

# Online Safety Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 15**

LORD STEVENSON OF BALMACARA

Page 17, line 22, at end insert –

“(d) regulated companies have reasonable grounds to believe that the content will be in the public interest.”

***Member’s explanatory statement***

*This amendment adds to the definition of “journalistic content” for the purposes of Part 3, making clear that regulated user-to-user companies must have grounds to believe such content is in the public interest.*

**Clause 50**

LORD STEVENSON OF BALMACARA

Page 48, line 40, after “complaints” insert “in a timely manner”

***Member’s explanatory statement***

*This amendment changes the definition of “recognised news publisher” to only capture those organisations who have policies and procedures for handling and resolving complaints in a timely manner.*

**Clause 58**

LORD STEVENSON OF BALMACARA

Page 55, line 10, leave out subsections (2) and (3) and insert –

“(2) In producing the guidance (including revised or replacement guidance), OFCOM must have regard to –

- (a) ensuring providers offer forms of identity verification which are likely to be accessible to vulnerable adult users and users with protected characteristics under the Equality Act 2010,
- (b) promoting competition, user choice, and interoperability in the provision of identity verification,

**Clause 58 - continued**

- (c) protection of rights, including rights to privacy, freedom of expression, safety, access to information, and the rights of children, and
  - (d) alignment with other relevant guidance and regulation, including with regards to age assurance and age verification.
- (3) In producing the guidance (including revised or replacement guidance), OFCOM must set minimum standards for the forms of identity verification which Category 1 services must offer, addressing—
- (a) effectiveness,
  - (b) privacy and security,
  - (c) accessibility,
  - (d) timeframes for disclosure to law enforcement in case of criminal investigations,
  - (e) transparency for the purposes of research and independent auditing, and
  - (f) user appeal and redress mechanisms.
- (3A) Before producing the guidance (including revised or replacement guidance), OFCOM must consult—
- (a) the Information Commissioner,
  - (b) the Digital Markets Unit,
  - (c) persons whom OFCOM consider to have technological expertise relevant to the duty set out in section 57(1),
  - (d) persons who appear to OFCOM to represent the interests of users, including (but not limited to) vulnerable adult users of Category 1 services, and
  - (e) such other persons as OFCOM consider appropriate.”

***Member’s explanatory statement***

*This amendment would require Ofcom to set a framework of principles and minimum standards for the user verification duty.*

**Clause 110**

LORD STEVENSON OF BALMACARA

Page 93, line 34, after “so,” insert “and, in relation to encrypted messaging services, if relevant requirements under the Regulation of Investigatory Powers Act 2000 have been satisfied,”

***Member’s explanatory statement***

*This amendment is to probe whether Ofcom will have to satisfy any of the requirements under the Regulation of Investigatory Powers Act 2000 before giving a notice to a regulated service which offers private messaging with end-to-end encryption.*

**Clause 139**

LORD KNIGHT OF WEYMOUTH

Page 124, line 42, at end insert –

- “(6) OFCOM must establish the committee within the period of 6 months beginning with the day on which this Act is passed.”

***Member’s explanatory statement***

*This amendment would require Ofcom to establish the advisory committee on disinformation and misinformation within 6 months of the Bill being passed.*

**Before Clause 148**

LORD STEVENSON OF BALMACARA

Insert the following new Clause –

**“General procedure**

- (1) An appeal to the Upper Tribunal under section 148 or 149 must be commenced by sending a notice of appeal to the court.
- (2) The notice of appeal must set out the grounds of appeal in sufficient detail to indicate –
  - (a) under which provision of this Act the appeal is to be brought;
  - (b) to what extent (if any) the appellant contends that the decision against, or with respect to which, the appeal is brought was based on an error of fact or was wrong in law; and
  - (c) to what extent (if any) the appellant is appealing against OFCOM’s exercise of its discretion in making the disputed decision.
- (3) The Upper Tribunal may give an appellant leave to amend the grounds of appeal identified in the notice of appeal.”

***Member’s explanatory statement***

*This amendment introduces additional procedural steps to be followed when the Upper Tribunal considers an appeal under Clauses 148 and 149.*

**Clause 148**

LORD STEVENSON OF BALMACARA

Page 130, line 36, leave out subsections (5) to (7) and insert –

- “(5) The Upper Tribunal must decide the appeal on the merits by reference to the grounds of appeal set out in the notice of the appeal.
- (6) On an appeal under this section the Upper Tribunal may consider any evidence relating to the subject-matter of the appeal, whether or not it was available to OFCOM at the material time.
  - (7) On an appeal under this section, the Upper Tribunal may confirm or set aside the decision which is the subject of the appeal, or any part of it, and may –
    - (a) remit the matter to OFCOM for reconsideration with such directions (if any) as the Tribunal considers appropriate,

**Clause 148 - continued**

- (b) direct OFCOM to amend the register under section 86 to add or remove services, or
  - (c) make any other decision which OFCOM could itself have made.
- (8) On determining an appeal under this section the Upper Tribunal must remit the decision to OFCOM for reconsideration with such directions (if any) as the Tribunal considers appropriate.”

***Member’s explanatory statement***

*This amendment makes a series of changes to the Upper Tribunal appeals process outlined in Clause 148.*

**Clause 149**

## LORD STEVENSON OF BALMACARA

Page 131, line 8, leave out from beginning of line to end of line 22 and insert—

“may be brought by the provider of the service to which the notice or decision relates and any eligible entity (for the purpose of section 150) with a sufficient interest in the decision.

- (2) An appeal under subsection (1) by a person other than the person given the notice or decision in question may be brought only with the permission (or leave) of the Upper Tribunal.
- (3) On an appeal under this section the Upper Tribunal may consider any evidence relating to the subject-matter of the appeal, whether or not it was available to OFCOM at the material time.
- (4) The Upper Tribunal must decide the appeal on the merits by reference to the grounds of appeal set out in the notice of the appeal.
- (5) On an appeal under this section, the Upper Tribunal may confirm or set aside the decision which is the subject of the appeal, or any part of it, and may—
  - (a) remit the matter to OFCOM for reconsideration with such directions (if any) as the Tribunal considers appropriate,
  - (b) impose or revoke, or vary the amount of, a penalty,
  - (c) give such directions or take such other steps as OFCOM could itself have given or taken, or
  - (d) make any other decision which OFCOM could itself have made.
- (5A) On determining an appeal under this section the Upper Tribunal must remit the decision to OFCOM for reconsideration with such directions (if any) as the Tribunal considers appropriate.”

***Member’s explanatory statement***

*This amendment makes a series of changes to the Upper Tribunal appeals process outlined in Clause 149.*

**Clause 170**

LORD STEVENSON OF BALMACARA

Page 145, line 1, leave out subsections (3) and (4) and insert –

- “(3) Relevant information for the purposes of subsection (2) includes, but is not limited to, information about any complaints concerning the content in question made to a provider by any person in accordance with any complaints procedures within the scope of this Act.
- (4) Subsection (5) applies (as well as subsections (2) and (3)) in relation to judgements.”

***Member’s explanatory statement***

*This amendment, and another in Lord Stevenson's name to page 145, line 15, seek to give Ofcom more discretion to determine how platforms should identify illegal content.*

Page 145, line 15, leave out subsections (6) to (8)

**Clause 207**

LORD STEVENSON OF BALMACARA

Page 171, line 32, at end insert –

““user identity verification” means a system or process designed to enable a user to prove their identity, for purposes of establishing that they are a genuine, unique, human user of the service, and that the name associated with their profile is their real name, and references to “identify verification” and similar phrases are to be construed accordingly;”

***Member’s explanatory statement***

*This amendment adds a definition of “user identity verification” to the list of terms defined in Clause 207.*

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*3 February 2023*

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