

# Online Safety Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Schedule 1**

LORD MOYLAN

Page 182, line 2, at end insert –

*“Services provided for public benefit*

- 10A A user-to-user service or a search service is exempt if it is provided for the purpose of indexing, manipulation, discussion and making available of content in the public interest, including but not limited to historical, academic, artistic, educational, encyclopaedic, journalistic, and statistical content.

*Services provided by SMEs*

- 10B A user-to-user service or a search service is exempt if the provider is a small business or a micro business, as those terms are defined in section 33 of the Small Business, Enterprise and Employment Act 2015, read with any regulations under that section.”

***Member’s explanatory statement***

*This amendment exempts SMEs, and organisations working to benefit the public, from regulations contained in the Bill. This is without prejudice to their existing, qualified liability if they distribute unlawful content - such as under the Defamation Act 2013, the Defamation and Malicious Publication (Scotland) Act 2021, or counter-terrorist legislation - which remains unchanged.*

**Clause 4**

LORD MOYLAN

Page 4, line 8, at end insert –

“(2A) This Act does not apply in relation to moderation actions taken, or not taken, by users of a Part 3 service.”

**Member's explanatory statement**

*The drafting of some Bill provisions, such as Clauses 17(4)(c) or 65(1), leaves room for debate as to whether community moderation gives rise to liability and obligations for the provider. This amendment, along with the other amendment to Clause 4 in the name of Lord Moylan, clarifies that moderation carried out by the public, for example on Wikipedia, is not fettered by this Bill.*

Page 4, line 9, at end insert –

““moderation action” means –

- (a) in respect of content, the taking down of, restriction of access to, or taking of other actions (for example, adding warning labels) in respect of, such content; or
- (b) in respect of another person, the giving of a warning to such a person, or suspension or banning of that person, or in any way restricting such a person's ability to use a service.”

**Member's explanatory statement**

*The drafting of some Bill provisions, such as Clauses 17(4)(c) or 65(1), leaves room for debate as to whether community moderation gives rise to liability and obligations for the provider. This amendment, along with the other amendment to Clause 4 in the name of Lord Moylan, clarifies that moderation carried out by the public, for example on Wikipedia, is not fettered by this Bill.*

**Clause 9**

LORD MOYLAN

Page 7, line 30, leave out “prevent individuals from” and insert “protect individuals from harms arising due to them”

**Member's explanatory statement**

*This amendment, along with the other amendment to Clause 9 in the name of Lord Moylan, adds a requirement to protect individuals from harm, rather than monitoring, prior restraint and/or denial of access. Further obligations to mitigate and manage harm, including to remove unlawful content that is signalled to the service provider, are unchanged by this amendment.*

Page 7, line 40, leave out paragraphs (a) and (b) and insert “take down illegal content, swiftly after the provider is specifically alerted to the presence of that content and its illegality, or becomes aware of it in any other way”.

**Member's explanatory statement**

*This amendment, along with the other amendment to Clause 9 in the name of Lord Moylan, adds a requirement to protect individuals from harm, rather than monitoring, prior restraint and/or denial of access. Further obligations to mitigate and manage harm, including to remove unlawful content that is signalled to the service provider, are unchanged by this amendment.*

**Clause 11**

LORD MOYLAN

Page 10, line 14, leave out subsection (3)

**Member's explanatory statement**

*This amendment removes requirements for age-verification of all users (adult and minors alike) before they access regulated search engines and user-to-user services. Other obligations to mitigate and manage harm are unchanged. For some platforms, the latter may include age verification, but it would not be a universal expectation for all services subject to the Act.*

**Clause 12**

LORD MOYLAN

Page 12, line 24, leave out subsection (6)

**Member's explanatory statement**

*This amendment, along with the other amendment to Clause 12 in the name of Lord Moylan, removes requirements on sites to display, on demand, only the parts of a conversation (or in the case of collaboratively-edited content, only the parts of a paragraph, sentence or article) that were written by "verified" users, and to prevent other users from amending (e.g. improving), or otherwise interacting with, such contributions.*

Page 12, line 26, leave out subsection (7)

**Member's explanatory statement**

*This amendment, along with the other amendment to Clause 12 in the name of Lord Moylan, removes requirements on sites to display, on demand, only the parts of a conversation (or in the case of collaboratively-edited content, only the parts of a paragraph, sentence or article) that were written by "verified" users, and to prevent other users from amending (e.g. improving), or otherwise interacting with, such contributions.*

**Clause 33**

LORD LUCAS

Page 34, line 11, at end insert –

- “(d) provide a specified authority with specified information in a specified form related to the fraudulent advertisement and to the person who sought to place it on the service.”

**Member's explanatory statement**

*This amendment is to make possible a flow of information to the UK authorities to enable them to analyse the flow of fraudulent advertisements and to help take action against those promoting them.*

**Clause 34**

LORD LUCAS

Page 35, line 11, at end insert –

- “(d) provide a specified authority with specified information in a specified form related to the fraudulent advertisement and to the person who sought to place it on the service.”

***Member's explanatory statement***

*This amendment is to make possible a flow of information to the UK authorities to enable them to analyse the flow of fraudulent advertisements and to help take action against those promoting them.*

**Clause 57**

LORD MOYLAN

Page 54, line 25, leave out “must” and insert “may”

***Member's explanatory statement***

*This amendment, along with the other amendment to Clause 57 in the name of Lord Moylan, is consequential to the amendments proposed to Clause 12 in the name of Lord Moylan. Together they remove compulsory identity verification, with the intention of reducing the amount of personal data transacted.*

Page 54, line 29, after “provided” insert “or other personal data to be processed”

***Member's explanatory statement***

*This amendment, along with the other amendment to Clause 57 in the name of Lord Moylan, is consequential to the amendments proposed to Clause 12 in the name of Lord Moylan. Together they remove compulsory identity verification, with the intention of reducing the amount of personal data transacted.*

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*27 March 2023*

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