

Online Safety Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 12

THE LORD BISHOP OF OXFORD
LORD CLEMENT-JONES

Page 13, line 32, at end insert—

- “(16) Services to which these duties apply must make a suitable and sufficient assessment of the extent to which they have carried out the duties in this section including in each assessment material changes from the previous assessment such as new or removed user empowerment features.
- (17) An assessment under subsection (16) must be carried out and sent to OFCOM every six months after the commencement of this Chapter.”

Member’s explanatory statement

This amendment strengthens the Triple Shield by requiring service providers to assess how well the user empowerment duty is working and to report to OFCOM.

Schedule 4

LORD STEVENSON OF BALMACARA

Page 195, line 17, leave out “than for” and insert “, women and girls, and vulnerable adults (including but not limited to those with disabilities), than for other”

Member’s explanatory statement

This amendment alters one of the online safety objectives outlined in Schedule 4, making clear that women and girls and vulnerable adults should also be afforded a higher standard of protection than other adult users.

After Clause 65

THE LORD BISHOP OF OXFORD
LORD CLEMENT-JONES

Insert the following new Clause—

“Provider assessment of duties under sections 64 and 65

- (1) Providers of Category 1 services must carry out a suitable and sufficient assessment of the extent to which they have carried out the duties under sections 64 and 65 ensuring that assessment reflects any material changes to terms of service.
- (2) An assessment under subsection (1) must be sent to OFCOM every six months after the commencement of this Chapter.”

Member’s explanatory statement

This amendment strengthens the Triple Shield by requiring companies to assess how their terms of service duties are being delivered and report to OFCOM.

Clause 89

THE LORD BISHOP OF OXFORD
LORD CLEMENT-JONES

Page 79, line 4, at end insert—

- “(d) the risk of future harm to individuals in the United Kingdom from the operation of Part 3 services;
 - (e) the risk of future harm to individuals in the United Kingdom from the regulatory regime being insufficiently future-proofed.
- (1A) Risk assessments under paragraph (1)(e) must identify areas where the regulatory regime is not future-proofed and the risks arising from these areas.”

Member’s explanatory statement

This amendment would require OFCOM to carry out a broad risk assessment (for the purpose of future-proofing only) to fully inform the Secretary of State’s periodic review of the regime. The risk assessment is not linked to enforcement action and will not impact freedom of expression.

After Clause 142

LORD KNIGHT OF WEYMOUTH
BARONESS KIDRON
BARONESS NEWLOVE

Insert the following new Clause—

“Establishment of the Advocacy Body for Children

- (1) There is to be a body corporate (“the Advocacy Body for Children”) to represent the interests of child users of regulated services.
- (2) A “child user” —
 - (a) means any person aged 17 years or under who uses or is likely to use regulated internet services, and

After Clause 142 - continued

- (b) includes both any existing child user and any future child user.
- (3) The functions of the Advocacy Body for Children must include, in relation to regulated services –
 - (a) representing the interests of child users;
 - (b) the protection and promotion of those interests;
 - (c) monitoring implications of this Act’s implementation for those interests;
 - (d) consideration of children’s rights under the United Nations Convention on the Rights of the Child, including (but not limited to) their participation rights;
 - (e) any other matter connected with those interests.
- (4) The “interests of child users” means the interests of children in relation to the discharge by any regulated company of its duties under this Act, including –
 - (a) safety duties about illegal content, in particular CSEA content,
 - (b) safety duties protecting children,
 - (c) children’s access assessment duties, and
 - (d) other enforceable requirements relating to children.
- (5) The Advocacy Body for Children must –
 - (a) have due regard to the interests of child users that display one or more protected characteristics within the meaning of the Equality Act 2010,
 - (b) assess emerging threats to child users of regulated services and bring information regarding those threats to OFCOM, and
 - (c) publish an annual report related to the interests of child users.
- (6) The Advocacy Body for Children may undertake research on its own account.
- (7) The Advocacy Body for Children is to be defined as a statutory consultee for OFCOM’s regulatory decisions which impact upon the interests of children.
- (8) To establish the Advocacy Body for Children, OFCOM must –
 - (a) appoint an organisation or organisations known to represent all children in the United Kingdom to be designated with the functions under this section, or
 - (b) create an organisation to carry out the designated functions.
- (9) The governance functions of the Advocacy Body for Children must –
 - (a) with the exception of the approval of its budget, remain independent of OFCOM, and
 - (b) include representation of child users by young people under the age of 25 years.
- (10) The budget of the Advocacy Body for Children will be subject to annual approval by the board of OFCOM.
- (11) The Secretary of State must give directions to OFCOM as to how it should recover the costs relating to the expenses of the Advocacy Body for Children, or the Secretary of State in relation to the establishment of the Advocacy Body, through the provisions to require a provider of a regulated service to pay a fee (as set out in section 75).”

Member's explanatory statement

This new Clause would require Ofcom to establish a new advocacy body for child users of regulated internet services to represent, protect and promote their interests.

Clause 145

BARONESS FRASER OF CRAIGMADDIE

Page 127, line 41, at end insert –

- “(za) separate analyses of online experiences in respect of users in –
- (i) England,
 - (ii) Wales,
 - (iii) Scotland, and
 - (iv) Northern Ireland,”

After Clause 147

THE LORD BISHOP OF OXFORD
LORD CLEMENT-JONES
VISCOUNT COLVILLE OF CULROSS

Insert the following new Clause –

“Future management of risk

- (1) OFCOM must produce a report on trends in risk of harm to individuals in the United Kingdom presented by regulated services, as well as approaches to minimising any such risk.
- (2) The report may recommend amendments to the regime to keep it up to date by bringing new types of harm into scope, or to remove existing areas from scope where risks are no longer evident, where OFCOM consider it would be prudent to amend.
- (3) The report may make reference to any reports by OFCOM under section 56 (regulations under section 54: OFCOM review and report).”

Member's explanatory statement

This amendment would strengthen future-proofing of the regime by requiring OFCOM to produce a forward-looking report based on a risk assessment to inform the Secretary of State's review of the regime.

Clause 154

BARONESS BENNETT OF MANOR CASTLE

Page 134, line 5, at end insert –

- “(aa) an advisory board consisting of people aged 25 and under,”

Member's explanatory statement

This would require the Secretary of State to consult with young people when setting the government's strategic priorities relating to online safety.

Clause 155

BARONESS BENNETT OF MANOR CASTLE

Page 134, line 32, at end insert –

“(aa) a minimum of two members aged 25 and under,”

Member’s explanatory statement

This would require OFCOM advisory committees established under clause 155 to include at least two young people.

Clause 159

THE LORD BISHOP OF OXFORD

LORD CLEMENT-JONES

Page 137, line 4, leave out “content on”

Member’s explanatory statement

This amendment would allow the Secretary of State to include in the review of the regime harm caused by all aspects caused by operation of services (such as service design) not just content of services.

BARONESS BENNETT OF MANOR CASTLE

Page 137, line 28, at end insert –

“(aa) an advisory board consisting of people aged 25 and under,”

Member’s explanatory statement

This would require the Secretary of State to consult with young people when reviewing the effectiveness and proportionality of this legislation.

THE LORD BISHOP OF OXFORD

LORD CLEMENT-JONES

Page 137, line 32, at end insert –

“(6A) In carrying out the review, the Secretary of State must take into account any report published by OFCOM under section (*Future management of risk*).”

Member’s explanatory statement

This amendment, along with the amendment in the name of the Lord Bishop of Oxford at page 137, line 4, would ensure that the scope of a future review of the OSB regime by the SoS makes a broad assessment of the harms arising from regulated services, not just regulated content on them. It would also ensure consideration of risk management and whether the regime needs expanding or contracting.

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1 March 2023
