

# Online Safety Bill

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*[With Amendments 236C and 237, omitted in error, reinstated]*

CORRECTED FIFTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*The amendments have been marshalled in accordance with the Order of 4th July 2023, as follows –*

Clause 1	Schedule 15
Clauses 162 to 172	Clauses 178 to 189
Schedule 14	Schedule 16
Clauses 2 and 3	Clauses 190 and 191
Schedules 1 and 2	Schedule 17
Clauses 4 to 31	Clauses 192 to 201
Schedule 3	Clauses 74 to 80
Clauses 32 to 37	Schedule 10
Schedule 4	Clauses 81 to 85
Clauses 38 to 53	Schedule 11
Schedules 5 to 7	Clauses 86 to 97
Clauses 54 to 68	Schedule 12
Schedule 8	Clauses 98 to 132
Clauses 69 to 71	Schedule 13
Schedule 9	Clauses 133 to 149
Clauses 72 and 73	Clauses 202 to 216
Clauses 150 to 161	Title.
Clauses 173 to 177	

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**After Clause 194**

LORD PARKINSON OF WHITLEY BAY

**236C**

Insert the following new Clause –

**“Power to impose duty about alternative dispute resolution procedure**

- (1) The Secretary of State may by regulations amend this Act for or in connection with the imposition on providers of Category 1 services of an ADR duty.
- (2) An “ADR duty” –

**After Clause 194 - continued**

- (a) is a duty requiring providers of Category 1 services to arrange for and engage in an alternative dispute resolution procedure in specified circumstances for the resolution of disputes about their handling of relevant complaints, and
  - (b) may include a duty requiring such providers to meet the costs incurred by any other person in using a dispute resolution procedure which is so arranged.
- (3) Complaints are “relevant” for the purposes of subsection (2)(a) if they –
- (a) relate to a Category 1 service,
  - (b) are of a specified kind, and
  - (c) are made by persons of a specified kind.
- (4) Regulations under this section may not be made before the publication of a statement by the Secretary of State responding to OFCOM’s report under section (*OFCOM’s report about reporting and complaints procedures*)(report about reporting and complaints procedures in use by providers of Part 3 services: see subsection (10) of that section).
- (5) Before making regulations under this section the Secretary of State must consult –
- (a) OFCOM,
  - (b) the Information Commissioner, and
  - (c) such other persons as the Secretary of State considers appropriate.
- (6) If the power conferred by subsection (1) is exercised, the first regulations made under the power must –
- (a) require the use of a dispute resolution procedure which is impartial, and
  - (b) prohibit the use of a dispute resolution procedure which restricts or excludes the availability of civil proceedings.
- (7) Provision made by regulations under this section may have the effect that the duties set out in any or all of sections 17, 18 and 19 which apply in relation to duties imposed by other provisions of Chapter 2 of Part 3 are also to apply in relation to the ADR duty, and accordingly the regulations may amend –
- (a) section 17(6),
  - (b) the definition of “safety measures and policies” in section 18(8), or
  - (c) the definition of “relevant duties” in section 19(10).
- (8) The provisions of this Act that may be amended by the regulations in connection with the imposition of the ADR duty include, but are not limited to, the following provisions (in addition to those mentioned in subsection (7)) –
- (a) section 6(5),
  - (b) section 94(12)(a), and
  - (c) section 120(2).
- (9) If the power conferred by subsection (1) is exercised, the first regulations made under the power must require OFCOM to –
- (a) produce and publish guidance for providers of Category 1 services to assist them in complying with the ADR duty, and

**After Clause 194 - continued**

- (b) consult the Secretary of State, the Information Commissioner and such other persons as OFCOM consider appropriate before producing the guidance.
- (10) Section 184(1) applies for the purposes of the references to Category 1 services in this section.
- (11) In this section “specified” means specified in regulations under this section.
- (12) For the meaning of “Category 1 service”, see section 86 (register of categories of services).”

**Member’s explanatory statement**

*This amendment provides that the Secretary of State may make regulations amending this Bill so as to impose a new duty on providers of Category 1 services to arrange for and engage in an out of court, impartial dispute resolution procedure. The regulations may not be made until the Secretary of State has responded to OFCOM’s report about content reporting and complaints procedures under the new clause proposed to be inserted after Clause 147 in my name.*

**After Clause 195**

## LORD PARKINSON OF WHITLEY BAY

237

Insert the following new Clause—

**“Powers to amend sections (“Primary priority content that is harmful to children”) and (“Priority content that is harmful to children”)**

- (1) The Secretary of State may by regulations amend—
  - (a) section (“Primary priority content that is harmful to children”) (primary priority content that is harmful to children);
  - (b) section (“Priority content that is harmful to children”) (priority content that is harmful to children).

But the power to add a kind of content is limited by subsections (2) to (4).

- (2) A kind of content may be added to section (“Primary priority content that is harmful to children”) only if the Secretary of State considers that, in relation to Part 3 services—
  - (a) there is a material risk of significant harm to an appreciable number of children presented by content of that kind that is regulated user-generated content or search content, and
  - (b) it is appropriate for the duties set out in sections 11(3)(a) and 25(3)(a) (duty in relation to children of all ages) to apply in relation to content of that kind.
- (3) A kind of content may be added to section (“Priority content that is harmful to children”) only if the Secretary of State considers that, in relation to Part 3 services, there is a material risk of significant harm to an appreciable number of children presented by content of that kind that is regulated user-generated content or search content.
- (4) A kind of content may not be added to section (“Primary priority content that is harmful to children”) or (“Priority content that is harmful to children”) if the risk of harm presented by content of that kind flows from—

**After Clause 195 - continued**

- (a) the content's potential financial impact,
  - (b) the safety or quality of goods featured in the content, or
  - (c) the way in which a service featured in the content may be performed (for example, in the case of the performance of a service by a person not qualified to perform it).
- (5) The Secretary of State must consult OFCOM before making regulations under this section.
- (6) In this section references to children are to children in the United Kingdom.
- (7) In this section—
- “regulated user-generated content” has the same meaning as in Part 3 (see section 49);
  - “search content” has the same meaning as in Part 3 (see section 51).”

***Member's explanatory statement***

*This amendment gives power for the Secretary of State to make regulations changing the kinds of content that count as primary priority content and priority content harmful to children, subject to certain constraints set out in the Clause.*

**After Clause 198**

LORD BETHELL  
LORD CLEMENT-JONES  
BARONESS NEVILLE-JONES

**237ZA** Insert the following new Clause—

**“Power to make provision about access to information by researchers**

After the report prepared under section 148 is laid before Parliament, the Secretary of State may by regulations—

- (a) make provision for the proportionate and safe access by independent researchers to information about the systems and processes of regulated services;
- (b) make provision enabling persons that meet certain conditions to become vetted independent researchers;
- (c) make provision designating a public body to manage and provide oversight of access by researchers.”

***Member's explanatory statement***

*This new Clause provides powers to the Secretary of State to introduce new subsequent regulations giving effect to any recommendations in OFCOM's report about researchers' access to information which is required under section 148.*

**Clause 200**

LORD PARKINSON OF WHITLEY BAY

**237A** Page 168, line 5, after “State” insert “or OFCOM”

**Member's explanatory statement**

*This amendment has the effect that regulations made by OFCOM under the Bill must be made by statutory instrument.*

**237B** Page 168, line 6, at end insert –

“(3A) The Statutory Instruments Act 1946 applies in relation to OFCOM’s powers to make regulations under this Act as if OFCOM were a Minister of the Crown.

(3B) The Documentary Evidence Act 1868 (proof of orders and regulations etc) has effect as if –

(a) OFCOM were included in the first column of the Schedule to that Act;

(b) OFCOM and persons authorised to act on their behalf were mentioned in the second column of that Schedule.”

**Member's explanatory statement**

*This amendment makes technical provision in relation to regulations made by OFCOM under the Bill.*

**Clause 201**

## LORD PARKINSON OF WHITLEY BAY

**237C** Page 168, line 11, at end insert –

“(aa) regulations under section (“Regulations by OFCOM about qualifying worldwide revenue etc”)(1),”

**Member's explanatory statement**

*This amendment provides that regulations made by OFCOM under subsection (1) of the new Clause 76 proposed in my name regarding “qualifying worldwide revenue” etc are subject to the affirmative Parliamentary procedure.*

**237D** Page 168, line 14, at end insert –

“(da) regulations under section (Power to regulate app stores)(1),”

**Member's explanatory statement**

*This amendment provides that regulations made under the new Clause proposed in my name after Clause 194 are subject to the affirmative Parliamentary procedure.*

**237DA** Page 168, line 14, at end insert –

“(da) regulations under section (Power to impose duty about alternative dispute resolution procedure)(1),”

**Member's explanatory statement**

*This amendment provides that regulations made under the new Clause proposed to be inserted in my name after Clause 194, concerning regulations to impose a duty on providers of Category 1 services about using an alternative dispute resolution procedure, are subject to the affirmative Parliamentary procedure.*

## LORD BETHELL

**237DB** Page 168, line 18, at end insert –

“(ha) regulations under section (*Power to make provision about access to information by researchers*),”

## LORD PARKINSON OF WHITLEY BAY

**237E** Page 168, line 23, at end insert –

“(m) regulations under paragraph 5(9) of Schedule 13,”

***Member’s explanatory statement***

*This amendment provides that regulations made by OFCOM under paragraph 5(9) of Schedule 13 regarding “qualifying worldwide revenue” etc for the purposes of that paragraph are subject to the affirmative Parliamentary procedure.*

**238** Page 168, line 26, leave out “54(2) or (3)” and insert “(Powers to amend sections (“Primary priority content that is harmful to children”) and (“Priority content that is harmful to children”))(1)”

***Member’s explanatory statement***

*This amendment ensures that regulations made under the new Clause proposed to be inserted after Clause 195 in my name are subject to the affirmative procedure, except in cases of urgency.*

**238A** Page 169, line 3, at end insert –

“(7A) A statutory instrument containing the first regulations under paragraph 1(1) of Schedule 11 (whether alone or with regulations under paragraph 1(2) or (3) of that Schedule) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(7B) Any other statutory instrument containing regulations under paragraph 1(1) of Schedule 11 is subject to annulment in pursuance of a resolution of either House of Parliament.”

***Member’s explanatory statement***

*This amendment provides that the first regulations made under paragraph 1(1) of Schedule 11 (regulations specifying Category 1 threshold conditions) are subject to the affirmative Parliamentary procedure.*

**238B** Page 169, line 6, leave out “74(3)(b)” and insert “(“Regulations by OFCOM about qualifying worldwide revenue etc”)(2)”

***Member’s explanatory statement***

*This amendment provides that regulations made by OFCOM about supporting evidence to be supplied by providers for the purposes of Part 6 of the Bill (fees) are subject to the negative Parliamentary procedure.*

**238C** Page 169, line 6, at end insert –

“(ba) regulations under section 77,”

**Member's explanatory statement**

*This amendment provides that regulations made by the Secretary of State specifying the threshold figure for the purposes of Part 6 of the Bill are subject to the negative Parliamentary procedure.*

**238D** Page 169, line 11, leave out “(1),”

**Member's explanatory statement**

*This amendment is consequential on the amendment in my name inserting new subsections (7A) and (7B) into this Clause.*

**238E** Page 169, line 13, at end insert –

“(8A) As soon as a draft of a statutory instrument containing regulations under section (“Regulations by OFCOM about qualifying worldwide revenue etc”)(1) or paragraph 5(9) of Schedule 13 (whether alone or with provision under section (“Regulations by OFCOM about qualifying worldwide revenue etc”)(2)) is ready for laying before Parliament, OFCOM must send the draft to the Secretary of State, and the Secretary of State must lay the draft before Parliament.

(8B) Immediately after making a statutory instrument containing only regulations under section (“Regulations by OFCOM about qualifying worldwide revenue etc”)(2), OFCOM must send the instrument to the Secretary of State, and the Secretary of State must lay it before Parliament.”

**Member's explanatory statement**

*This amendment provides for the Secretary of State's involvement in the Parliamentary procedure to which regulations made by OFCOM under this Bill are subject.*

### After Clause 201

LORD STEVENSON OF BALMACARA

**239** Insert the following new Clause –

**“Regulations: consultation and impact assessments**

- (1) This section applies if the Secretary of State seeks to exercise powers under –
- (a) section 55 (regulations under section 54),
  - (b) section 195 (powers to amend section 35),
  - (c) section 196 (powers to amend or repeal provisions relating to exempt content or services),
  - (d) section 197 (powers to amend Part 2 of Schedule 1),
  - (e) section 198 (powers to amend Schedules 5, 6 and 7), or
  - (f) paragraph 1 of Schedule 11 (regulations specifying threshold conditions for categories of Part 3 services),

or where the Secretary of State intends to direct OFCOM under section 39.

- (2) The Secretary of State may not exercise the powers under the provisions in subsection (1) unless any select committee charged by the relevant House of Parliament with scrutinising such regulations has –
- (a) completed its consideration of the draft regulations and accompanying impact assessment provided by the Secretary of State; and
  - (b) reported on their deliberation to the relevant House; and

*After Clause 201 - continued*

the report of the committee has been debated in that House, or the period of six weeks beginning on the day on which the committee reported has elapsed.”

BARONESS HARDING OF WINSCOMBE  
LORD STEVENSON OF BALMACARA  
BARONESS STOWELL OF BEESTON  
LORD CLEMENT-JONES

**239A** Insert the following new Clause—

**“Application stores and other access means**

- (1) Subject to subsections (2) to (7), the Secretary of State must make regulations specifying—
  - (a) the threshold conditions for which application stores and other means for children to access Part 3 services are “regulated application stores and other access means”,
  - (b) the duties of regulated applications stores and other access means to use proportionate means to support the objectives of Part 3 of the Act, and
  - (c) the extension of—
    - (i) Chapter 6 of Part 3,
    - (ii) Part 7, and
    - (iii) Part 8,
 to regulated application stores and other access means.
- (2) OFCOM must prepare—
  - (a) advice to the Secretary of State as to whether it is appropriate for the Secretary of State to make regulations under subsection (1) and, if so, what provision would be appropriate for those regulations, and
  - (b) a code of practice for application stores and other access means describing the means recommended for the purposes of compliance with the duties set out in this section.
- (3) Before preparing advice or a code (or amendments to a code) under this section, OFCOM must conduct reasonable research and consult with relevant persons on the matters mentioned in subsections (1) and (2).
- (4) In preparing research, advice and codes (or amendments to a code) and conducting the consultation under this section, OFCOM must consider—
  - (a) that providers of Part 3 services are responsible for compliance with the duties in Part 3,
  - (b) the role of application stores and other access means in facilitating access to Part 3 services and revenue derived from that role,
  - (c) proportionate means by which application stores and other access means could support the objectives of Part 3 of the Act (including in relation to age assurance, awareness raising and facilitating access to measures taken by Part 3 services in compliance with their duties in Part 3),
  - (d) fair, reasonable and non-discriminatory provision of those means,



*After Clause 201 - continued*

- (e) exclusions on liability for application stores and other access means for child access to Part 3 services (subject to compliance with the duties in this Part), and
  - (f) such other matters as OFCOM consider to be relevant.
- (5) When research, advice or a code (or amendments to a code) are prepared under this section, OFCOM must submit the final version to the Secretary of State.
- (6) OFCOM must prepare the first research, advice and code under this section within 12 months of the first code of practice relating to the duties set out in sections 11 and 25 (children’s online safety) coming into force, and must prepare research, advice and a code in accordance with this Part annually thereafter while no regulations and a code have been brought into force under this Part.
- (7) Within 40 days of OFCOM providing the Secretary of State with research, advice or a code (or amendments to a code) under this section—
- (a) OFCOM must publish the research, consultation responses, advice and code (or amendments to a code), and
  - (b) the Secretary of State must, unless advised not to by OFCOM, make the regulations and approve the code (or amendments to a code).
- (8) If regulations under subsection (1) include provision which differs from that advised by OFCOM—
- (a) the Secretary of State must, before the regulations enter into force, lay before both Houses of Parliament a statement outlining reasons for departing from the advice offered by OFCOM, and
  - (b) OFCOM must, within the period of 40 days beginning with the day on which the statement under paragraph (a) has been made—
    - (i) make such revisions to the code as they consider appropriate, and
    - (ii) provide the revisions to the Secretary of State for approval.
- (9) OFCOM must promptly publish a code (or amendment to that code) approved under this section and keep it under review.
- (10) OFCOM may prepare a replacement of, or amendments to, a code or regulation that is in force at any time.
- (11) Non-material amendments to a code may be brought into force by OFCOM, with reasonable public notice, without following the process in this section.
- (12) In this section—
- “other access means” means any website or online marketplace which allows users to download or subscribe to a user-to-user service;
- “relevant persons” means the Secretary of State and such other persons as OFCOM consider appropriate, including—
- (a) providers of application stores and other access means,
  - (b) providers of Part 3 services,
  - (c) children,
  - (d) parents (and other adults responsible for children),

**After Clause 201 - continued**

- (e) persons who appear to OFCOM to represent the interests of children,
- (f) persons whom OFCOM consider to have expertise in innovation, or emerging technology, relevant to the objectives of Part 3 of the Act,
- (g) the Information Commissioner, and
- (h) the public.”

**Member’s explanatory statement**

*This amendment ensures OFCOM researches and consults on the role of applications stores and produces implementing regulations and a code of practice for the Secretary of State to bring into force appropriate additional duties to support the objectives of Part 3. Alternative routes to access Part 3 services exist now and more will be developed in the future so this amendment ensures OFCOM and the Secretary of State consider the broad range of application stores and access means.*

**Clause 74****LORD PARKINSON OF WHITLEY BAY**

- 239B** Page 70, line 3, leave out from “information” to end of line 5 and insert “as required by regulations made by OFCOM under section (“Regulations by OFCOM about qualifying worldwide revenue etc”).”

**Member’s explanatory statement**

*This amendment omits a reference to regulations made by the Secretary of State. Details about supporting evidence etc to accompany providers’ notifications for the purposes of the fees regime are now to be contained in regulations made by OFCOM (see the new Clause 76 proposed in my name).*

- 239C** Page 70, line 6, leave out subsection (4) and insert –
- “(4) Section (“Regulations by OFCOM about qualifying worldwide revenue etc”) confers power on OFCOM to make regulations about the determination of a provider’s qualifying worldwide revenue, and the meaning of “qualifying period”, for the purposes of this Part.”

**Member’s explanatory statement**

*This amendment is a signpost to the new Clause 76 proposed in my name, conferring power on OFCOM to make regulations about the meaning of qualifying worldwide revenue and qualifying period for the purposes of the fees regime.*

- 239D** Page 70, line 11, leave out “threshold figure under section 77 is published” and insert “regulations under section 77 come into force (first threshold figure)”

**Member’s explanatory statement**

*This amendment is consequential on the first amendment of Clause 77 in my name (threshold figure now to be specified in regulations made by the Secretary of State).*

- 239E** Page 70, line 29, leave out subsection (11)

**Member's explanatory statement**

*This amendment omits a provision about procedure for regulations made by the Secretary of State under subsection (3)(b). That is no longer required because details about supporting evidence etc to accompany providers' notifications for the purposes of the fees regime are now to be contained in regulations made by OFCOM (see the new Clause 76 proposed in my name).*

**Clause 76**

## LORD PARKINSON OF WHITLEY BAY

**239F** Leave out Clause 76 and insert the following new Clause—

**“Regulations by OFCOM about qualifying worldwide revenue etc**

- (1) For the purposes of this Part, OFCOM may by regulations make provision—
  - (a) about how the qualifying worldwide revenue of a provider of a regulated service is to be determined, and
  - (b) defining the “qualifying period” in relation to a charging year.
- (2) OFCOM may by regulations also make provision specifying or describing evidence, documents or other information that providers must supply to OFCOM for the purposes of section 74 (see subsection (3)(b) of that section), including provision about the way in which providers must supply the evidence, documents or information.
- (3) Regulations under subsection (1)(a) may provide that the qualifying worldwide revenue of a provider of a regulated service (P) who is a member of a group during any part of a qualifying period is to include the qualifying worldwide revenue of any entity that—
  - (a) is a group undertaking in relation to P for all or part of that period, and
  - (b) receives or is due to receive, during that period, any amount referable (to any degree) to a regulated service provided by P.
- (4) Regulations under subsection (1)(a) may, in particular—
  - (a) make provision about circumstances in which amounts do, or do not, count as being referable (to any degree) to a regulated service for the purposes of the determination of the qualifying worldwide revenue of the provider of the service or of an entity that is a group undertaking in relation to the provider;
  - (b) provide for cases or circumstances in which amounts that—
    - (i) are of a kind specified or described in the regulations, and
    - (ii) are not referable to a regulated service,
 are to be brought into account in determining the qualifying worldwide revenue of the provider of the service or of an entity that is a group undertaking in relation to the provider.
- (5) Regulations which make provision of a kind mentioned in subsection (3) may include provision that, in the case of an entity that is a group undertaking in relation to a provider for part (not all) of a qualifying period, only amounts relating to the part of the qualifying period for which the entity was a group undertaking may be brought into account in determining the entity's qualifying worldwide revenue.
- (6) Regulations under subsection (1)(a) may make provision corresponding to paragraph 5(8) of Schedule 13.

**Clause 76 - continued**

- (7) Before making regulations under subsection (1) OFCOM must consult –
- (a) the Secretary of State,
  - (b) the Treasury, and
  - (c) such other persons as OFCOM consider appropriate.
- (8) Before making regulations under subsection (2) OFCOM must consult the Secretary of State.
- (9) Regulations under this section may make provision subject to such exemptions and exceptions as OFCOM consider appropriate.
- (10) In this section –
- “group” means a parent undertaking and its subsidiary undertakings, reading those terms in accordance with section 1162 of the Companies Act 2006;
- “group undertaking” has the meaning given by section 1161(5) of that Act.”

***Member’s explanatory statement***

*This amendment substitutes Clause 76, which is about what is meant by “qualifying worldwide revenue”. The new Clause provides for OFCOM to make regulations about this and related matters for the purposes of the fees regime, and allows the regulations (among other things) to provide that revenue arising to certain entities in the same group as a provider of a regulated service is to be brought into account.*

**Clause 77****LORD PARKINSON OF WHITLEY BAY**

- 239G** Page 72, line 2, leave out from “must” to “the” in line 3 and insert “make regulations specifying”

***Member’s explanatory statement***

*This amendment provides that the Secretary of State must specify the threshold figure in regulations (rather than in a published statement).*

- 239H** Page 72, line 4, leave out subsection (3)

***Member’s explanatory statement***

*This amendment is consequential on the first amendment of this Clause in my name.*

- 239J** Page 72, line 11, leave out “to (3)” and insert “and (2)”

***Member’s explanatory statement***

*This amendment is consequential on the preceding amendment of this Clause in my name.*

- 239K** Page 72, line 12, leave out “A” and insert “Regulations must provide that a”

***Member’s explanatory statement***

*This amendment is consequential on the first amendment of this Clause in my name.*

- 239L** Page 72, line 14, leave out from beginning to “at” and insert “Regulations specifying a threshold figure must be in force”

***Member’s explanatory statement***

*This amendment provides that regulations specifying a threshold figure must be in force at least 9 months before the first charging year for which that figure applies.*

- 239M** Page 72, line 17, leave out “threshold figure published” and insert “regulations made”

***Member’s explanatory statement***

*This amendment is consequential on the first amendment of this Clause in my name.*

**Clause 79**

LORD PARKINSON OF WHITLEY BAY

- 239N** Page 73, line 18, leave out from “period” to end of line 19 and insert “for the purposes of this Part, and”

***Member’s explanatory statement***

*This amendment is consequential on the new Clause 76 proposed in my name.*

- 239P** Page 73, line 20, leave out “published in accordance with” and insert “contained in regulations under”

***Member’s explanatory statement***

*This amendment is consequential on the first amendment of Clause 77 in my name (threshold figure now to be specified in regulations made by the Secretary of State).*

**Clause 82**

BARONESS KIDRON  
LORD STEVENSON OF BALMACARA  
BARONESS HARDING OF WINSCOMBE  
THE LORD BISHOP OF OXFORD

- 240** Page 74, line 25, leave out “presented by content”

***Member’s explanatory statement***

*This amendment ensures that Ofcom is empowered to consider harms presented by features, functionalities, behaviours and the design and operation of services not just by content.*

LORD PARKINSON OF WHITLEY BAY

- 241** Page 74, line 31, leave out “or 3” and insert “, 3 or 3A”

***Member’s explanatory statement***

*Clause 82 is about OFCOM’s general duties. This amendment and the next amendment in my name insert a reference to Chapter 3A, which is the new Chapter containing the new duties imposed by the Clause proposed after Clause 67 in my name.*

BARONESS KIDRON  
LORD STEVENSON OF BALMACARA  
BARONESS HARDING OF WINSCOMBE  
THE LORD BISHOP OF OXFORD

242 Page 74, leave out line 37

***Member's explanatory statement***

*This amendment ensures that Ofcom is not fettered in exercising its functions in relation to services due to their size or capacity if it considers it is proportionate to do so given the risk of harm presented by a particular service.*

LORD PARKINSON OF WHITLEY BAY

243 Page 75, line 2, leave out “or 3” and insert “, 3 or 3A”

***Member's explanatory statement***

*See the explanatory statement for the preceding amendment in my name.*

**After Clause 84**

LORD MOYLAN  
BARONESS FOX OF BUCKLEY

244 Insert the following new Clause—

**“OFCOM guidance: duty to have special regard to freedom of expression**

- (1) In producing, revising, or replacing any guidance under this Act, OFCOM must have special regard to the importance of protecting the rights of users of a service and (in relation to search services and combined services) interested persons to freedom of expression within the law.
- (2) On publishing any guidance under this Act (and revised or replacement guidance) OFCOM must publish a statement accompanying the guidance (or revised or replacement guidance) setting out how it has complied with the duty set out in subsection (1).”

***Member's explanatory statement***

*This amendment inserts a new Clause requiring OFCOM to have special regard to freedom of expression in producing, revising or replacing any guidance under the Bill; and to publish a statement, with any guidance, setting out how it has complied with this duty.*

**Schedule 11**

BARONESS MORGAN OF COTES  
LORD STEVENSON OF BALMACARA  
LORD CLEMENT-JONES  
BARONESS KIDRON

245 Page 223, line 32, leave out “and” and insert “or”

**Clause 91**

LORD PARKINSON OF WHITLEY BAY

246 Page 83, line 14, leave out “(an “information notice”)”

**Member's explanatory statement**

*This technical amendment is needed because the new notice requiring information in connection with an investigation into the death of a child (see the new Clause proposed after Clause 91 in my name) is also a form of information notice.*

**247** Page 83, line 19, at end insert –

“(b) provide information about the use of a service by a named individual.”

**Member's explanatory statement**

*This amendment makes it clear that OFCOM have power by notice to require providers to provide information about a particular person's use of a service.*

**247A** Page 83, line 19, at end insert –

“(2A) 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 OFCOM are able to remotely access the service provided by the person, or remotely access equipment used by the service provided by the person, in order to view, in particular –

- (a) information demonstrating in real time the operation of systems, processes or features, including functionalities and algorithms, used by the service;
- (b) information generated in real time by the performance of a test or demonstration of a kind required by a notice under subsection (1).”

**Member's explanatory statement**

*This amendment makes it clear that OFCOM have the power by notice to require a provider of a regulated service (among others) to take steps to allow OFCOM to remotely access the service so that they can view the operation in real time of systems, processes, functionalities and algorithms, and tests and demonstrations.*

LORD ALLAN OF HALLAM

LORD CLEMENT-JONES

*As an amendment to Amendment 247A*

**247B** At end insert –

“(2B) Where OFCOM requires remote access under subsection (2A), they must –

- (a) give the service provider reasonable notice specifying –
  - (i) the access that they require,
  - (ii) the reasons for requiring remote access,
  - (iii) a date by which the access must be provided,
  - (iv) the manner in which the access must be provided,
  - (v) the duration of such access, and
  - (vi) the name of a senior manager at OFCOM responsible for appropriate use of the remote access capability;
- (b) have regard to the rights of privacy of the users of the service;
- (c) not require a provider to do anything that would result in the disclosure of information or documents in respect of which a claim to legal professional privilege, or (in Scotland) to confidentiality of communications, could be maintained in legal proceedings;

**Clause 91 - continued**

- (d) have regard to the confidentiality of information obtained from service providers, including by protecting such confidential information from disclosure to third parties.”

***Member’s explanatory statement***

*This amendment would place some safeguards around OFCOM’s use of their new power to access provider systems remotely.*

LORD PARKINSON OF WHITLEY BAY

248 Page 84, line 2, at end insert –

“(iva) any duty set out in section (*Disclosure of information about use of service by deceased child users*) (deceased child users),”

***Member’s explanatory statement***

*This amendment mentions the new duties imposed by the Clause proposed after Clause 67 in my name in the Clause that sets out the purposes for which OFCOM may require people to provide information.*

248A Page 84, line 12, leave out “section 75 (duty to pay fees)” and insert “Part 6 (fees)”

***Member’s explanatory statement***

*This amendment makes it clear that OFCOM’s powers to gather information in relation to a provider’s qualifying worldwide revenue apply for the purposes of Part 6.*

248B Page 84, line 37, leave out “duty” and insert “duties”

***Member’s explanatory statement***

*This amendment is consequential on the new clause proposed to be inserted after Clause 149 in my name expanding OFCOM’s duties to promote media literacy in relation to regulated user-to-user and search services.*

248C Page 84, line 38, leave out “duty to promote”

***Member’s explanatory statement***

*This amendment is consequential on the new Clause proposed to be inserted after Clause 149 in my name expanding OFCOM’s duties to promote media literacy in relation to regulated user-to-user and search services.*

**After Clause 91**

LORD PARKINSON OF WHITLEY BAY

LORD KNIGHT OF WEYMOUTH

BARONESS KIDRON

LORD CLEMENT-JONES

249 Insert the following new Clause –

**“Information in connection with an investigation into the death of a child**

- (1) OFCOM may by notice under this subsection require a relevant person to provide them with information for the purpose of –



**After Clause 91 - continued**

- (a) responding to a notice given by a senior coroner under paragraph 1(2) of Schedule 5 to the Coroners and Justice Act 2009 in connection with an investigation into the death of a child, or preparing a report under section (*OFCOM's report in connection with investigation into a death*) in connection with such an investigation;
  - (b) responding to a request for information in connection with the investigation of a procurator fiscal into, or an inquiry held or to be held in relation to, the death of a child, or preparing a report under section (*OFCOM's report in connection with investigation into a death*) in connection with such an inquiry;
  - (c) responding to a notice given by a coroner under section 17A(2) of the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)) in connection with—
    - (i) an investigation to determine whether an inquest into the death of a child is necessary, or
    - (ii) an inquest in relation to the death of a child,or preparing a report under section (*OFCOM's report in connection with investigation into a death*) in connection with such an investigation or inquest.
- (2) The power conferred by subsection (1) includes power to require a relevant person to provide OFCOM with information about the use of a regulated service by the child whose death is under investigation, including, in particular—
- (a) content encountered by the child by means of the service,
  - (b) how the content came to be encountered by the child (including the role of algorithms or particular functionalities),
  - (c) how the child interacted with the content (for example, by viewing, sharing or storing it or enlarging or pausing on it), and
  - (d) content generated, uploaded or shared by the child.
- (3) The power conferred by subsection (1) includes power to require a relevant person to obtain or generate information.
- (4) The power conferred by subsection (1) must be exercised in a way that is proportionate to the purpose mentioned in that subsection.
- (5) The power conferred by subsection (1) does not include power to require the provision of information in respect of which a claim to legal professional privilege, or (in Scotland) to confidentiality of communications, could be maintained in legal proceedings.
- (6) Nothing in this section limits the power conferred on OFCOM by section 91.
- (7) In this section—
- “inquiry” means an inquiry held, or to be held, under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2);
  - “information” includes documents, and any reference to providing information includes a reference to producing a document (and see also section 92(9));
  - “relevant person” means a person within any of paragraphs (a) to (e) of section 91(4).”

**Member's explanatory statement**

*This amendment makes it clear that OFCOM have the power to obtain information for the purposes of responding to a notice given to them by a coroner or, in Scotland, a request from a procurator fiscal, in connection with the death of a child, including a power to obtain information from providers about the use of a service by the deceased child.*

**Clause 92**

LORD PARKINSON OF WHITLEY BAY

BARONESS KIDRON

250 Page 85, line 3, at end insert –

“(A1) A notice given under section 91(1) or (*Information in connection with an investigation into the death of a child*)(1) is referred to in this Act as an information notice.”

**Member's explanatory statement**

*This amendment provides that a notice under the new Clause proposed in my name concerning OFCOM's power to obtain information in connection with an investigation into the death of a child is called an “information notice” (as well as a notice under Clause 91). This ensures that provisions of the Bill that relate to information notices also apply to a notice given under that Clause.*

LORD PARKINSON OF WHITLEY BAY

250A Page 85, line 24, leave out “provide the information” and insert “act”

**Member's explanatory statement**

*This amendment ensures that the duty to comply with an information notice covers the case where a provider is required to take steps to allow OFCOM to remotely access the service.*

**Clause 94**

LORD PARKINSON OF WHITLEY BAY

250B Page 86, line 26, leave out “any” and insert “either”

**Member's explanatory statement**

*This amendment is consequential on the next amendment of Clause 94 in my name.*

250C Page 86, line 34, leave out paragraph (c)

**Member's explanatory statement**

*This amendment is consequential on the new Clause proposed to be inserted in my name after Clause 111. It omits words in Clause 94 (*skilled person's reports*) because that new Clause now requires OFCOM to obtain a skilled person's report before giving a provider a notice under Clause 111.*

250D Page 86, line 41, at end insert –

“(2A) Section (*Requirement to obtain skilled person's report*) requires OFCOM to exercise the power in subsection (3) for the purpose of assisting OFCOM in connection with a notice under section 111(1).”

**Member's explanatory statement**

*This amendment is consequential on the new Clause proposed to be inserted in my name after Clause 111. It inserts a signpost in Clause 94 (skilled persons' reports).*

**251** Page 87, line 39, at end insert—

“(iiiia) section (*Assessment duties: user empowerment*) (assessments related to the adult user empowerment duty set out in section 12(2));”

**Member's explanatory statement**

*This amendment ensures that OFCOM are able to require a skilled person's report about a failure or possible failure to comply with the new duties to carry out assessments (see the new Clause proposed after Clause 11 in my name).*

LORD PARKINSON OF WHITLEY BAY  
BARONESS KIDRON

**252** Page 88, line 2, at end insert—

“(xiia) section (*Disclosure of information about use of service by deceased child users*) (deceased child users);”

**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 the Clause proposed after Clause 67 in my name.*

**Schedule 12**

LORD PARKINSON OF WHITLEY BAY

**252A** Page 228, line 4, at end insert—

“(4A) The power to observe the carrying on of the regulated service at the premises includes the power to view, using equipment or a device on the premises, information generated in real time by the performance of a test or demonstration required by a notice given under paragraph 3.”

**Member's explanatory statement**

*This amendment ensures that during an inspection of a service, OFCOM have the power to observe a test or demonstration of which notice has been given.*

**252B** Page 228, line 7, leave out from “paragraph” to “is” in line 9 and insert “only so far as”

**Member's explanatory statement**

*This is a technical amendment consequential on the preceding amendment in my name.*

**252C** Page 228, line 15, leave out “or relevant documents to be produced,” and insert “relevant documents to be produced, or a relevant test or demonstration to be performed,”

**Member's explanatory statement**

*This amendment, and the next two amendments in my name, concern OFCOM giving advance notice to a provider that they will want to observe a test or demonstration during an inspection.*

- 252D** Page 228, line 19, leave out “documents are “relevant” if they are” and insert “a document, test or demonstration is “relevant” if it is”

***Member’s explanatory statement***

*See the explanatory statement to the preceding amendment in my name.*

- 252E** Page 228, line 23, leave out “or the documents to be produced,” and insert “the documents to be produced, or the test or demonstration to be performed,”

***Member’s explanatory statement***

*See the explanatory statement to the preceding amendment in my name.*

- 252F** Page 229, line 3, at end insert –
- “(da) to assist an authorised person to view, using equipment or a device on the premises, information demonstrating in real time the operation of systems, processes or features of a specified description, including functionalities or algorithms of a specified description;
  - “(db) to assist an authorised person to view, using equipment or a device on the premises, information generated in real time by the performance of a test or demonstration of a specified description;”

***Member’s explanatory statement***

*This amendment makes it clear that the powers of OFCOM during an audit of a service extend to using equipment on the premises to view real time information showing the operation of the service or the performance of a test or demonstration, if specified in advance in the audit notice.*

- 252G** Page 233, line 38, leave out paragraph (ii)

***Member’s explanatory statement***

*This is a drafting change removing a redundant paragraph from the Bill.*

**After Clause 104**

LORD CLEMENT-JONES

- 253** Insert the following new Clause –

**“Co-operation and disclosure of information: UK regulators**

- (1) OFCOM may co-operate with a regulator established by statute or a recognised self-regulatory body in the United Kingdom, including by disclosing online safety information to that regulator, for the purposes of –
  - (a) tackling harm arising from illegal content, primary priority content harmful to children, priority content harmful to children, or priority content that is harmful to adults or
  - (b) criminal investigations or proceedings relating to a matter to which the regulator’s functions relate.
- (2) Where information is disclosed to a person in reliance on subsection (1), the person may not –

**After Clause 104 - continued**

- (a) use the information for a purpose other than the purpose for which it was disclosed, or
  - (b) further disclose the information, except with OFCOM's consent (which may be general or specific) or in accordance with an order of a court or tribunal.
- (3) A disclosure of information under subsection (1) does not breach—
- (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information.”

**Member's explanatory statement**

*This new Clause seeks to enable cooperation between relevant domestic regulators.*

**Clause 105**

LORD PARKINSON OF WHITLEY BAY  
BARONESS KIDRON

**254** Page 94, line 33, at end insert —

- “(3A) In subsection (3), after paragraph (h) insert —
- “(ha) a person appointed under —
    - (i) paragraph 1 of Schedule 3 to the Coroners and Justice Act 2009, or
    - (ii) section 2 of the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.));
  - (hb) the procurator fiscal, within the meaning of the enactment mentioned in subsection (5)(s);”.
- (3B) In subsection (5) —
- (a) before paragraph (d) insert —
    - “(ca) the Coroners Act (Northern Ireland) 1959;”,
  - (b) after paragraph (na) insert —
    - “(nb) Part 1 of the Coroners and Justice Act 2009;”, and
  - (c) after paragraph (r) insert —
    - “(s) the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2).”.

**Member's explanatory statement**

*This amendment ensures that it is not necessary for OFCOM to obtain the consent of providers of internet services before disclosing information to a coroner or, in Scotland, procurator fiscal, who is investigating a person's death.*

**Clause 107**

LORD PARKINSON OF WHITLEY BAY

**254A** Page 95, line 20, leave out “(2)” and insert “(3)”

**Member's explanatory statement**

*This is a technical drafting change needed because section 24B of the Communications Act 2003 has been amended after this Bill was introduced.*

254B

Page 95, leave out line 21 and insert—

(4) Subsection (2) does not apply to information—”

**Member's explanatory statement**

*This is a technical drafting change needed because section 24B of the Communications Act 2003 has been amended after this Bill was introduced.*

**Clause 111**

LORD MOYLAN  
BARONESS FOX OF BUCKLEY

255

Page 98, line 7, at end insert—

“(5A) A notice under subsection (1) may not impose a requirement relating to a service if the effect of that requirement would be to require the provider of the service to weaken or remove end-to-end encryption applied in relation to the service or part of the service.”

LORD PARKINSON OF WHITLEY BAY

255A

Page 98, line 8, at end insert—

“(za) section (*Requirement to obtain skilled person's report*), which requires OFCOM to obtain a skilled person's report before giving a notice under subsection (1),”

**Member's explanatory statement**

*This amendment is consequential on the new Clause proposed to be inserted in my name after Clause 111. It inserts a signpost to the requirement in that new Clause to obtain a skilled person's report before giving a provider a notice under Clause 111.*

LORD STEVENSON OF BALMACARA  
LORD CLEMENT-JONES

256

Leave out Clause 111 and insert the following new Clause—

**“Notices to deal with terrorism content or CSEA content (or both)**

- (1) OFCOM may give a notice described in subsection (2), (3) or (4) relating to a regulated user-to-user service or a regulated search service to the provider of the service where—
  - (a) they consider that it is necessary and proportionate to do so, and
  - (b) the decision of OFCOM to issue a notice has been approved by a Judicial Commissioner.
- (2) A notice under subsection (1) that relates to a regulated user-to-user service is a notice requiring the provider of the service to do either or both of the following—
  - (a) use accredited technology to identify CSEA content, communicated privately by means of the service, and to swiftly take down that content, or

**Clause 111 - continued**

- (b) use accredited technology to prevent individuals from encountering CSEA content, communicated privately, by means of the service.
- (3) A notice under subsection (1) that relates to a regulated search service is a notice requiring the provider of the service to do either or both of the following—
  - (a) use accredited technology to identify search content of the service that is terrorism content and to swiftly take measures designed to secure, so far as possible, that search content of the service no longer includes terrorism content identified by the technology, or
  - (b) use accredited technology to identify search content of the service that is CSEA content and to swiftly take measures designed to secure, so far as possible, that search content of the service no longer includes CSEA content identified by the technology.
- (4) A notice under subsection (1) that relates to a combined service is a notice requiring the provider of the service to do any of the following—
  - (a) use accredited technology as described in subsection (2)(a) or (b), or both, in relation to the user-to-user part of the service,
  - (b) use accredited technology as described in subsection (3)(a) or (b), or both, in relation to the search engine of the service, or
  - (c) use accredited technology as described in subsection (2)(a) or (b), or both, in relation to the user-to-user part of the service, and use accredited technology as described in subsection (3)(a) or (b), or both, in relation to the search engine.
- (5) For the purposes of subsections (2) and (3), a requirement to take down terrorism or CSEA content, or to take measures to secure that search content does not include terrorism or CSEA content, may be complied with by the use of accredited technology alone or by means of the technology together with the use of human moderators to review terrorism or CSEA content (as the case may be) identified by the technology.
- (6) See—
  - (a) section 112, which requires OFCOM to give a warning notice before giving a notice under subsection (1), and
  - (b) section 113 for provision about matters which OFCOM must consider before giving a notice under subsection (1).
- (7) A notice under subsection (1) that relates to a user-to-user service (or to the user-to-user part of a combined service) and requires the use of technology in relation to terrorism content must identify the content, or parts of the service that include content, that OFCOM consider is communicated publicly on that service (see section 207).
- (8) For the meaning of “accredited” technology, see section 114(12) and (13).

***Member’s explanatory statement***

*This new version of Clause 111 introduces additional safeguards relating to the issuing of OFCOM notices to deal with terrorism or CSEA content on encrypted services. This includes a requirement for OFCOM’s decision to be approved by a Judicial Commissioner.*

**After Clause 111**

LORD PARKINSON OF WHITLEY BAY

256A Insert the following new Clause—

**“Requirement to obtain skilled person’s report**

- (1) OFCOM may give a notice under section 111(1) to a provider only after obtaining a report from a skilled person appointed by OFCOM under section 94(3).
- (2) The purpose of the report is to assist OFCOM in deciding whether to give a notice under section 111(1), and to advise about the requirements that might be imposed by such a notice if it were to be given.”

*Member’s explanatory statement*

*This amendment requires OFCOM to obtain a skilled person’s report under Clause 94 before giving a notice to a provider under Clause 111.*

LORD STEVENSON OF BALMACARA  
LORD CLEMENT-JONES

257 Insert the following new Clause—

**“Approval of notices by Judicial Commissioners**

- (1) In deciding whether to approve OFCOM’s decision to issue a notice under section 111(1), a Judicial Commissioner must review OFCOM’s conclusions as to the following matters—
  - (a) whether the notice is necessary to deal with relevant content, and
  - (b) whether the conduct that would be required by the notice is proportionate to what is sought to be achieved by that conduct.
- (2) In doing so, the Judicial Commissioner must—
  - (a) apply the same principles as would be applied by a court on an application for judicial review;
  - (b) consider the matters referred to in subsection (1) with a sufficient degree of care to ensure that appropriate regard has been given to the duties about freedom of expression and privacy which apply to regulated user-to-user services and regulated search services.
- (3) The Judicial Commissioner must give the service provider concerned the opportunity to provide evidence, or make representations, to them before reaching their conclusions.
- (4) Where a Judicial Commissioner refuses to approve OFCOM’s decision to issue a notice under section 111(1), the Judicial Commissioner must give OFCOM written reasons for the refusal.”

*Member’s explanatory statement*

*This amendment outlines the process to be followed by a Judicial Commissioner when OFCOM makes a decision to issue a notice to deal with terrorism or CSEA content on encrypted services.*



### Clause 112

LORD PARKINSON OF WHITLEY BAY

**257A** Page 98, line 24, at end insert –

“(za) contain a summary of the report obtained by OFCOM under section ( Requirement to obtain skilled person’s report),”

***Member’s explanatory statement***

*This amendment requires a warning notice given to a provider to contain a summary of the skilled person’s report obtained by OFCOM under the new Clause proposed to be inserted in my name after Clause 111.*

**257B** Page 98, line 37, at end insert –

“(za) contain a summary of the report obtained by OFCOM under section ( Requirement to obtain skilled person’s report),”

***Member’s explanatory statement***

*This amendment requires a warning notice given to a provider to contain a summary of the skilled person’s report obtained by OFCOM under the new Clause proposed to be inserted in my name after Clause 111.*

### Clause 113

LORD PARKINSON OF WHITLEY BAY

**257C** Page 99, line 32, at end insert –

“(ga) the contents of the skilled person’s report obtained as required by section (Requirement to obtain skilled person’s report);”

***Member’s explanatory statement***

*This amendment requires OFCOM to consider the contents of the skilled person’s report obtained as required by the new Clause proposed to be inserted in my name after Clause 111, as part of OFCOM’s decision about whether it is necessary and proportionate to give a notice to a provider under Clause 111.*

**257D** Page 99, line 40, at end insert –

“(ia) in the case of a notice relating to a user-to-user service (or to the user-to-user part of a combined service), the extent to which the use of the specified technology would or might –  
 (i) have an adverse impact on the availability of journalistic content on the service, or  
 (ii) result in a breach of the confidentiality of journalistic sources;”

***Member’s explanatory statement***

*This amendment requires OFCOM to consider the impact of the use of technology on the availability of journalistic content and the protection of journalistic sources, as part of OFCOM’s decision about whether it is necessary and proportionate to give a notice to a provider under Clause 111.*

**257E** Page 100, line 4, after “(i)” insert “, (ia)”

***Member's explanatory statement***

*This amendment is consequential on the preceding amendment of this Clause in my name.*

**257F** Page 100, line 5, at end insert –

““journalistic content” has the meaning given by section 15;”

***Member's explanatory statement***

*This amendment adds a definition of journalistic content to Clause 113.*

**Clause 114**

LORD ALLAN OF HALLAM

LORD CLEMENT-JONES

**258** Page 101, line 3, at end insert –

“(7A) A notice may only be issued to a provider after it has been made available for public comment for a period of no less than 45 days.”

***Member's explanatory statement***

*This amendment ensures that there is a period of public consultation before OFCOM issues an order requiring a provider to implement a particular technical solution under Clause 111 of the Bill.*

**After Clause 114**

LORD ALLAN OF HALLAM

LORD CLEMENT-JONES

**258ZA** Insert the following new Clause –

**“Review by the Information Commissioner of notices under Section 111(1)**

- (1) Where a provider believes that a notice it has been given under section 111(1) will have a material impact on the private communications of its users, it may request a review by the Information Commissioner.
- (2) The review must consider the compatibility of the notice with –
  - (a) the Human Rights Act 1998,
  - (b) the Data Protection Act 2018,
  - (c) the Privacy and Electronic Communications (EC Directive) Regulations 2003, and
  - (d) any other legislation the Information Commissioner considers relevant.
- (3) In carrying out the review, the Information Commissioner must consult –
  - (a) OFCOM,
  - (b) the provider,
  - (c) UK users of the provider's service, and
  - (d) such other persons as the Information Commissioner considers appropriate.
- (4) Following a review under subsection (1) the Information Commissioner must publish a report including –
  - (a) their determination of the compatibility of the notice with relevant legislation,

**After Clause 114 - continued**

- (b) their reasons for making such a determination, and
- (c) their advice to OFCOM in respect of the drafting and implementation of the notice.”

**Member’s explanatory statement**

*This amendment would give providers a right to request an assessment by the ICO of the compatibility of a section 111 order with UK privacy legislation.*

**Clause 115**

LORD PARKINSON OF WHITLEY BAY

- 258A** Page 102, line 24, leave out “Section 112 (warning notices) does” and insert “Sections ( Requirement to obtain skilled person’s report)(skilled person’s report) and 112 (warning notices) do”

**Member’s explanatory statement**

*This amendment provides that, if OFCOM propose to issue a further notice under Clause 111, it is not necessary to obtain a further skilled person’s report under the new Clause proposed to be inserted in my name after Clause 111.*

**Clause 118**LORD STEVENSON OF BALMACARA  
LORD CLEMENT-JONES

- 259** Page 103, line 5, at end insert –  
 “Judicial Commissioner” means a person appointed under the Investigatory Powers Act 2016, section 227(1)(a) or (b);  
 “relevant content” means terrorism content or CSEA content or both those kinds of content;”

**Member’s explanatory statement**

*This amendment adds definitions for two terms used in earlier encryption-related amendments in the name of Lord Stevenson of Balmacara.*

**Clause 120**LORD PARKINSON OF WHITLEY BAY  
BARONESS MERRON

- 260** Page 105, line 4, at end insert –

“Section (Assessment duties: user empowerment)		Assessments related to duty in section 12(2)”
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**Clause 120 - continued*****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 the Clause proposed after Clause 11 in my name.*

LORD PARKINSON OF WHITLEY BAY  
BARONESS KIDRON

**261** Page 105, line 28, at end insert –

“Section  
(disclosure of information about use of  
service by deceased child users)

Information about  
use of service by deceased child users”

***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 the Clause proposed after Clause 67 in my name.*

**Clause 122**

LORD PARKINSON OF WHITLEY BAY

**262** Page 107, line 7, leave out “for constraints on” and insert “in relation to”

***Member's explanatory statement***

*This amendment is consequential on the amendments of Clause 125 in my name.*

**262A** Page 107, line 17, at end insert –

“(ba) specify which of those requirements (if any) have been designated as  
CSEA requirements (see subsections (5A) and (5B)),”

***Member's explanatory statement***

*This amendment is consequential on the next amendment to this Clause in my name.*

LORD BETHELL  
LORD CLEMENT-JONES  
BARONESS NEVILLE-JONES

**262AA** Page 107, line 32, at end insert –

“(4A) When including a requirement to take steps in a confirmation decision, OFCOM must consider whether it would be appropriate to require the person to whom the confirmation decision is given to take steps in compliance with any guidance prepared under section 148(7).”

**Member's explanatory statement**

*This amendment requires OFCOM to have its own guidance in mind when taking certain enforcement action, making an explicit consideration of imposing a legal requirement to comply with researcher access to data guidance part of the process of issuing a confirmation notice.*

## LORD PARKINSON OF WHITLEY BAY

**262B** Page 107, line 35, at end insert –

- “(5A) If the condition in subsection (5B) is met in relation to a requirement imposed by a confirmation decision which is of a kind described in subsection (1), OFCOM must designate the requirement as a “CSEA requirement” for the purposes of section 127(2A) (offence of failure to comply with confirmation decision).
- (5B) The condition referred to in subsection (5A) is that the requirement is imposed (whether or not exclusively) in relation to either or both of the following –
- (a) a failure to comply with section 9(2)(a) or (3)(a) in respect of CSEA content, or in respect of priority illegal content which includes CSEA content;
  - (b) a failure to comply with section 9(2)(b) in respect of an offence specified in Schedule 6 (CSEA offences), or in respect of priority offences which include such an offence.”

**Member's explanatory statement**

*This amendment provides that where a confirmation decision imposes a requirement to take steps in relation to a failure to comply with a duty under Clause 9(2)(a), (2)(b) or (3)(a) in respect of CSEA content or an offence under Schedule 6, OFCOM must designate the requirement as a CSEA requirement with the result that failure to comply with it is an offence (see the amendment inserting subsection (2A) into Clause 127 in my name).*

**262C** Page 107, line 44, at end insert –

““CSEA content”, “priority illegal content” and “priority offence” have the same meaning as in Part 3 (see section 53);”

**Member's explanatory statement**

*This amendment is consequential on the preceding amendment to this Clause in my name.*

**Clause 125**

## LORD PARKINSON OF WHITLEY BAY

**263** Page 109, line 27, leave out “constraints on OFCOM’s power” and insert “what powers OFCOM have”

**Member's explanatory statement**

*This amendment is consequential on the next amendment in my name.*

**264** Page 109, line 30, at end insert –

- “(1A) A proactive technology requirement may be imposed in a confirmation decision if –

**Clause 125 - continued**

- (a) the decision is given to the provider of an internet service within section 71(2), and
  - (b) the decision is imposed for the purpose of complying with, or remedying the failure to comply with, the duty set out in section 72(2) (provider pornographic content).
- (1B) The following provisions of this section set out constraints on OFCOM’s power to include a proactive technology requirement in a confirmation decision in any case not within subsection (1A).”

**Member’s explanatory statement**

*This amendment has the effect that OFCOM may, in a confirmation decision, require a provider to use proactive technology if the purpose is to deal with non-compliance with Clause 72(2) (preventing children encountering provider pornographic content).*

**Clause 127**

## LORD PARKINSON OF WHITLEY BAY

- 264A** Page 112, line 22, leave out “relates (whether or not exclusively) to” and insert “is imposed (whether or not exclusively) in relation to a failure to comply with”

**Member’s explanatory statement**

*This is a technical amendment which adjusts the language of this provision.*

## LORD BETHELL

- 265** Page 112, line 22, at end insert “or a child sexual exploitation and abuse (CSEA) duty.”

**Member’s explanatory statement**

*This amendment, and others in the name of Lord Bethell to this clause, extend the scope of the confirmation decisions offence. It increases the scope to also make individuals responsible for illegal safety duties, as they relate to child sexual abuse and exploitation, and brings search services into scope of the amendment.*

- 266** Page 112, line 25, at end insert –  
“(ba) section 25(3),”

**Member’s explanatory statement**

*This amendment, and others in the name of Lord Bethell to this clause, extend the scope of the confirmation decisions offence. It increases the scope to also make individuals responsible for illegal safety duties, as they relate to child sexual abuse and exploitation, and brings search services into scope of the amendment.*

## LORD PARKINSON OF WHITLEY BAY

- 266A** Page 112, line 27, at end insert –  
“(2A) A person to whom a confirmation decision is given commits an offence if, without reasonable excuse, the person fails to comply with a CSEA requirement imposed by the decision (see section 122 (5A) and (5B)).”

**Member's explanatory statement**

*This amendment provides that a person commits an offence if the person fails to comply, without reasonable excuse, with a CSEA requirement imposed by a confirmation decision given to the person (see the amendment inserting new subsections (5A) and (5B) into Clause 122 in my name.)*

LORD BETHELL

267 Page 112, line 27, at end insert –

“(2A) A “CSEA duty” means a duty set out in –

- (a) section 9(2),
- (b) section 9(3)(a),
- (c) section 23(2), or
- (d) section 23(3)(a),

as they relate to child sexual exploitation and abuse.”

**Member's explanatory statement**

*This amendment, and others in the name of Lord Bethell to this clause, extend the scope of the confirmation decisions offence. It increases the scope to also make individuals responsible for illegal safety duties, as they relate to child sexual abuse and exploitation, and brings search services into scope of the amendment.*

LORD STEVENSON OF BALMACARA

268 Page 112, line 39, at end insert –

“(4) The Secretary of State may, if they deem it appropriate, make regulations to add to the duties listed under subsection (2).

(5) Regulations under subsection (4) are subject to the affirmative procedure.”

**Member's explanatory statement**

*This amendment would allow the Secretary of State to expand the list of children's online safety duties specified in Clause 127(2) via regulations subject to the affirmative procedure.*

**Schedule 13**

LORD PARKINSON OF WHITLEY BAY

268A Page 236, line 12, leave out sub-paragraph (9) and insert –

“(9) Regulations made by OFCOM under section (*Regulations by OFCOM about qualifying worldwide revenue etc*)(1)(a)(including regulations making provision of a kind mentioned in section (*Regulations by OFCOM about qualifying worldwide revenue etc*)(3), (4) or (5)) apply for the purpose of determining the qualifying worldwide revenue of a provider of a regulated service for an accounting period as mentioned in this paragraph as they apply for the purpose of determining the qualifying worldwide revenue of a provider of a regulated service for a qualifying period for the purposes of Part 6.”

**Member's explanatory statement**

*This amendment provides that regulations under the new Clause 76 proposed in my name about “qualifying worldwide revenue” for the purposes of Part 6 of the Bill (fees) also applies for the purposes of financial penalties under paragraph 4 of Schedule 13.*

**268B** Page 237, line 18, at end insert –

- “(9) OFCOM may by regulations make provision about how the qualifying worldwide revenue of a group of entities is to be determined for the purposes of this paragraph.
- (10) Before making regulations under sub-paragraph (9) OFCOM must consult –
- (a) the Secretary of State,
  - (b) the Treasury, and
  - (c) such other persons as OFCOM consider appropriate.
- (11) Regulations under sub-paragraph (9) may make provision subject to such exemptions and exceptions as OFCOM consider appropriate.”

***Member’s explanatory statement***

*This amendment provides a power for OFCOM to make regulations setting out what is meant in paragraph 5 of Schedule 13 by references to the qualifying worldwide revenue of a group of entities.*

**Clause 134**

LORD WEIR OF BALLYHOLME  
BARONESS BENJAMIN

**268C★** Page 119, line 23, at end insert –

- “(3A) Any likely failure to comply with an enforceable requirement under section 11(3)(a) (preventing children from encountering primary priority content that is harmful to children) or section 72(2) (children’s access to pornographic content) satisfies the grounds in subsection (3)(b).
- (3B) If OFCOM decide not to apply to the court for an interim order when it remains likely that a provider is failing to comply with an enforceable requirement mentioned in subsection (3A) after a period of 14 days beginning with the day on which OFCOM became aware of an initial failure, OFCOM must write to the Secretary of State within a further period of 7 days to explain their decision not to apply for an interim order.”

***Member’s explanatory statement***

*This amendment seeks to clarify that any likely instance where children are able to access primary priority content or provider pornographic content would by its very nature be of sufficient severity for OFCOM to apply immediately to the courts for interim service restriction orders. It also proposes that if OFCOM use their discretion to decide not to apply for an interim order in such circumstances, they must provide written justification of their decision to the Secretary of State.*

**After Clause 139**

LORD MOYLAN  
BARONESS FOX OF BUCKLEY

**269** Insert the following new Clause –

*“Freedom of expression*

**Freedom of expression and enforcement action**



**After Clause 139 - continued**

In exercising their functions under this Chapter, OFCOM must have special regard to the importance of protecting the rights of users of a service and (in relation to search services and combined services) interested persons to freedom of expression within the law.”

**Member’s explanatory statement**

*This amendment requires OFCOM, in exercising functions under Chapter 6 of Part 7, to have special regard to the importance of protecting freedom of expression.*

**Clause 141**

BARONESS MERRON

**269A** Page 127, line 39, leave out “chairman” and insert “chairperson”

**Member’s explanatory statement**

*This amendment removes an instance of gendered language, replacing “chairman” with “chairperson”.*

LORD CLEMENT-JONES

**269AA** Page 128, line 13, after “should” insert “verify the provenance and attribution of content on such services and”

**Member’s explanatory statement**

*This is a probing amendment to determine why OFCOM’s mis/disinformation committee is not required to consider the provenance of content as part of the solution to empower users to understand whether content is real or not.*

LORD PARKINSON OF WHITLEY BAY

**269B** Page 128, line 19, leave out “duty” and insert “duties”

**Member’s explanatory statement**

*This amendment is consequential on the new Clause proposed to be inserted after Clause 149 in my name expanding OFCOM’s duties to promote media literacy in relation to regulated user-to-user and search services.*

LORD KNIGHT OF WEYMOUTH

**269C** Page 128, line 22, 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.*

269D Page 128, line 22, at end insert –

“(6) The first report published under subsection (5) must include an assessment of whether an OFCOM code of practice on tackling disinformation and misinformation on regulated services would be effective and in the public interest.”

***Member’s explanatory statement***

*This amendment would require the advisory committee on disinformation and misinformation to consider, as part of its first report, whether a dedicated Ofcom code of practice on this area would be effective and in the public interest.*

**Clause 143**

BARONESS FRASER OF CRAIGMADDIE  
LORD STEVENSON OF BALMACARA

270 Page 129, line 10, at end insert –

“(e) in separate analyses, the online interests and experiences of users in –  
(i) England,  
(ii) Wales,  
(iii) Scotland, and  
(iv) Northern Ireland.”

**After Clause 144**

LORD KNIGHT OF WEYMOUTH  
BARONESS NEWLOVE  
LORD CLEMENT-JONES

270A 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
  - (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 –

**After Clause 144 - continued**

- (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.*

**After Clause 145**

LORD PARKINSON OF WHITLEY BAY  
BARONESS KIDRON

271

Insert the following new Clause—

**“OFCOM’s reports about use of age assurance**

- (1) OFCOM must produce and publish a report assessing—
- (a) how providers of regulated services have used age assurance for the purpose of compliance with their duties set out in this Act,

**After Clause 145 - continued**

- (b) how effective the use of age assurance has been for that purpose, and
  - (c) whether there are factors that have prevented or hindered the effective use of age assurance, or a particular kind of age assurance, for that purpose,
- (and in this section, references to a report are to a report described in this subsection).
- (2) A report must, in particular, consider whether the following have prevented or hindered the effective use of age assurance –
    - (a) the costs to providers of using it, and
    - (b) the need to protect users from a breach of any statutory provision or rule of law concerning privacy that is relevant to the use or operation of a regulated service (including, but not limited to, any such provision or rule concerning the processing of personal data).
  - (3) Unless the Secretary of State requires the production of a further report (see subsection (6)), the requirement in subsection (1) is met by producing and publishing one report within the period of 18 months beginning with the day on which sections 11 and 72(2) come into force (or if those provisions come into force on different days, the period of 18 months beginning with the later of those days).
  - (4) In preparing a report, OFCOM must consult –
    - (a) the Information Commissioner, and
    - (b) such other persons as OFCOM consider appropriate.
  - (5) OFCOM must send a copy of a report to the Secretary of State, and the Secretary of State must lay it before Parliament.
  - (6) The Secretary of State may require OFCOM to produce and publish a further report in response to –
    - (a) the development of age assurance technology, or
    - (b) evidence of the reduced effectiveness of such technology.
  - (7) But such a requirement may not be imposed –
    - (a) within the period of three years beginning with the date on which the first report is published, or
    - (b) more frequently than once every three years.
  - (8) For further provision about reports under this section, see section 149.
  - (9) In this section “age assurance” means age verification or age estimation.”

***Member’s explanatory statement***

*This new Clause requires OFCOM to produce and publish a report about the use of age assurance by providers of regulated services.*

**Clause 147**

BARONESS FRASER OF CRAIGMADDIE  
LORD STEVENSON OF BALMACARA

**272** Page 131, line 19, at end insert –

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

**After Clause 147**

LORD PARKINSON OF WHITLEY BAY

**272A** Insert the following new Clause –

**“OFCOM’s report about use of app stores by children**

- (1) OFCOM must produce a report about the use of app stores by children.
- (2) In particular, the report must –
  - (a) assess what role app stores play in children encountering content that is harmful to children, search content that is harmful to children or regulated provider pornographic content by means of regulated apps which the app stores make available,
  - (b) assess the extent to which age assurance is currently used by providers of app stores, and how effective it is, and
  - (c) explore whether children’s online safety would be better protected by the greater use of age assurance or particular kinds of age assurance by such providers, or by other measures.
- (3) OFCOM must publish the report during the period beginning two years, and ending three years, after the day on which sections 11 and 25 come into force (or if those sections come into force on different days, the later of those days).
- (4) For further provision about the report under this section, see section 149.
- (5) In this section –
  - “app” includes an app for use on any kind of device, and “app store” is to be read accordingly;
  - “content that is harmful to children” has the same meaning as in Part 3 (see section 54);
  - “regulated app” means an app for a regulated service;
  - “regulated provider pornographic content” has the same meaning as in Part 5 (see section 70);
  - “search content” has the same meaning as in Part 3 (see section 51).
- (6) In this section references to children are to children in the United Kingdom.”

**Member's explanatory statement**

*This amendment requires OFCOM to produce a report about the use of app stores by children, including consideration of whether children would be better protected by greater use of age assurance.*

**272AA** Insert the following new Clause—

**“OFCOM’s report about reporting and complaints procedures**

- (1) OFCOM must produce a report assessing the measures taken or in use by providers of Part 3 services to enable users and others to—
  - (a) report particular kinds of content present on such services, and
  - (b) make complaints to providers of such services.
- (2) OFCOM’s report must take into account the experiences of users and others in reporting content and making complaints to providers of Part 3 services, including—
  - (a) how clear the procedures are for reporting content and making complaints,
  - (b) how easy it is to do those things, and
  - (c) whether providers are taking appropriate and timely action in response to reports and complaints that are made.
- (3) The report must include advice from OFCOM about whether they consider that the Secretary of State should make regulations under section (*Power to impose duty about alternative dispute resolution procedure*)(duty about alternative dispute resolution procedure).
- (4) In the report, OFCOM may make recommendations that they consider would improve the experiences of users and others in reporting content or making complaints to providers of Part 3 services, or would deliver better outcomes in relation to reports or complaints that are made.
- (5) In preparing the report under this section, OFCOM must consult—
  - (a) the Secretary of State,
  - (b) persons who appear to OFCOM to represent the interests of United Kingdom users of Part 3 services,
  - (c) persons who appear to OFCOM to represent the interests of children (generally or with particular reference to online safety matters),
  - (d) the Information Commissioner, and
  - (e) such other persons as OFCOM consider appropriate.
- (6) The report may draw on OFCOM’s research under section 14 of the Communications Act (see subsection (6B) of that section).
- (7) The report is not required to address any matters which are the subject of a report by OFCOM under section 146 (report about the availability and treatment of news publisher content and journalistic content).
- (8) OFCOM must publish the report within the period of two years beginning with the day on which this section comes into force.
- (9) OFCOM must send a copy of the report to the Secretary of State, and the Secretary of State must lay it before Parliament.

**After Clause 147 - continued**

- (10) The Secretary of State must publish a statement responding to the report within the period of three months beginning with the day on which the report is published, and the statement must include a response to OFCOM's advice about whether to make regulations under section (*Power to impose duty about alternative dispute resolution procedure*).
- (11) The statement must be published in such manner as the Secretary of State considers appropriate for bringing it to the attention of persons who may be affected by it.
- (12) For further provision about the report under this section, see section 149.
- (13) References in this section to "users and others" are to United Kingdom users and individuals in the United Kingdom."

**Member's explanatory statement**

*This amendment requires OFCOM to produce a report about the content reporting and complaints procedures used by providers of Part 3 services, including user experiences of those procedures. OFCOM must specifically advise whether they consider that regulations ought to be made under the new Clause proposed to be inserted in my name after Clause 194 (duty about alternative dispute resolution procedure).*

**Clause 148**

LORD BETHELL  
LORD CLEMENT-JONES  
BARONESS NEVILLE-JONES

**272AB** Page 131, line 43, at end insert “, including through legally enforceable incentives, duties or requirements for regulated services”

**Member's explanatory statement**

*This amendment requires OFCOM to give explicit consideration to whether greater researcher access to data should be achieved by creating legal requirements or incentives for regulated services (as opposed to merely by providing non-binding guidance).*

LORD PARKINSON OF WHITLEY BAY

**272B** Page 132, line 11, leave out “two years” and insert “18 months”

**Member's explanatory statement**

*This amendment provides that the report that OFCOM must publish under Clause 148 (report about researchers' access to information) must be published within 18 months of Clause 148 coming into force (rather than two years).*

LORD BETHELL

**272BA** Page 132, line 11, leave out “two years” and insert “six months”

LORD PARKINSON OF WHITLEY BAY

**272C** Page 132, line 16, leave out “Following the publication of the report, OFCOM may” and insert “OFCOM must”

**Member's explanatory statement**

*This amendment provides that OFCOM must (rather than may) produce guidance about matters dealt with by the report published under Clause 148.*

**272D** Page 132, line 19, leave out subsections (8) and (9) and insert –

- “(8) Before producing the guidance (including revised guidance) OFCOM must consult the persons mentioned in subsection (3).
- (9) OFCOM must publish the guidance (and any revised guidance).
- (10) OFCOM must include in each transparency report under section 147 an assessment of the effectiveness of the guidance.”

**Member's explanatory statement**

*This amendment is consequential on the amendment in my name making the production of guidance under Clause 148(7) mandatory.*

LORD BETHELL  
LORD CLEMENT-JONES  
BARONESS NEVILLE-JONES

**272E** Page 132, line 24, at end insert –

- “(10) In exercising powers under section 89 (risk assessments of Part 3 services), or Chapter 5 (notices to deal with terrorism and CSEA content) or 6 (enforcement powers) of Part 7, OFCOM must have regard, where relevant, to the extent to which the provider of a regulated service has complied with any guidance prepared under subsection (7) in determining –
  - (a) whether or not the provider has contravened any enforceable requirement,
  - (b) whether to impose any penalty or requirement, and
  - (c) the amount of any penalty.”

**Member's explanatory statement**

*This amendment gives greater weight to OFCOM's guidance on researcher access to data by requiring OFCOM to take compliance with that guidance into account (where relevant) when assessing risks from regulated services, whether to take enforcement action and, if so, what enforcement action to take.*

**After Clause 148**

LORD PARKINSON OF WHITLEY BAY  
LORD KNIGHT OF WEYMOUTH  
BARONESS KIDRON  
LORD CLEMENT-JONES

**273** Insert the following new Clause –

**“OFCOM's report in connection with investigation into a death**

- (1) Subsection (2) applies if OFCOM receive –
  - (a) a notice from a senior coroner under paragraph 1(2) of Schedule 5 to the Coroners and Justice Act 2009 in connection with an investigation into the death of a person;



**After Clause 148 - continued**

- (b) a request for information in connection with the investigation of a procurator fiscal into, or an inquiry held or to be held in relation to, the death of a person;
- (c) a notice from a coroner under section 17A(2) of the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)) in connection with—
  - (i) an investigation to determine whether an inquest into the death of a person is necessary, or
  - (ii) an inquest in relation to the death of a person.
- (2) OFCOM may produce a report for use by the coroner or procurator fiscal, dealing with any matters that they consider may be relevant.
- (3) In subsection (1)(b) “inquiry” means an inquiry held, or to be held, under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2).”

**Member’s explanatory statement**

*This amendment makes it clear that OFCOM may produce a report in connection with a person’s death, if the coroner gives OFCOM a notice or, in Scotland, the procurator fiscal requests information, for that purpose.*

**273A** [Withdrawn]

**273B** [Withdrawn]

**Clause 149**

## LORD PARKINSON OF WHITLEY BAY

**274** Page 132, line 41, at end insert—

“(aa) a report under section (OFCEM’s reports about use of age assurance) (report about use of age assurance),”

**Member’s explanatory statement**

*This amendment is consequential on the new Clause to be inserted after Clause 145 in my name. It ensures that the usual confidentiality provisions apply to matters contained in OFCEM’s report about the use of age assurance.*

**274A** Page 133, line 1, at end insert—

“(ca) a report under section (OFCEM’s report about use of app stores by children) (report about use of app stores by children),”

**Member’s explanatory statement**

*This amendment is consequential on the new Clause proposed to be inserted after Clause 147 in my name. It ensures that the usual confidentiality provisions apply to matters contained in OFCEM’s report about the use of app stores by children.*

**274AA** Page 133, line 1, at end insert—

“(ca) a report under section (OFCEM’s report about reporting and complaints procedures) (report about reporting and complaints procedures),”

**Member's explanatory statement**

*This amendment is consequential on the new Clause proposed to be inserted after Clause 147 in my name about OFCOM's report concerning reporting and complaints procedures used by providers of Part 3 services. The amendment ensures that the usual confidentiality provisions apply to matters contained in that report.*

**After Clause 149**

LORD PARKINSON OF WHITLEY BAY

274B Insert the following new Clause—

“CHAPTER 8

MEDIA LITERACY

**Media literacy**

- (1) Section 11 of the Communications Act is amended in accordance with subsections (2) to (5).
- (2) Before subsection (1) insert—
  - “(A1) In this section—
    - (a) subsection (1) imposes duties on OFCOM which apply in relation to material published by means of the electronic media (including by means of regulated services), and
    - (b) subsections (1A) to (1E) expand on those duties, and impose further duties on OFCOM, in relation to regulated services only.”
- (3) After subsection (1) insert—
  - “(1A) OFCOM must take such steps, and enter into such arrangements, as they consider most likely to be effective in heightening the public's awareness and understanding of ways in which they can protect themselves and others when using regulated services, in particular by helping them to—
    - (a) understand the nature and impact of harmful content and the harmful ways in which regulated services may be used, especially content and activity disproportionately affecting particular groups, including women and girls;
    - (b) reduce their and others' exposure to harmful content and to the use of regulated services in harmful ways, especially content and activity disproportionately affecting particular groups, including women and girls;
    - (c) use or apply—
      - (i) features included in a regulated service, including features mentioned in section 12(2) of the Online Safety Act 2023, and
      - (ii) tools or apps, including tools such as browser extensions, so as to mitigate the harms mentioned in paragraph (b);
    - (d) establish the reliability, accuracy and authenticity of content;
    - (e) understand the nature and impact of disinformation and misinformation, and reduce their and others' exposure to it;
    - (f) understand how their personal information may be protected.

**After Clause 149 - continued**

- (1B) OFCOM must take such steps, and enter into such arrangements, as they consider most likely to encourage the development and use of technologies and systems for supporting users of regulated services to protect themselves and others as mentioned in paragraph (a), (b), (c), (d) or (e) of subsection (1A), including technologies and systems which—
- (a) provide further context to users about content they encounter;
  - (b) help users to identify, and provide further context about, content of democratic importance present on regulated user-to-user services;
  - (c) signpost users to resources, tools or information raising awareness about how to use regulated services so as to mitigate the harms mentioned in subsection (1A)(b).
- (1C) OFCOM’s duty under subsection (1A) is to be performed in the following ways (among others)—
- (a) pursuing activities and initiatives,
  - (b) commissioning others to pursue activities and initiatives,
  - (c) taking steps designed to encourage others to pursue activities and initiatives, and
  - (d) making arrangements for the carrying out of research (see section 14(6)(a)).
- (1D) OFCOM must draw up, and from time to time review and revise, a statement recommending ways in which others, including providers of regulated services, might develop, pursue and evaluate activities or initiatives relevant to media literacy in relation to regulated services.
- (1E) OFCOM must publish the statement and any revised statement in such manner as they consider appropriate for bringing it to the attention of the persons who, in their opinion, are likely to be affected by it.”
- (4) After subsection (2) insert—
- “(3) In this section and in section 11A, “regulated service” means—
- (a) a regulated user-to-user service, or
  - (b) a regulated search service.
- “Regulated user-to-user service” and “regulated search service” have the same meaning as in the Online Safety Act 2023 (see section 3 of that Act).
- (4) In this section—
- (a) “content”, in relation to regulated services, means regulated user-generated content, search content or fraudulent advertisements;
  - (b) the following terms have the same meaning as in the Online Safety Act 2023—
    - “content of democratic importance” (see section 13 of that Act);
    - “fraudulent advertisement” (see sections 33 and 34 of that Act);
    - “harm” (see section 209 of that Act) (and “harmful” is to be interpreted consistently with that section);
    - “provider”(see section 202 of that Act);

**After Clause 149 - continued**

“regulated user-generated content” (see section 49 of that Act);

“search content” (see section 51 of that Act).”

- (5) In the heading, for “Duty” substitute “Duties”.
- (6) In section 14 of the Communications Act (consumer research), in subsection (6)(a), after “11(1)” insert “, (1A) and (1B)”.

**Member’s explanatory statement**

*This amendment inserts provisions into section 11 of the Communications Act 2003 (OFCCOM’s duties to promote media literacy). The new provisions expand on the existing duties so far as they relate to regulated user-to-user and search services, and impose new duties on OFCCOM aimed at enhancing users’ media literacy.*

LORD KNIGHT OF WEYMOUTH  
LORD CLEMENT-JONES

*As an amendment to Amendment 274B*

- 274BA** In subsection (3), in inserted subsection (1A), at end insert—  
“(g) understand how the business models of the service providers operate, their use of personal data, and the operation of algorithmic systems and processes.”

**Member’s explanatory statement**

*This amendment is to ensure that media literacy encompasses systems and processes as well as content.*

LORD CLEMENT-JONES  
*As an amendment to Amendment 274B*

- 274BB** In subsection (3), in inserted subsection (1C), at end insert—  
“(e) setting minimum standards that activities and initiatives must meet.”

**Member’s explanatory statement**

*This amendment would include the setting of minimum standards in the way in which OFCCOM performs its duty to promote media literacy.*

LORD PARKINSON OF WHITLEY BAY

- 274C** Insert the following new Clause—

**“Media literacy strategy and media literacy statement**

After section 11 of the Communications Act insert—

**“11A Regulated services: media literacy strategy and media literacy statement**

- (1) OFCCOM must prepare and publish a media literacy strategy within the period of one year beginning with the day on which the Online Safety Act 2023 is passed.
- (2) A media literacy strategy is a plan setting out how OFCCOM propose to exercise their functions under section 11 in the period covered by the plan, which must be not more than three years.

**After Clause 149 - continued**

- (3) In particular, a media literacy strategy must state OFCOM's objectives and priorities for the period it covers.
- (4) Before the end of the period covered by a media literacy strategy, OFCOM must prepare and publish a media literacy strategy for a further period, ensuring that each successive strategy covers a period beginning immediately after the end of the last one.
- (5) In preparing or revising a media literacy strategy, OFCOM must consult such persons as they consider appropriate.
- (6) OFCOM's annual report must contain a media literacy statement.
- (7) A media literacy statement is a statement by OFCOM—
  - (a) summarising what they have done in the financial year to which the report relates in the exercise of their functions under section 11, and
  - (b) assessing what progress has been made towards achieving the objectives and priorities set out in their media literacy strategy in that year.
- (8) A media literacy statement must include a summary and an evaluation of the activities and initiatives pursued or commissioned by OFCOM in the exercise of their functions under section 11 in the financial year to which the report relates.
- (9) The first annual report that is required to contain a media literacy statement is the report for the financial year during which OFCOM's first media literacy strategy is published, and that first statement is to relate to the period from publication day until the end of that financial year.
- (10) But if OFCOM's first media literacy strategy is published during the second half of a financial year—
  - (a) the first annual report that is required to contain a media literacy statement is the report for the next financial year, and
  - (b) that first statement is to relate to the period from publication day until the end of that financial year.
- (11) References in this section to OFCOM's functions under section 11 are to those functions so far as they relate to regulated services.
- (12) In this section—

“annual report” means OFCOM's annual report under paragraph 12 of the Schedule to the Office of Communications Act 2002;

“financial year” means a year ending with 31 March.”

***Member's explanatory statement***

*This amendment requires OFCOM to produce a media literacy strategy every three years (or more frequently), and to include, in their annual report, a statement summarising and evaluating their media literacy activities, so far as they relate to regulated services, during the year.*

BARONESS FOX OF BUCKLEY  
LORD MOYLAN

275 Insert the following new Clause –

**“OFCOM: duty to align classification framework**

OFCOM must take steps to ensure that any classification framework operated by the British Board of Film Classification which has the purpose or effect of restricting access to content regulated by this Act complies with, and does not undermine the purpose of, the following duties –

- (a) duties to protect content of democratic importance (section 13),
- (b) duties to protect news publisher content (section 14),
- (c) duties to protect journalistic content (section 15), and
- (d) duties about freedom of expression and privacy (section 18).”

***Member’s explanatory statement***

*This amendment ensures that OFCOM takes steps to ensure that the BBFC Mobile Classification Framework must be compliant with, and not undermine, the key protections provided by this Bill.*

BARONESS FINLAY OF LLANDAFF

275A Insert the following new Clause –

**“Duty to report on behaviours using new technologies**

- (1) OFCOM must produce a report describing –
  - (a) the extent to which new communications and internet technologies allow for behaviours which would be in breach of the law if the equivalent behaviours were committed in the physical world;
  - (b) the effectiveness of current regulation in addressing the content described in paragraph (a);
  - (c) recommendations for legislative revision or clarification in response to findings under paragraphs (a) and (b).
- (2) OFCOM must publish the report within 12 months beginning on the day this section comes into force and every 12 months subsequently.
- (3) OFCOM must send a copy of the report to the Secretary of State, and the Secretary of State must lay it before both Houses of Parliament.”

***Member’s explanatory statement***

*This creates a duty on OFCOM to report on where the UK’s legal system is falling behind new technological developments and needs to be clarified.*

**Clause 202**

LORD PARKINSON OF WHITLEY BAY

276 Page 171, line 2, at end insert –

- “(15) For the purposes of subsections (8) and (9), a person who makes available on a service an automated tool or algorithm by means of which content is generated is to be regarded as having control over content so generated.”

**Member's explanatory statement**

*This amendment is about who counts as the provider of a service (other than a user-to-user or search service) that hosts provider pornographic content for the purposes of the Bill. The amendment makes it clear that a person who controls a generative tool on the service, such as a generative AI bot, is regarded as controlling the content generated by that tool.*

**After Clause 205**

LORD PARKINSON OF WHITLEY BAY  
BARONESS KIDRON

277 Insert the following new Clause—

**“Age verification” and “age estimation”**

- (1) This section applies for the purposes of this Act.
- (2) “Age verification” means any measure designed to verify the exact age of users of a regulated service.
- (3) “Age estimation” means any measure designed to estimate the age or age-range of users of a regulated service.
- (4) A measure which requires a user to self-declare their age (without more) is not to be regarded as age verification or age estimation.”

**Member's explanatory statement**

*This new Clause defines age verification and age estimation, and makes it clear that mere self-declaration of age does not count as either.*

**Clause 206**

LORD PARKINSON OF WHITLEY BAY

278 Page 172, line 34, leave out “assessing or establishing” and insert “verifying or estimating”

**Member's explanatory statement**

*This amendment is made to ensure consistency of language in the Bill when referring to age verification and age estimation.*

279 Page 173, line 11, at end insert—

- “(c) in relation to an internet service within section 71(2), content that is provider pornographic content in relation to the service.”

**Member's explanatory statement**

*This amendment is about what counts as “relevant content” for the purposes of defining “proactive technology” for the purposes of the Bill. The effect is for provider pornographic content to now be included.*

280 Page 173, line 15, leave out “Part 3” and insert “regulated”

**Member's explanatory statement**

*This amendment revises the definition of "user data" for the purposes of defining "proactive technology" for the purposes of the Bill. The effect is for user data to now include data created etc by providers of all services regulated by the Bill (including providers subject to the Part 5 pornography duties).*

**Clause 208**

LORD RUSSELL OF LIVERPOOL  
BARONESS HARDING OF WINSCOMBE  
LORD KNIGHT OF WEYMOUTH  
BARONESS KIDRON

**281** Page 174, line 14, leave out "user-to-user" and insert "regulated"

**Member's explanatory statement**

*This amendment would include all regulated services within the interpretation of features which denote "functionality" in this section.*

**281A** Page 174, line 47, at end insert –

- “(n) using a feature that –
- (i) turns notifications on by default;
  - (ii) enables loot boxes;
  - (iii) enables infinite scroll;
  - (iv) enables auto-play of videos;
  - (v) enables time-limited content;
  - (vi) enables pay-to-play;
  - (vii) enables users to exchange virtual gifts.”

**Member's explanatory statement**

*This amendment would introduce additional examples of functionalities that are known to be addictive and can cause harm.*

**281B** Page 175, line 1, leave out "search" and insert "regulated"

**Member's explanatory statement**

*This amendment would include all regulated services within the interpretation of features which denote "functionality" in this section.*

BARONESS KIDRON  
LORD CLEMENT-JONES  
BARONESS HARDING OF WINSCOMBE  
LORD STEVENSON OF BALMACARA

**281BA** Page 175, line 5, at end insert –

“(3A) In this Act "functionality", in relation to a regulated service, includes the design of systems and processes that engage or impact on users, particularly algorithms.”

**Member's explanatory statement**

*This amendment clarifies the role that system design can impact on outcomes on users in light of the requirement for systems to be safe by design.*



### Clause 209

#### LORD PARKINSON OF WHITLEY BAY

**281C** Page 175, line 17, leave out from “dissemination” to end of line 18

***Member’s explanatory statement***

*This amendment is consequential on the next amendment to this Clause in my name.*

**281D** Page 175, line 18, at end insert –

“(3A) References to harm presented by content, and any other references to harm in relation to content, include references to cumulative harm arising or that may arise in the following circumstances –

- (a) where content, or content of a particular kind, is repeatedly encountered by an individual (including, but not limited to, where content, or a kind of content, is sent to an individual by one user or by different users or encountered as a result of algorithms used by, or functionalities of, a service);
- (b) where content of a particular kind is encountered by an individual in combination with content of a different kind (including, but not limited to, where a kind of content is sent to an individual by one user or by different users or encountered as a result of algorithms used by, or functionalities of, a service).”

***Member’s explanatory statement***

*This amendment makes clear that references to harm presented by content include cumulative harm that arises or that may arise in the circumstances mentioned and, in particular, covers the case where this occurs as a result of algorithms used by, or functionalities of, a service.*

**281E** Page 175, line 29, at end insert –

“(4A) References to a risk of harm in relation to functionalities, and references to the risk of functionalities facilitating users encountering particular kinds of content (however expressed), include references to risks arising or that may arise due to multiple functionalities which, used in combination, increase the likelihood of harm arising (for example, as mentioned in subsection (3A)).”

***Member’s explanatory statement***

*This amendment makes clear that references to a risk of harm in relation to functionalities and references to the risk of functionalities facilitating users encountering particular kinds of content include references to risks from a combination of those functionalities.*

#### BARONESS KIDRON LORD STEVENSON OF BALMACARA BARONESS HARDING OF WINSCOMBE THE LORD BISHOP OF OXFORD

**281F** Page 175, line 29, at end insert –

“(4A) When in relation to children, references to harm include the potential impact of the design and operation of a regulated service separately and additionally from harms arising from content, including the following considerations –

**Clause 209 - continued**

- (a) the potential cumulative impact of exposure to harm or a combination of harms;
- (b) the potential for harm to result from features, functionalities or behaviours enabled or created by the design and operation of services;
- (c) the potential for some features and functionalities within a service to be higher risk than other aspects of the service;
- (d) that a service may, when used in conjunction with other services, facilitate harm to a child on a different service;
- (e) the potential for design strategies that exploit a child’s developmental vulnerabilities to create harm, including validation metrics and compulsive reward loops;
- (f) the potential for real time services, features and functionalities such as geolocation, livestream broadcasts or events, augmented and virtual environments to put children at immediate risk;
- (g) the potential for content neutral systems that curate or generate environments, content feeds or contacts to create harm to children;
- (h) that new and emerging harms may arise from artificial intelligence, machine generated and immersive environments.”

***Member’s explanatory statement***

*This amendment describes the ways in which the design and operation of services may create harm separately and additionally to harm relating to the dissemination of or encountering harmful content.*

BARONESS KIDRON  
LORD CLEMENT-JONES  
BARONESS HARDING OF WINSCOMBE  
LORD STEVENSON OF BALMACARA

**281FA** Page 175, line 29, at end insert –

- “(4A) References to harm presented by the design of a regulated service’s system and processes, and any other reference to harm in relation to a regulated service’s systems and processes, include references to harm arising or that may arise from any one or a combination of the following –
- (a) a feature or functionality that may or may not in itself or in combination with other features and functionalities be harmful;
  - (b) the context and manner of its application;
  - (c) the age or characteristics of the likely user group, for example children.”

***Member’s explanatory statement***

*This amendment clarifies that features and functionalities of system design, while in themselves not harmful, may in certain contexts or among particular users, such as children, individually or in combination be harmful. For example, dark patterns that extend use, or notifications through the night.*

LORD PARKINSON OF WHITLEY BAY

**281G** Page 175, line 33, leave out “and (4)” and insert “to (4)”

**Member's explanatory statement**

*This amendment is consequential on the amendment in my name inserting new subsection (3A) into this Clause.*

**Clause 210**

LORD PARKINSON OF WHITLEY BAY

**281H** Page 176, line 12, leave out “section 11 (duty)” and insert “sections 11 and 11A (duties)”

**Member's explanatory statement**

*This amendment provides that the term “online safety functions” includes OFCOM’s functions under section 11A of the Communications Act 2003 (inserted by the new Clause proposed to be inserted after Clause 149 in my name) regarding OFCOM’s media literacy strategy (as well as OFCOM’s functions under section 11 of that Act).*

LORD PARKINSON OF WHITLEY BAY

LORD KNIGHT OF WEYMOUTH

BARONESS KIDRON

LORD CLEMENT-JONES

**282** Page 176, line 21, at end insert –

“(2A) References to OFCOM’s “online safety functions” also include references to OFCOM’s duty to comply with any of the following, so far as relating to the use of a regulated service by a person who has died –

- (a) a notice from a senior coroner under paragraph 1(2) of Schedule 5 to the Coroners and Justice Act 2009 in connection with an investigation into a person’s death;
- (b) a request for information in connection with the investigation of a procurator fiscal into, or an inquiry held or to be held in relation to, a person’s death;
- (c) a notice from a coroner under section 17A(2) of the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)) in connection with –
  - (i) an investigation to determine whether an inquest into a person’s death is necessary, or
  - (ii) an inquest in relation to a person’s death.”

**Member's explanatory statement**

*This amendment makes it clear that OFCOM’s online safety functions include the duty of complying with a coroner’s notice or, in Scotland, a request from the procurator fiscal, in connection with the use of a regulated service by a person who has died.*

LORD PARKINSON OF WHITLEY BAY

BARONESS KIDRON

**283** Page 176, line 23, at end insert –

“(4) In subsection (2A)(b) “inquiry” means an inquiry held, or to be held, under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2).”

**Member's explanatory statement**

*This amendment defines a term used in the preceding amendment in my name.*

### Clause 211

LORD PARKINSON OF WHITLEY BAY

284 Page 176, leave out lines 27 and 28

***Member's explanatory statement***

*This amendment removes a definition of "age assurance" from Clause 211 as that term is now defined separately where used.*

285 Page 176, line 29, at end insert –

““automated tool” includes bot;”

***Member's explanatory statement***

*This amendment makes it clear that references in the Bill to automated tools include bots.*

BARONESS FRASER OF CRAIGMADDIE

LORD STEVENSON OF BALMACARA

LORD HOPE OF CRAIGHEAD

LORD PARKINSON OF WHITLEY BAY

286 Page 177, line 7, at end insert –

““freedom of expression”: any reference to freedom of expression (except in sections 36(6)(f) and 69(2)(d)) is to the freedom to receive and impart ideas, opinions or information (referred to in Article 10(1) of the Convention) by means of speech, writing or images;”

***Member's explanatory statement***

*This amendment inserts a definition of freedom of expression into the Bill.*

BARONESS KIDRON

LORD CLEMENT-JONES

BARONESS HARDING OF WINSCOMBE

LORD STEVENSON OF BALMACARA

286A Page 177, line 7, at end insert –

““features and functionalities” means the manner in which a regulated service’s systems and processes are designed to engage or impact on users;”

LORD PARKINSON OF WHITLEY BAY

BARONESS KIDRON

287 Page 177, line 10, after “91(1)”insert “or (*Information in connection with an investigation into the death of a child*)(1)”

***Member's explanatory statement***

*This amendment revises the definition of "information notice" so that it includes a notice under the new Clause proposed in my name concerning OFCOM's power to obtain information in connection with an investigation into the death of a child.*

## LORD PARKINSON OF WHITLEY BAY

288 Page 177, line 31, at end insert –

““pornographic content” means content of such a nature that it is reasonable to assume that it was produced solely or principally for the purpose of sexual arousal;”

***Member’s explanatory statement***

*This amendment adds a definition of “pornographic content” to Clause 211 of the Bill.*

288A Page 178, line 3, at end insert –

“(2A) References in this Act to an individual with a certain characteristic include references to an individual with a combination of characteristics.”

***Member’s explanatory statement***

*This amendment makes clear that references in the Bill to an individual with a certain characteristic include an individual with a combination of characteristics.*

288B Page 178, line 9, leave out “description” and insert “kind”

***Member’s explanatory statement***

*This amendment ensures consistency of language in referring to kinds of content.*

288C Page 178, line 11, leave out “description” and insert “kind”

***Member’s explanatory statement***

*This amendment ensures consistency of language in referring to kinds of content.*

## LORD PARKINSON OF WHITLEY BAY

## BARONESS KIDRON

289 Page 178, line 32, leave out from “of” to end of line 34 and insert “ –

- (a) software or an automated tool or algorithm applied by the provider of the service or by a person acting on behalf of the provider, or
- (b) an automated tool or algorithm made available on the service by the provider or by a person acting on behalf of the provider.”

***Member’s explanatory statement***

*This amendment revises an interpretative provision relating to the borderline between provider content and user-generated content. The provision is revised to use consistent wording about automated tools/algorithms made available by a provider (such as a generative AI bot), as used in the amendments of Clauses 49, 70 and paragraph 4 of Schedule 1 in my name.*

## LORD PARKINSON OF WHITLEY BAY

290 Page 178, line 36, leave out “(within the meaning of section 70(2))”

***Member’s explanatory statement***

*This amendment is consequential on the amendment of this Clause in my name adding a definition of “pornographic content” to this Clause.*

## Clause 212

### LORD PARKINSON OF WHITLEY BAY

**291** Page 179, leave out line 3

***Member’s explanatory statement***

*This amendment removes the entry for “age assurance” in the index of defined terms as that term is now defined separately where used.*

**292** Page 179, line 3, at end insert –

“age estimation

|section (“Age  
verification” and “age estimation”)

age estimation

|Section (“Age  
verification” and “age estimation”)

***Member’s explanatory statement***

*This amendment adds definitions of “age estimation” and “age verification” to the index of defined terms.*

**293** Page 179, line 4, at end insert –

“automated tool

|section 211”

***Member’s explanatory statement***

*This amendment adds a definition of “automated tool” to the index of defined terms.*

### BARONESS FRASER OF CRAIGMADDIE LORD STEVENSON OF BALMACARA LORD HOPE OF CRAIGHEAD LORD PARKINSON OF WHITLEY BAY

**294** Page 179, line 22, at end insert –

“freedom of  
expression

|section 211”

***Member’s explanatory statement***

*This amendment adds a definition of “freedom of expression” to the index of defined terms.*

## LORD PARKINSON OF WHITLEY BAY

295 Page 180, line 17, leave out “(in Part 5)”

***Member’s explanatory statement***

*This amendment updates the entry for pornographic content consequential on the amendment to Clause 211 which inserts a definition of that term into that Clause which applies for the purposes of the whole Bill.*

296 Page 180, line 17, leave out “70” and insert “211”

***Member’s explanatory statement***

*This amendment updates the entry for pornographic content consequential on the amendment to Clause 211 inserting a definition of that term into that clause.*

297 Page 180, line 18, leave out “54” and insert “(“Primary priority content that is harmful to children”)”

***Member’s explanatory statement***

*This amendment updates the entry for primary priority content that is harmful to children in the index of defined terms, consequential on the new Clause proposed to be inserted after Clause 54 in my name.*

298 Page 180, line 20, leave out “54” and insert “(“Priority content that is harmful to children”)”

***Member’s explanatory statement***

*This amendment updates the entry for priority content that is harmful to children in the index of defined terms, consequential on the new Clause proposed to be inserted after Clause 54 in my name.*

### Clause 214

## LORD PARKINSON OF WHITLEY BAY

299 Page 182, line 9, at end insert –

“(aa) section (*Sharing or threatening to share intimate photograph or film*);

(ab) section 171(2);

(ac) section (*Repeals in connection with offences under section (Sharing or threatening to share intimate photograph or film)*);”

***Member’s explanatory statement***

*This amendment revises the extent Clause so that the provisions mentioned extend to England and Wales only.*

### Clause 215

## LORD PARKINSON OF WHITLEY BAY

300 Page 182, line 37, leave out subsection (1)

***Member's explanatory statement***

*Clause 215(1) specifies which provisions of the Bill come into force on Royal Assent. This amendment omits subsection (1), but only because it is being moved further down in the section and replaced (see the amendment in my name below).*

- 301** Page 183, line 8, leave out “The other provisions of this Act come” and insert “Except as provided by subsection (4A), this Act comes”

***Member's explanatory statement***

*This technical amendment is needed because of the additions to the list of provisions which are to be commenced on Royal Assent (see the next amendment in my name).*

- 302** Page 183, line 14, at end insert –

“(4A) The following provisions come into force on the day on which this Act is passed –

- (a) Parts 1 and 2;
- (b) Chapter 1 of Part 3;
- (c) section 36, except subsection (4) of that section;
- (d) section 37 and Schedule 4;
- (e) sections 38 to 43;
- (f) section 47(2), (3) and (4);
- (g) section 48, except subsection (2) of that section;
- (h) Chapter 7 of Part 3 and Schedules 5, 6 and 7;
- (i) section 63;
- (j) section 67;
- (k) section 70;
- (l) section 71(4);
- (m) section 73;
- (n) sections 81 and 82;
- (o) section 84;
- (p) section 85 and Schedule 11;
- (q) Chapter 3 of Part 7;
- (r) section 118;
- (s) section 140;
- (t) section 143 so far as relating to a duty imposed on OFCOM under Schedule 11;
- (u) section 174, except subsection (2)(b) of that section;
- (v) section (*Time for publishing first guidance under certain provisions of this Act*);
- (w) section 184(1);
- (x) section 187;
- (y) section 192;
- (z) section 194;
- (z1) section (*Powers to amend sections (“Primary priority content that is harmful to children”) and (“Priority content that is harmful to children”)*);
- (z2) sections 197 to 201;



**Clause 215 - continued**

(z3) this Part.”

***Member’s explanatory statement***

*This amendment specifies the provisions of the Bill that come into force on Royal Assent.*

# Online Safety Bill

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CORRECTED FIFTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*17 July 2023*

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