

Children’s Wellbeing and Schools Bill

COMMONS INSISTENCE ON DISAGREEMENT AND AMENDMENTS TO THE COMMONS AMENDMENTS

[The page and line references are to HL Bill 84, the Bill as first printed for the Lords]

After Clause 26

LORDS AMENDMENT 38

38 After Clause 26, insert the following new Clause –

“Action to promote the wellbeing of children in relation to social media

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must, for the purposes of promoting the wellbeing of children –
 - (a) direct the Chief Medical Officers of the United Kingdom (“the UK CMOs”) to prepare and publish advice for parents and carers on the use of social media by children at different ages and developmental stages, and
 - (b) by regulations made by statutory instrument require all regulated user-to-user services to use highly- effective age assurance measures to prevent children under the age of 16 from becoming or being users.
- (2) Any advice published under subsection (1)(a) must have regard to –
 - (a) the paper published on 7 February 2019 entitled “United Kingdom Chief Medical Officers’ commentary on ‘Screen-based activities and children and young people’s mental health and psychosocial wellbeing: a systematic map of reviews’”, and
 - (b) any scientific or other developments since the publication of that paper which appear to the UK CMOs to be relevant.
- (3) Any regulations under subsection (1)(b) must be treated as an enforceable requirement within the meaning of section 131 (and for the purposes of Part 7) of the Online Safety Act 2023.
- (4) A statutory instrument containing regulations under subsection (1)(b) or subsection (5) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

- (5) For the purposes of this section –
- “the Chief Medical Officers of the United Kingdom” means the Chief Medical Officers for –
- (a) England,
 - (b) Wales,
 - (c) Scotland, and
 - (d) Northern Ireland;
- “regulated user-to-user services” shall have the meaning given to it in the Online Safety Act 2023, subject to any modification, addition or exclusion as the Secretary of State may specify in regulations made by statutory instrument under this subsection.”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments 37 and 38 but propose amendments 38A, 38B, 38C, and 38D to the Bill as amendments in lieu –

38A Page 122, line 38, at end insert the following new Clause –

“Power to require internet service providers to restrict access by children to certain internet services

- (1) The Online Safety Act 2023 is amended as follows.
- (2) After section 214 insert –

“Power to require internet service providers to restrict access by children to certain internet services

214A Power to require internet service providers to restrict access by children to certain internet services

- (1) The Secretary of State may by regulations make provision requiring providers of specified internet services –
 - (a) to prevent access by children of or under a specified age to specified internet services which they provide, or to specified features or functionalities of such services;
 - (b) to restrict access by children of or under a specified age to specified internet services which they provide, or to specified features or functionalities of such services.
- (2) The provision that may be made by regulations under this section includes –
 - (a) provision about the steps that must or may be taken by a provider for the purposes of complying with a requirement imposed by the regulations;
 - (b) provision about the monitoring of compliance with a requirement imposed by the regulations;
 - (c) provision about the enforcement of a requirement imposed by the regulations.

- (3) The provision that may be made by virtue of subsection (1)(b) includes provision requiring a provider to limit –
 - (a) the amount of time per day, or over the course of a specified period, for which children may access the service or a specified feature or functionality of the service;
 - (b) the times of day at which children may access the service or a specified feature or functionality of the service.
- (4) The provision that may be made by virtue of subsection (2)(c) includes provision for a requirement to be an enforceable requirement for the purposes of Chapter 6 of Part 7.
- (5) Regulations under this section may –
 - (a) make provision applying any provision of this Act (with or without modifications);
 - (b) make provision for exceptions to requirements imposed by the regulations;
 - (c) make provision about the time by which, or period within which, a thing must be done;
 - (d) make provision by reference to standards, arrangements, specifications or technical requirements as published from time to time;
 - (e) confer functions on a person, including functions involving the exercise of a discretion, and make provision in connection with the procedure for exercising the functions;
 - (f) make consequential provision.
- (6) Regulations made by virtue of subsection (5)(f) may amend or repeal primary legislation.
- (7) OFCOM must, so far as reasonably practicable –
 - (a) carry out such research or provide such advice as the Secretary of State may request for the purposes of making regulations under this section, and
 - (b) do so by such time, or within such period, as the Secretary of State may specify in the request.
- (8) As soon as reasonably practicable after providing advice under subsection (7), OFCOM must publish the advice.
- (9) In this section –
 - “primary legislation” means –
 - (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) an Act or Measure of Senedd Cymru, or
 - (d) Northern Ireland legislation;
 - “specified” means specified, or of a description specified, in regulations under this section.”

- (3) In section 225 (parliamentary procedure for regulations), in subsection (1), after paragraph (e) insert –

“(ea) regulations under section 214A(1),”.

38B

Page 122, line 38, at end insert the following new Clause –

“Age of consent in relation to processing of a child’s personal data: information society services

- (1) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data is amended as follows.
- (2) In Article 8 (child's consent in relation to information society services), after paragraph 2 insert –
- “2A. The Secretary of State may by regulations –
- (a) amend paragraph 1 so as to change the age for the time being specified in that paragraph (but not to an age lower than 13 years or higher than 16 years);
- (b) make provision in relation to services specified, or of a description specified, in the regulations for a different age to apply for the purposes of paragraph 1 (but not lower than 13 years or higher than 16 years).
- 2B. Regulations under paragraph 2A are subject to the affirmative resolution procedure.”.
- (3) After Article 8, insert –

“Article 8ZA

Child’s consent in relation to information society services: age verification

1. The Secretary of State may by regulations make provision about verifying –
- (a) that a data subject who has given consent to the processing of his or her personal data in relation to the offer of information society services is at least the age for the time being specified in Article 8(1);
- (b) in the case of a service specified, or of a description specified, in regulations under Article 8(2A)(b), that a data subject who has given consent to the processing of his or her personal data in relation to the offer of information society services is at least the age for the time being applicable by virtue of those regulations in relation to that service or description of service.
2. The provision that may be made by regulations under paragraph 1 includes –
- (a) provision imposing requirements on persons specified, or of a description specified, in the regulations;
- (b) provision about the steps that must or may be taken by such persons for the purposes of complying with a requirement imposed by the regulations;

- (c) provision about the monitoring of compliance with a requirement imposed by the regulations;
 - (d) provision about the enforcement of a requirement imposed by the regulations.
3. Regulations under paragraph 1 may –
- (a) make provision amending, repealing, revoking or applying (with or without modifications) any provision of the data protection legislation (within the meaning given by section 3(9) of the Data Protection Act 2018);
 - (b) make provision for exceptions to requirements imposed by the regulations;
 - (c) make provision about the time by which, or period within which, a thing must be done;
 - (d) make provision by reference to standards, arrangements, specifications or technical requirements as published from time to time;
 - (e) confer functions on a person, including functions involving the exercise of a discretion, and make provision in connection with the procedure for exercising the functions.
4. Regulations under this Article are subject to the affirmative resolution procedure.
5. In paragraph 1, the reference to information society services does not include preventive or counselling services.”

38C Clause 66, page 124, line 4, at end insert –

- “(aa) section (*Power to prevent or restrict access by children to certain internet services*);
- (ab) section (*Age of consent in relation to processing of a child’s personal data: information society services*);”

38D Title, line 9, after “schools;” insert “about preventing or restricting access by children to certain internet services; about the age of consent in relation to processing of a child’s personal data in relation to information society services;”.

LORDS DISAGREEMENT, NON-INSISTENCE, INSISTENCE AND REASON

The Lords do not insist on their Amendment 37, disagree with the Commons in their Amendments 38A, 38B, 38C and 38D in lieu and do insist on their Amendment 38 for Reason 38H.

38H *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE ON DISAGREEMENT, NON-INSISTENCE, AND AMENDMENTS IN LIEU

The Commons insists on its disagreement with the Lords in their Amendment 38, but does not insist on its Amendments 38A to 38D and proposes the following Amendments to the Bill in lieu of the Lords Amendment –

38J Page 122, line 38, at end insert the following new Clause –

“Power to require internet service providers to prevent or restrict access by children to internet services

- (1) The Online Safety Act 2023 is amended as follows.
- (2) After section 214 insert –

“Power to require internet service providers to prevent or restrict access by children to internet services

214A Power to require internet service providers to prevent or restrict access by children to internet services

- (1) The Secretary of State may, for the purpose of protecting relevant children from a risk of harm (including harm presented by content), make provision by regulations requiring providers of specified internet services –
 - (a) to prevent access by relevant children to specified internet services which they provide, or to specified features or functionalities of such services;
 - (b) to restrict access by relevant children to specified internet services which they provide, or to specified features or functionalities of such services.
- (2) “Relevant child” means a child who is of, or under, a specified age (and different ages may be specified for the purposes of paragraphs (a) and (b) of subsection (1)).
- (3) The provision that may be made by regulations under this section includes provision –
 - (a) about the steps that must or may be taken by a provider for the purposes of complying with a requirement imposed by the regulations;
 - (b) about the monitoring of compliance with a requirement imposed by the regulations;
 - (c) about the enforcement of a requirement imposed by the regulations.
- (4) The provision that may be made by virtue of subsection (1)(b) includes, for example, provision requiring a provider of an internet service to –
 - (a) limit the amount of time per day, or over the course of a specified period, for which relevant children may access the service or a specified feature or functionality of the service;
 - (b) limit the times of day at which relevant children may access the service or a specified feature or functionality of the service;
 - (c) restrict access by relevant children to a service or to a feature or functionality of a service by virtue of which –
 - (i) a user of the service could receive unsolicited contact from a person who is not known to the user;
 - (ii) a user of the service could encounter live oral communications or live video generated directly on the

- service, or uploaded to or shared on the service, by a person who is not known to the user;
- (iii) a person who is not known to a user of the service could encounter live oral communications or live video generated directly on the service, or uploaded to or shared on the service, by the user;
 - (iv) a person who is not known to a user of the service could identify the actual or approximate location of the user.
- (5) The provision that may be made by virtue of subsection (3)(c) includes provision for a requirement to be an enforceable requirement for the purposes of Chapter 6 of Part 7.
- (6) In making regulations under this section, the Secretary of State must have regard to the fact that children of different ages may be affected by an internet service, or a feature or functionality of an internet service, in different ways.
- (7) Regulations under this section may –
- (a) make provision applying any provision of this Act (with or without modifications);
 - (b) make provision for exceptions to requirements imposed by the regulations;
 - (c) make provision about the time by which, or period within which, a thing must be done;
 - (d) make provision by reference to standards, arrangements, specifications or technical requirements as published from time to time;
 - (e) confer functions on a person, including functions involving the exercise of a discretion, and make provision in connection with the procedure for exercising the functions;
 - (f) make consequential provision.
- (8) Regulations made by virtue of subsection (7)(f) may amend or repeal primary legislation.
- (9) OFCOM must, so far as reasonably practicable –
- (a) carry out such research or provide such advice as the Secretary of State may request for the purposes of making regulations under this section, and
 - (b) do so by such time, or within such period, as the Secretary of State may specify in the request.
- (10) As soon as reasonably practicable after providing advice under subsection (9), OFCOM must publish the advice.
- (11) In this section –
- “primary legislation” means –
- (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) an Act or Measure of Senedd Cymru, or

(d) Northern Ireland legislation;
 “specified” means specified, or of a description specified, in regulations under this section.”

- (3) In section 225 (parliamentary procedure for regulations), in subsection (1), after paragraph (e) insert –

“(ea) regulations under section 214A(1),”.

38K Page 122, line 38, at end insert the following new Clause –

“Progress statement

- (1) The Secretary of State must, before the end of the period of six months beginning with the day on which this Act is passed, lay before Parliament a statement setting out –
- (a) what progress has been made towards making the first regulations under section 214A(1) of the Online Safety Act 2023 (inserted by section (*Power to require internet service providers to prevent or restrict access by children to internet services*) of this Act) (“the first regulations”), and
 - (b) a timeline for making the first regulations.
- (2) The duty in subsection (1) does not apply where the first regulations have been made before the end of the period mentioned in subsection (1).”

38L Page 122, line 38, at end insert the following new Clause –

“Age of consent in relation to processing of a child’s personal data: information society services

- (1) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data is amended as follows.
- (2) In Article 8 (child's consent in relation to information society services), after paragraph 2 insert –
- “2A. The Secretary of State may by regulations –
- (a) amend paragraph 1 so as to change the age for the time being specified in that paragraph (but not to an age lower than 13 years or higher than 16 years);
 - (b) make provision in relation to services specified, or of a description specified, in the regulations for a different age to apply for the purposes of paragraph 1 (but not lower than 13 years or higher than 16 years).
- 2B. Regulations under paragraph 2A are subject to the affirmative resolution procedure.”

(3) After Article 8 insert—

“Article 8ZA

Child’s consent in relation to information society services: age verification

1. The Secretary of State may by regulations make provision about verifying—
 - (a) that a data subject who has given consent to the processing of his or her personal data in relation to the offer of information society services is at least the age for the time being specified in Article 8(1);
 - (b) in the case of a service specified, or of a description specified, in regulations under Article 8(2A)(b), that a data subject who has given consent to the processing of his or her personal data in relation to the offer of information society services is at least the age for the time being applicable by virtue of those regulations in relation to that service or description of service.
2. The provision that may be made by regulations under paragraph 1 includes—
 - (a) provision imposing requirements on persons specified, or of a description specified, in the regulations;
 - (b) provision about the steps that must or may be taken by such persons for the purposes of complying with a requirement imposed by the regulations;
 - (c) provision about the monitoring of compliance with a requirement imposed by the regulations;
 - (d) provision about the enforcement of a requirement imposed by the regulations.
3. Regulations under paragraph 1 may—
 - (a) make provision amending, repealing, revoking or applying (with or without modifications) any provision of the data protection legislation (within the meaning given by section 3(9) of the Data Protection Act 2018);
 - (b) make provision for exceptions to requirements imposed by the regulations;
 - (c) make provision about the time by which, or period within which, a thing must be done;
 - (d) make provision by reference to standards, arrangements, specifications or technical requirements as published from time to time;
 - (e) confer functions on a person, including functions involving the exercise of a discretion, and make provision in connection with the procedure for exercising the functions.
4. Regulations under this Article are subject to the affirmative resolution procedure.

5. In paragraph 1, the reference to information society services does not include preventive or counselling services.””

38M Clause 65, page 123, line 36, leave out “This Part extends” and insert “Section (*Progress statement*) and this Part extend”

38N Clause 66, page 124, line 4, at end insert –

- “(aa) section (*Power to require internet service providers to prevent or restrict access by children to internet services*);
- (ab) section (*Progress statement*);
- (ac) section (*Age of consent in relation to processing of a child's personal data: information society services*);”

38P Title, line 9, after “schools;” insert “about preventing or restricting access by children to internet services; about the age of consent in relation to processing of a child's personal data in relation to information society services;”

LORDS NON-INSISTENCE, AGREEMENT AND AMENDMENTS TO AMENDMENT IN LIEU

The Lords do not insist on their Amendment 38, agree with the Commons in their Amendments 38J, 38K, 38L, 38M, 38N and 38P in lieu, and propose Amendments 38V, 38W and 38X as amendments to Commons Amendment 38J –

38V In subsection (2), in inserted subsection (7)(a), after “modifications” insert “, subject to subsection (8A)”

38W In subsection (2), at the end of inserted subsection (8) insert “, subject to subsection (8A).

- (8A) Regulations made more than two years after the day on which the Children's Wellbeing and Schools Act 2026 is passed may not amend or repeal primary legislation or apply any provision of this Act with modification.”

38X At the end of subsection (2) insert –

“214B Use of section 214A powers in relation to regulated user-to-user services

- (1) The Secretary of State must make regulations under section 214A(1)(a) requiring providers of specified regulated user-to-user services to use highly-effective age assurance measures and reasonable anti-circumvention measures to prevent access by children in the United Kingdom under the age of 16 to those services which they provide, or to specified features or functionalities of such services.
- (2) A draft of the first such regulations must be laid before each House of Parliament within eight months of the day on which the Children's Wellbeing and Schools Act 2026 is passed.
- (3) Subject to approval by a resolution of each House of Parliament, the first such regulations must be brought into effect within one year of the day on which the Children's Wellbeing and Schools Act 2026 is passed.
- (4) When making the regulations described at subsection (1), the Secretary of State must –

- (a) seek to protect children under the age of 16 from any general or specific characteristics of those services, features or functionalities which it is reasonable to believe, having regard to any advice provided for that purpose by relevant experts –
 - (i) are likely to cause, encourage or facilitate compulsive, obsessive, addictive or other unhealthy behaviours among children,
 - (ii) could expose children to risks of serious harm, manipulation or exploitation,
 - (iii) could expose children to illegal content or primary priority content, or
 - (iv) could expose children to serious loss of privacy or to contact from strangers;
 - (b) have regard to the desirability of facilitating studies by charities and independent researchers of the safety and appropriateness for children of the characteristics of regulated user-to-user services;
 - (c) make any necessary provisions or consequential amendments to ensure that –
 - (i) the duties on the providers of regulated user-to-user services under those regulations are enforceable requirements for the purposes of section 131 and Part 7 of this Act, and
 - (ii) section 49 (relationship between duties and codes of practice) of this Act does not apply to those duties.
- (5) In this section, a “relevant expert” means OFCOM, the Children’s Commissioner, any of the Chief Medical Officers of the United Kingdom, the Medical Royal Colleges, and any other persons from whom the Secretary of State considers it appropriate to seek relevant expert advice or input.

214C Supporting children’s understanding of user-to-user services

The Secretary of State must take action to ensure that, effective for the academic year commencing in September 2027, the national curriculum contains age-appropriate material to explain the reasons for children under the age of 16 being prevented from accessing different kinds of regulated user-to-user services, or features or functionalities of such services, including –

- (a) the implications for children’s wellbeing of their use of or exposure to services with characteristics of the kind described in subsection 214B(4)(a), and
- (b) the range of business models, methods and motivations for and the implications of the online collection and processing of children’s data.”

COMMONS INSISTENCE, DISAGREEMENT AND REASONS

The Commons insist on their Amendment 38J, disagree with the Lords in their Amendments 38V and 38W to Commons Amendment 38J for Reason 38Y, and disagree with the Lords in their Amendment 38X to Commons Amendment 38J for Reason 38Z –

- 38Y** *Because the Amendments would restrict the ability of the Secretary of State to make future regulations under the power conferred by the clause inserted by Amendment 38J in response to developments in the area of children's online safety.*
- 38Z** *Because the Amendment would pre-empt the outcome of the ongoing public consultation regarding children's online safety.*

LORDS INSISTENCE AND REASON

The Lords insist on their Amendments 38V to 38X as amendments to Amendment 38J for Reason 38Z11.

- 38Z11** *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE ON DISAGREEMENT AND AMENDMENTS TO THE COMMONS AMENDMENTS

The Commons insist on their disagreement with the Lords in their Amendments 38V to 38X to Commons Amendment 38J, and propose Amendments 38Z12 to 38Z21 to Commons Amendments 38J and 38K in lieu of the Lords Amendments –

- 38Z12** As an Amendment to Commons Amendment 38J, in subsection (2), in inserted subsection (1)(a), leave out “features or functionalities” and insert “functionalities or other features”
- 38Z13** As an Amendment to Commons Amendment 38J, in subsection (2), in inserted subsection (1)(b), leave out “features or functionalities” and insert “functionalities or other features”
- 38Z14** As an Amendment to Commons Amendment 38J, in subsection (2), in inserted subsection (4)(a), leave out “feature or functionality” and insert “functionality or other feature”
- 38Z15** As an Amendment to Commons Amendment 38J, in subsection (2), in inserted subsection (4)(b), leave out “feature or functionality” and insert “functionality or other feature”
- 38Z16** As an Amendment to Commons Amendment 38J, in subsection (2), in inserted subsection (4)(c), leave out “feature or functionality” and insert “functionality or other feature”
- 38Z17** As an Amendment to Commons Amendment 38J, in subsection (2), in inserted subsection (6), leave out from “to” to the end and insert “–
- (a) the different ways in which an internet service of a particular kind 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, and
 - (b) the fact that children of different ages may be affected by an internet service, or a functionality or other feature of an internet service, in different ways.”
- 38Z18** As an Amendment to Commons Amendment 38J, in subsection (2), after inserted subsection (8) insert –
- “(8A) The Secretary of State –
- (a) must exercise the power under subsection (1) so as to make such provision as the Secretary of State considers appropriate following the conclusion of the consultation entitled “Growing up in the online world: a national

consultation” launched on 2 March 2026 (command paper numbered CP 1528), and

- (b) must, in exercising that power, have regard to the responses to the consultation.”

38Z19 As an Amendment to Commons Amendment 38K, in subsection (1), leave out “six” and insert “three”

38Z20 As an Amendment to Commons Amendment 38K, after subsection (1) insert –

- “(1A) The timeline must provide for the first regulations to be laid before Parliament before the end of the period of 12 months beginning with the day on which the statement is laid under subsection (1).”

38Z21 As an Amendment to Commons Amendment 38K, after subsection (2) insert –

- “(3) If the first regulations have not been laid before Parliament before the end of the period mentioned in subsection (1A) –
 - (a) the Secretary of State must lay before Parliament a statement explaining why, and
 - (b) before the end of the period of six months beginning with the day on which the statement under paragraph (a) is laid, the Secretary of State must lay the first regulations before Parliament.
- (4) References in this section to the laying before Parliament of the first regulations are to the laying before Parliament of a draft of a statutory instrument containing the first regulations.”

Children's Wellbeing and Schools Bill

COMMONS INSISTENCE ON DISAGREEMENT AND AMENDMENTS TO THE COMMONS
AMENDMENTS

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