

Online Safety Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON THIRD READING

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 44

LORD PARKINSON OF WHITLEY BAY

- 1 Page 45, line 30, leave out from “must” to end of line 31 and insert “, as soon as reasonably practicable, be published and laid before Parliament.”

Member’s explanatory statement

This amendment provides that, in addition to publishing a direction under this Clause, the Secretary of State must also lay it before Parliament. Additionally the Secretary of State is required to do these things as soon as reasonably practicable. There is an exemption in certain circumstances (as to which see the next amendment to this Clause in my name).

- 2 Page 45, line 31, at end insert –

“(7A) If the Secretary of State considers that publishing and laying before Parliament a direction given under this section would be against the interests of national security, public safety or relations with the government of a country outside the United Kingdom –

- (a) subsection (7)(c) does not apply in relation to the direction, and
- (b) the Secretary of State must, as soon as reasonably practicable, publish and lay before Parliament a document stating –
 - (i) that a direction has been given,
 - (ii) the kind of code of practice to which it relates, and
 - (iii) the reasons for not publishing it.”

Member’s explanatory statement

This amendment provides that in the circumstances mentioned in the amendment the Secretary of State is not required to publish and lay before Parliament a direction given under this Clause but must instead publish and lay before Parliament a document stating that a direction has been given, the code of practice to which it relates and the reasons for not publishing it.

- 3 Page 46, line 2, leave out “and (8)” and insert “to (8)”

Member’s explanatory statement

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

Clause 52

LORD PARKINSON OF WHITLEY BAY

- 4 Page 52, line 12, leave out “subsection (9) of those sections” and insert “section 23(10) or 34(9)”

Member’s explanatory statement

This is a technical amendment which substitutes the correct cross-references into this provision.

Clause 95

LORD PARKINSON OF WHITLEY BAY

- 5 Page 85, line 12, at end insert –

“(za) references to a service meeting the Category 1, Category 2A or Category 2B threshold conditions are to a service meeting those conditions in a way specified in regulations under paragraph 1 of Schedule 11 (see paragraph 1(4) of that Schedule);”

Member’s explanatory statement

This amendment improves the drafting to clarify that a service “meets the Category 1 threshold conditions” (for example) if the service meets them in a way set out in regulations under Schedule 11.

Clause 98

LORD PARKINSON OF WHITLEY BAY

- 6 Page 88, line 19, after “which” insert “does not meet the Category 1 threshold conditions and which”

Member’s explanatory statement

This amendment improves the drafting to clarify that services which are already Category 1 services, or which meet the conditions to be a Category 1 service, do not need to be assessed by OFCOM to see if they should be included in the list which is provided for by Clause 98.

Clause 101

LORD PARKINSON OF WHITLEY BAY

- 7 Page 91, line 23, leave out from “that” to end of line 26 and insert “a person authorised by OFCOM is able to view remotely –”

Member’s explanatory statement

This amendment changes the wording of one of OFCOM’s information powers. The power now refers to viewing information remotely, rather than remotely accessing a service; the power is exercisable by a person authorised by OFCOM; and the power may only be exercised in relation to information as mentioned in Clause 101(3)(a) and (b).

- 8 Page 91, line 29, leave out “the” and insert “a”

Member’s explanatory statement

This amendment and the next amendment in my name make minor drafting changes in connection with the first amendment of Clause 101 in my name.

- 9 Page 91, line 30, after “generated” insert “by a service”

Member’s explanatory statement

This amendment and the preceding amendment in my name make minor drafting changes in connection with the first amendment of Clause 101 in my name.

- 10 Page 93, line 5, at end insert –

“(7A) The reference in subsection (3) to a person authorised by OFCOM is to a person authorised by OFCOM in writing for the purposes of notices that impose requirements of a kind mentioned in that subsection, and such a person must produce evidence of their identity if requested to do so by a person in receipt of such a notice.”

Member’s explanatory statement

This amendment explains what is meant by the reference in Clause 101(3) to a person authorised by OFCOM.

Clause 103

LORD PARKINSON OF WHITLEY BAY

- 11 Page 94, line 27, at end insert –

“(4A) An information notice requiring a person to take steps of a kind mentioned in section 101(3) must give the person at least seven days’ notice before the steps are required to be taken.”

Member’s explanatory statement

This amendment has the effect that if a person receives a notice from OFCOM requiring them to allow OFCOM to remotely view information, they must be given at least 7 days to comply with the notice.

Clause 121

LORD PARKINSON OF WHITLEY BAY

- 12 Page 105, line 32, after “101” insert “, 102”

Member’s explanatory statement

Clause 121 is about the admissibility of statements in criminal proceedings. This amendment adds Clause 102 to the list of relevant information powers (information in connection with an investigation into the death of a child).

- 13 Page 105, line 33, after “2(4)(e) or (f),” insert “3(2),”

Member's explanatory statement

This amendment adds paragraph 3(2) of Schedule 12 to the list of relevant information powers (notices in connection with an inspection by OFCOM).

- 14 Page 106, line 7, after “18” insert “(1)(c)”

Member's explanatory statement

This amendment pinpoints paragraph 18(1)(c) of Schedule 12 as the offence relevant to this Clause (rather than paragraph 18 as a whole)(provision of false information in connection with an inspection by OFCOM etc).

Clause 162

LORD PARKINSON OF WHITLEY BAY

- 15 Page 144, line 29, at end insert –

““age assurance” means age verification or age estimation;”

Member's explanatory statement

This amendment adds a definition of “age assurance” into this Clause.

Clause 182

LORD PARKINSON OF WHITLEY BAY

- 16 Page 159, line 29, after “out” insert “(whether or not by the person sending the message)”

Member's explanatory statement

This amendment makes it clear that the threatening communications offence in Clause 182 may be committed by a person who sends a threatening message regardless of who might carry out the threat.

- 17 Page 159, line 31, after “out” insert “(whether or not by the person sending the message)”

Member's explanatory statement

This amendment makes it clear that the threatening communications offence in Clause 182 may be committed by a person who sends a threatening message regardless of who might carry out the threat.

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5 September 2023
