
Lords Amendments: Tuesday 12 September 2023

Online Safety Bill

(Motions relating to Lords Amendments)

This document should be read alongside the amendments the Lords have made to this Bill and the Speaker's provisional selection and grouping.

This paper sets out motions to agree, disagree, amend or replace amendments made by the Lords.

The motions are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New Amendments: LA40 (a), LA189 (a), LA217 (a), LA231 (a) and LA391 (a)

On Consideration of Lords Amendments to the Online Safety Bill

Lords Amendment **182**

As an Amendment to the Lords Amendment:—

Secretary Michelle Donelan

(a)

Line 1, leave out “presented by content” and insert “content on”

Lords Amendment **349**

As Amendments to the Lords Amendment:—

Secretary Michelle Donelan

(a)

Line 20, at end insert—

“(qa) sections 104 to 106;”

Secretary Michelle Donelan

(b)

Line 24, at end insert—

“(ta) sections 150 and 151;”

Lords Amendment **391**

As an Amendment to the Lords Amendment:—

Secretary Michelle Donelan (a)
 Line 1, after “and” insert “at least one specified condition about”

Lords Amendment **391**

Mr Marcus Fysh

To move, That this House disagrees with the Lords in their Amendment.

Mr Marcus Fysh

To move the following Amendment to the Bill in lieu of the Lords Amendment:—

Mr Marcus Fysh (a)

★ Page 217, line 7, leave out paragraph (a) and insert—

- “(a) in relation to the Category 1 threshold conditions—
- (i) at least one specified condition about number of users and at least one specified condition about functionality must be met, or
 - (ii) at least one specified condition about number of users is met and, following an assessment, OFCOM has determined that in all the circumstances the risk of harm to individuals in the United Kingdom is such as to justify the service being included within Category 1,
- (aa) in relation to the Category 2B threshold conditions, at least one specified condition about number of users and at least one specified condition about functionality must be met, and”

Lords Amendment **391**

Secretary Michelle Donelan

To move the following consequential Amendment to the Bill:—

Secretary Michelle Donelan

(a)

Page 78, line 21, at end insert—

“(3A) If the regulations under paragraph 1(1) of Schedule 11 specify that a service meets the Category 1 threshold conditions if any one condition about number of users or functionality is met (as mentioned in paragraph 1(4)(a) of that Schedule)—

- (a) subsection (2) applies as if paragraph (b) were omitted, and
- (b) subsections (3) and (7) apply as if the reference to the conditions in subsection (2) were to the condition in subsection (2)(a).”

Lords Amendment 17

Secretary Michelle Donelan

To move, That this House disagrees with the Lords in their Amendment.

Secretary Michelle Donelan

To move the following Amendments to the Bill in lieu of the Lords Amendment:—

Secretary Michelle Donelan

(a)

Page 9, line 30, leave out paragraph (e) and insert—

- “(e) the extent to which the design of the service, in particular its functionalities, affects the level of risk of harm that might be suffered by children, identifying and assessing those functionalities that present higher levels of risk, including functionalities—
- (i) enabling adults to search for other users of the service (including children), or
 - (ii) enabling adults to contact other users (including children) by means of the service;”

As an Amendment to Secretary Michelle Donelan’s proposed Amendment (a) in lieu of the Lords Amendment:—

Marcus Fysh

(i)

Line 9, at end insert—

“but not being required to identify or assess those functionalities that do not present a significant risk, including functionalities related to multi-party computation, data exchange, verification or authentication functionalities used primarily for purposes other than communication of media or messaging content.”

Secretary Michelle Donelan

(b)

Page 9, line 38, after “used,” insert “including functionalities or other features of the service that affect how much children use the service (for example a feature that enables content to play automatically),”

Lords Amendment **20**

Secretary Michelle Donelan

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment **22**

Secretary Michelle Donelan

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment **81**

Secretary Michelle Donelan

To move, That this House disagrees with the Lords in their Amendment.

Secretary Michelle Donelan

To move the following Amendments to the Bill in lieu of the Lords Amendment:—

Secretary Michelle Donelan

(a)

Page 26, line 31, leave out paragraph (c) and insert—

“(c) the extent to which the design of the service, in particular its functionalities, affects the level of risk of harm that might be suffered by children, identifying and assessing those functionalities that present higher levels of risk, including a functionality that makes suggestions relating to users’ search requests (predictive search functionality);”

Secretary Michelle Donelan (b)

Page 26, line 33, at end insert—

“(ca) the different ways in which the service is used, including functionalities or other features of the service that affect how much children use the service, and the impact of such use on the level of risk of harm that might be suffered by children;”

Secretary Michelle Donelan (c)

Page 26, line 35, leave out “(c)” and insert “(ca)”

Lords Amendment **148**

Secretary Michelle Donelan

To move, That this House disagrees with the Lords in their Amendment.

Secretary Michelle Donelan

To move the following Amendment to the Bill in lieu of the Lords Amendment:—

Secretary Michelle Donelan (a)

Page 205, line 36, at end insert—

“Animal welfare

32A An offence under section 4(1) of the Animal Welfare Act 2006 (unnecessary suffering of an animal).”

Lords Amendment **1**

As Amendments to the Lords Amendment:—

Mr Marcus Fysh (a)

Line 6, after “providers” insert “of significant size and capacity, and with a substantial involvement in the communication of media content,”

Mr Marcus Fysh

(b)

Line 22, at end insert—

“(iv) systemic weakness and vulnerabilities relating to compliance with the duties are not introduced.”

Lords Amendment **40**

As an Amendment to the Lords Amendment:—

Siobhan Baillie
Mr David Davis
Mr William Wragg

(a)

★ Line 1, after “effectively” insert—

“(aa) enable a user to see which other users are verified and which are not,”

Lords Amendment **189**

Mr Marcus Fysh

To move, That this House disagrees with the Lords in their Amendment.

Mr Marcus Fysh

To move the following Amendment to the Bill in lieu of the Lords Amendment:—

Mr Marcus Fysh

(a)

★ Page 81, line 1, leave out subsection (3) and insert—

“(3) The power conferred by subsection (1) also includes power to require a person within any of paragraphs (a) to (d) of subsection (4) to take steps so that a person authorised by OFCOM is only able to view remotely—

(a) information, using test data, demonstrating the operation of systems, processes or features, including functionalities and algorithms, used by the service;

- (b) information, using test data, generated by a service by the performance of a test or demonstration of a kind required by a notice under subsection (1).
- (3A) The power conferred by subsection (2A)—
- (a) must not be exercised in a way that leads to the creation of systemic weaknesses or vulnerabilities in systems, processes, functionalities or algorithms associated with any service;
 - (b) does not include any requirement to—
 - (i) implement or build a new decryption capability,
 - (ii) perform one or more actions that would render systemic methods of authentication or encryption less effective, or
 - (iii) do any act or thing that would or may create a material risk that otherwise secure information would or may in the future be accessed, used, manipulated, disclosed or otherwise compromised by an unauthorised third party; and
 - (c) can only be exercised in relation to test data, and not in relation to data from consumers.
- (3B) But the power conferred by subsection (1) must be exercised in a way that is necessary and proportionate to the use to which the information is to be put in the exercise of OFCOM's functions."

Lords Amendment **217**

As an Amendment to the Lords Amendment:—

Mr David Davis
Caroline Lucas

(a)

★ Line 7, after "sources" insert ", or

(iii) circumvent end-to-end encryption on the service;"

Lords Amendment **228**

As an Amendment to the Lords Amendment:—

Mr Marcus Fysh

(a)

Line 10, at end insert—

“(1C) A proactive technology requirement may not be used in a way that creation of systemic weaknesses or vulnerabilities in systems, processes, functionalities or algorithms associated with any service.”

Lords Amendment **231**

As an Amendment to the Lords Amendment:—

Siobhan Baillie
Mr David Davis
Mr William Wragg

(a)

★ Line 9, at end insert “and—

(d) whether the inclusion of a requirement to enable a user to see which other users have verified their identity and which have not verified their identity would make the use of age assurance more effective for that purpose,”

Lords Amendment **320**

As an Amendment to the Lords Amendment:—

Mr Marcus Fysh

(a)

Line 1, after “bot” insert “except any transaction or data ordering bot used in a data exchange or multi-party computation system”

Lords Amendment **321**

As an Amendment to the Lords Amendment:—

Mr Marcus Fysh

(a)

Line 4, leave out “or images” insert “, images, programming code, transactions or data for exchange”

Online Safety Bill: Programme (No. 5)

Secretary Michelle Donelan

That the following provisions shall apply to the Online Safety Bill for the purpose of supplementing the Order of 19 April 2022 in the last session of Parliament (Online Safety Bill: Programme) as varied and supplemented by the Orders of 12 July 2022 (Online Safety Bill: Programme (No.2)), 5 December 2022 (Online Safety Bill: Programme (No.3)) and 5 December 2022 (Online Safety Bill: Programme (No.4)):

Consideration of Lords Message

1. Proceedings on the Lords Message shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement.
2. The Lords Amendments shall be considered in the following order: 182, 349, 391, 17, 20, 22, 81, 148, 1 to 16, 18, 19, 21, 23 to 80, 82 to 147, 149 to 181, 183 to 348, 350 to 390, 392 to 424.
3. Any further Message from the Lords may be considered forthwith without any Question being put.
4. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.

Withdrawn Amendments

The following amendments were withdrawn on 11 September 2023:

Amendment to LA189 (a)
