM can require providers of user-to-user services to include information in their transparency report about content which the terms of service say can be taken down or restricted. The reference to content that is harmful to adults is omitted, as a result of the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully

67

- ★ Schedule 8, page 203, line 41, at end insert—

“11A Measures taken or in use by a provider to comply with any duty set out in section (*Duty not to act against users except in accordance with terms of service*) or (*Further duties about terms of service*) (terms of service).”

**Member’s explanatory statement**

This amendment means that OFCOM can require providers of user-to-user services to include information in their transparency report about measures taken to comply with the new duties imposed by NC3 and NC4.

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Paul Scully

68

- ★ Schedule 8, page 204, line 2, leave out from “illegal content” to end of line 3 and insert “or content that is harmful to children—”

**Member’s explanatory statement**

This amendment removes the reference to content that is harmful to adults, as a result of the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully

69

- ★ Schedule 8, page 204, line 10, leave out from “illegal content” to “, and” in line 12 and insert “and content that is harmful to children”

**Member’s explanatory statement**

This amendment removes the reference to content that is harmful to adults, as a result of the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully

70

- ★ Schedule 8, page 204, line 14, leave out from “illegal content” to “present” in line 15 and insert “and content that is harmful to children”

**Member’s explanatory statement**

This amendment removes the reference to content that is harmful to adults, as a result of the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully 71

- ★ Schedule 8, page 205, line 38, after “Part 3” insert “or Chapters 1 to 2A of Part 4”

**Member’s explanatory statement**

This amendment requires OFCOM, in considering which information to require from a provider in a transparency report, to consider whether the provider is subject to the duties imposed by Chapter 2A, which is the new Chapter expected to be formed by NC3 to NC6 (and Chapter 1 of Part 4).

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Paul Scully 72

- ★ Schedule 8, page 206, line 5, at end insert—

“35A(1)For the purposes of this Schedule, content of a particular kind is “relevant content” if—

- (a) a term of service, other than a term of service within sub-paragraph (2), states that a provider may or will take down content of that kind from the service or restrict users’ access to content of that kind, and
  - (b) it is regulated user-generated content.
- (2) The terms of service within this sub-paragraph are as follows—
- (a) terms of service which make provision of the kind mentioned in section 9(5) (protecting individuals from illegal content) or 11(5) (protecting children from content that is harmful to children);
  - (b) terms of service which deal with the treatment of consumer content.
- (3) References in this Schedule to relevant content are to content that is relevant content in relation to the service in question.”

**Member’s explanatory statement**

This amendment defines “relevant content” for the purposes of Schedule 8.

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Paul Scully 73

- ★ Schedule 8, page 206, line 6, at end insert—

““consumer content” has the same meaning as in Chapter 2A of Part 4 (see section (*Interpretation of this Chapter*)(3));”

**Member’s explanatory statement**

This amendment defines “consumer content” for the purposes of Schedule 8.

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Paul Scully 74

- ★ Schedule 8, page 206, leave out lines 7 and 8

**Member’s explanatory statement**

This amendment is consequential on Amendment 41 (removal of clause 55).

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Paul Scully

75

- ★ Schedule 8, page 206, line 12, at end insert—

““regulated user-generated content” has the same meaning as in Part 3 (see section 50), and references to such content are to content that is regulated user-generated content in relation to the service in question;”

**Member’s explanatory statement**

This amendment defines “regulated user-generated content” for the purposes of Schedule 8.

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Paul Scully

76

- ★ Schedule 11, page 213, line 11, at end insert “, and

- (c) any other characteristics of that part of the service or factors relating to that part of the service that the Secretary of State considers relevant.”

**Member’s explanatory statement**

This amendment provides that regulations specifying Category 1 threshold conditions for the user-to-user part of regulated user-to-user services must also include conditions relating to any other characteristics of that part of the service or factors relating to that part of the service that the Secretary of State considers relevant.

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Paul Scully

77

- ★ Schedule 11, page 213, line 16, after “other” insert “characteristics of the search engine or”

**Member’s explanatory statement**

This amendment provides that regulations specifying Category 2A threshold conditions for the search engine of regulated search services must also include conditions relating to any other characteristics of the search engine that the Secretary of State considers relevant.

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Paul Scully

78

- ★ Schedule 11, page 213, line 23, after “other” insert “characteristics of that part of the service or”

**Member’s explanatory statement**

This amendment provides that regulations specifying Category 2B threshold conditions for the user-to-user part of regulated user-to-user services must also include conditions relating to any other characteristics of that part of the service that the Secretary of State considers relevant.

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Paul Scully 79

- ★ Schedule 11, page 213, line 36, leave out from “on” to “disseminated” in line 37 and insert “how easily, quickly and widely regulated user-generated content is”

**Member’s explanatory statement**

This amendment provides that in making regulations specifying Category 1 threshold conditions the Secretary of State must take into account the impact of certain matters in relation to which conditions must be specified on how easily, quickly and widely regulated user-generated content is disseminated by means of the service.

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Paul Scully 80

- ★ Schedule 11, page 214, line 2, leave out from “illegal content” to “disseminated” in line 3 and insert “and content that is harmful to children”

**Member’s explanatory statement**

This amendment is consequential on the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully 81

- ★ Schedule 11, page 214, line 12, leave out “the relationship between”

**Member’s explanatory statement**

This amendment is consequential on Amendment 83 (which provides for additional matters that OFCOM must carry out research into).

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Paul Scully 82

- ★ Schedule 11, page 214, line 13, leave out from beginning to “by” and insert “how easily, quickly and widely regulated user-generated content is disseminated”

**Member’s explanatory statement**

This amendment provides that research required to be carried out by OFCOM before regulations specifying Category 1 threshold conditions may be made must include research into how easily, quickly and widely regulated user-generated content is disseminated by means of regulated user-to-user services.

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Paul Scully 83

- ★ Schedule 11, page 214, line 16, at end insert “, and
  - (c) such other characteristics of that part of such services or factors relating to that part of such services as OFCOM consider to be relevant to specifying the Category 1 threshold conditions.”

**Member's explanatory statement**

This amendment provides that research required to be carried out by OFCOM before regulations specifying Category 1 threshold conditions may be made must include research into other characteristics or factors of the user-to-user part of regulated user-to-user services as OFCOM consider relevant to specifying the Category 1 threshold conditions.

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Paul Scully

84

- ★ Schedule 11, page 214, line 24, after "other" insert "characteristics or"

**Member's explanatory statement**

This amendment provides that research required to be carried out by OFCOM before regulations specifying Category 2A threshold conditions may be made must also include research into characteristics of the search engine of regulated search services and combined services as OFCOM consider relevant to specifying the Category 2A threshold conditions.

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Paul Scully

85

- ★ Schedule 11, page 214, line 29, leave out from "illegal content" to "by" in line 30 and insert "and content that is harmful to children"

**Member's explanatory statement**

This amendment is consequential on the removal of the adult safety duties (see Amendments 6, 7 and 41).

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Paul Scully

86

- ★ Schedule 11, page 214, line 34, leave out "factors" and insert "characteristics of that part of such services or factors relating to that part of such services"

**Member's explanatory statement**

This amendment provides that research required to be carried out by OFCOM before regulations specifying Category 2B threshold conditions may be made must include research into such other characteristics of the user-to-user part of regulated user-to-user services as OFCOM consider relevant to specifying the Category 2B threshold conditions.

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Paul Scully

87

- ★ Schedule 11, page 214, leave out lines 40 to 42

**Member's explanatory statement**

This amendment and Amendments 88 to 90 (which provide that OFCOM's advice as to what provision is appropriate for regulations under paragraph 1(1), (2) or (3) of Schedule 11 to make, may include advice that the regulations include other characteristics or factors) are consequential on Amendments 76 to 78.

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Paul Scully 88

- ★ Schedule 11, page 214, line 44, at beginning insert “characteristic or”

**Member’s explanatory statement**

This amendment and Amendments 87, 89 and 90 (which provide that OFCOM’s advice as to what provision is appropriate for regulations under paragraph 1(1), (2) or (3) of Schedule 11 to make, may include advice that the regulations include other characteristics or factors) are consequential on Amendments 76 to 78.

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Paul Scully 89

- ★ Schedule 11, page 214, line 45, leave out “1(3)” and insert “1(1) or (3)”

**Member’s explanatory statement**

This amendment and Amendments 87, 88 and 90 (which provide that OFCOM’s advice as to what provision is appropriate for regulations under paragraph 1(1), (2) or (3) of Schedule 11 to make, may include advice that the regulations include other characteristics or factors) are consequential on Amendments 76 to 78.

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Paul Scully 90

- ★ Schedule 11, page 214, line 45, after “other” insert “characteristic or”

**Member’s explanatory statement**

This amendment and Amendments 87 to 89 (which provide that OFCOM’s advice as to what provision is appropriate for regulations under paragraph 1(1), (2) or (3) of Schedule 11 to make, may include advice that the regulations include other characteristics or factors) are consequential on Amendments 76 to 78.

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Paul Scully 91

- ★ Schedule 11, page 216, line 38, at end insert—

“5A In this Schedule the “characteristics” of a user-to-user part of a service or a search engine include its user base, business model, governance and other systems and processes.”

**Member’s explanatory statement**

This amendment defines “characteristics” of a user-to-user part of a service or search engine for the purposes of Schedule 11.

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Paul Scully 92

- ★ Schedule 11, page 216, leave out lines 43 and 44

**Member’s explanatory statement**

This amendment is consequential on Amendment 41 (removal of clause 55).

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Paul Scully

93

- ★ Schedule 11, page 216, line 44, at end insert—

““regulated user-generated content” has the same meaning as in Part 3 (see section 50);”

**Member’s explanatory statement**

This amendment defines “regulated user-generated content” for the purposes of Schedule 11.

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Paul Scully

94

- ★ Schedule 17, page 235, line 43, leave out paragraph (c)

**Member’s explanatory statement**

This amendment is consequential on Amendment 6 (removal of clause 12).

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Paul Scully

95

- ★ Schedule 17, page 236, line 27, at end insert—

“(da) the duties set out in sections (*Duty not to act against users except in accordance with terms of service*) and (*Further duties about terms of service*) (terms of service);”

**Member’s explanatory statement**

This amendment ensures that services already regulated under Part 4B of the Communications Act 2003 (video-sharing platform services) are not required to comply with the new duties imposed by NC3 and NC4 during the transitional period.

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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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## Order of the House

**[12 July 2022]**

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.

## Order of the House

**[5 December 2022]**

That the following provisions shall apply to the Online Safety Bill for the purpose of varying and supplementing the Order of 19 April 2022 in the last session of Parliament (Online Safety Bill: Programme) as varied by the Orders of 12 July 2022 (Online Safety Bill: Programme (No.2)) and today (Online Safety Bill: Programme (No.3)).

### Re-committal

- The Bill shall be re-committed to a Public Bill Committee in respect of the following Clauses and Schedules—
  - in Part 3, Clauses 11 to 14, 17 to 20, 29, 45, 54 and 55 of the Bill as amended in Public Bill Committee;
  - in Part 4, Clause 64 of, and Schedule 8 to, the Bill as amended in Public Bill Committee;
  - in Part 7, Clauses 78, 81, 86, 89 and 112 of, and Schedule 11 to, the Bill as amended in Public Bill Committee;
  - in Part 9, Clause 150 of the Bill as amended in Public Bill Committee;
  - in Part 11, Clause 161 of the Bill as amended in Public Bill Committee;
  - in Part 12, Clauses 192, 195 and 196 of the Bill as amended in Public Bill Committee;

- (g) New Clause [Repeal of Part 4B of the Communications Act: transitional provision etc] if it has been added to the Bill and New Schedule [Video-sharing platform services: transitional provision etc] if it has been added to the Bill.

**Proceedings in Public Bill Committee on re-committal**

2. Proceedings in the Public Bill Committee on re-committal shall (so far as not previously concluded) be brought to a conclusion on Thursday 15 December 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

**Consideration following re-committal and Third Reading**

4. Proceedings on Consideration following re-committal 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 following re-committal.
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