

# Online Safety Bill

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## COMMONS AMENDMENTS TO LORDS AMENDMENTS, CONSEQUENTIAL AMENDMENTS, DISAGREEMENTS, AMENDMENTS IN LIEU AND REASONS

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[The page and line references are to HL Bill 87(Rev), the bill as printed for the Lords]

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### Clause 10

#### LORDS AMENDMENT 17

- 17** Page 9, line 19, at end insert—
- “(iv) features, functionalities or behaviours (including those enabled or created by the design or operation of the service) that are harmful to children”

#### COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

*The Commons disagree to Lords Amendment 17 but propose amendments 17A and 17B as amendments in lieu –*

- 17A** Page 9, line 30, leave out paragraph (e) and insert—
- “(e) the extent to which the design of the service, in particular its functionalities, affects the level of risk of harm that might be suffered by children, identifying and assessing those functionalities that present higher levels of risk, including functionalities—
    - (i) enabling adults to search for other users of the service (including children), or
    - (ii) enabling adults to contact other users (including children) by means of the service;”
- 17B** Page 9, line 38, after “used,” insert “including functionalities or other features of the service that affect how much children use the service (for example a feature that enables content to play automatically),”

**Clause 11**

## LORDS AMENDMENT 20

**20** Page 10, line 13, at end insert –

- “(c) mitigate the impact of harm to children in different age groups presented by features, functionalities or behaviours enabled or created by the design or operation of the service.”

## COMMONS REASON

*The Commons disagree to Lords Amendment 20 for the following Reason –*

**20A** *Because the Bill already makes sufficient provision requiring providers of user-to-user-services to mitigate the impact of harm to children online.*

## LORDS AMENDMENT 22

**22** Page 10, line 21, at end insert –

- “(c) protect children in age groups judged to be at risk of harm from features, functionalities or behaviours enabled or created by the design or operation of the service.”

## COMMONS REASON

*The Commons disagree to Lords Amendment 22 for the following Reason –*

**22A** *Because the Bill already makes sufficient provision requiring providers of user-to-user-services to mitigate the impact of harm to children online.*

**Clause 25**

## LORDS AMENDMENT 81

**81** Page 27, line 11, at end insert –

- “(c) mitigate the impact of harm to children in different age groups presented by search functions that expose children to features, functionalities or behaviours that are harmful to children.”

## COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

*The Commons disagree to Lords Amendment 81 but propose amendments 81A, 81B and 81C as amendments in lieu –*

**81A** Page 26, line 31, leave out paragraph (c) and insert –

- “(c) the extent to which the design of the service, in particular its functionalities, affects the level of risk of harm that might be suffered by children, identifying and assessing those functionalities that present higher levels of risk, including a functionality that makes suggestions relating to users’ search requests (predictive search functionality);”

- 81B** Page 26, line 33, at end insert –  
“(ca) the different ways in which the service is used, including functionalities or other features of the service that affect how much children use the service, and the impact of such use on the level of risk of harm that might be suffered by children;”

- 81C** Page 26, line 35, leave out “(c)” and insert “(ca)”

#### After Clause 56

#### LORDS AMENDMENT 148

- 148** Insert the following new Clause –

**“Review: offences relating to animal torture content**

- (1) Within the period of six months beginning with the day on which this Act is passed, the Secretary of State must carry out a review of relevant offences under the –
- (a) Communications Act 2003, and
  - (b) Animal Welfare Act 2006,
- to determine whether there is an offence of sending a communication to encourage or assist an act of animal torture, or sharing content related to animal torture, on a regulated service.
- (2) If the review under subsection (1) determines that one or more offences contained within the Acts does extend to such communications or content, the Secretary of State must, as soon as practicable, make regulations to designate the offence or offences under Schedule 7 to this Act (see section 194(3)).”

#### COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

*The Commons disagree to Lords Amendment 148 but propose amendment 148A as an amendment in lieu –*

- 148A** Page 205, line 36, at end insert –

*“Animal welfare*

- 32A An offence under section 4(1) of the Animal Welfare Act 2006 (unnecessary suffering of an animal).”

#### Clause 82

#### LORDS AMENDMENT 182

- 182** Page 72, line 11, leave out “presented by content”

#### COMMONS AMENDMENT

*The Commons agree with the Lords in their Amendment 182 and propose amendment 182A as an amendment thereto –*

- 182A** Line 1, leave out ““presented by content”” and insert ““content on””

### Clause 211

#### LORDS AMENDMENT 349

**349** Page 176, line 36, 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 117;
- (s) section 138;
- (t) section 141 so far as relating to a duty imposed on OFCOM under Schedule 11;
- (u) section 171, except subsection (2)(b) of that section;
- (v) section (*Time for publishing first guidance under certain provisions of this Act*);
- (w) section 180(1);
- (x) section 183;
- (y) section 188;
- (z) section 190;
- (z1) section (*Powers to amend sections (“Primary priority content that is harmful to children”) and (“Priority content that is harmful to children”)*);
- (z2) sections 193 to 197;
- (z3) this Part.”

#### COMMONS AMENDMENTS

*The Commons agree with the Lords in their Amendment 349 and propose amendments 349A and 349B as amendments thereto –*

**349A** Line 20, at end insert –

“(qa) sections 104 to 106;”

**349B** Line 24, at end insert –

“(ta) sections 150 and 151;”

**Schedule 11**

## LORDS AMENDMENT 391

**391** Page 217, line 9, leave out “and” and insert “or”

## COMMONS AMENDMENT AND CONSEQUENTIAL AMENDMENT

*The Commons agree with the Lords in their Amendment 391 and propose amendment 391A as an amendment thereto –*

**391A** Line 1, after ““and” insert “at least one specified condition about”

*The Commons propose the following amendment to the Bill consequential upon the Lords Amendment –*

**391B** Page 78, line 21, at end insert –

“(3A) If the regulations under paragraph 1(1) of Schedule 11 specify that a service meets the Category 1 threshold conditions if any one condition about number of users or functionality is met (as mentioned in paragraph 1(4)(a) of that Schedule) –

- (a) subsection (2) applies as if paragraph (b) were omitted, and
- (b) subsections (3) and (7) apply as if the reference to the conditions in subsection (2) were to the condition in subsection (2)(a).”

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