



Online Safety Act 2023

2023 CHAPTER 50

PART 4

OTHER DUTIES OF PROVIDERS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES

CHAPTER 3

TERMS OF SERVICE: TRANSPARENCY, ACCOUNTABILITY AND FREEDOM OF EXPRESSION

74 Interpretation of this Chapter

- (1) This section applies for the purposes of this Chapter.
- (2) “Regulated user-generated content” has the same meaning as in Part 3 (see section 55), and references to such content are to content that is regulated user-generated content in relation to the service in question.
- (3) “Consumer content” means—
 - (a) regulated user-generated content that constitutes, or is directly connected with content that constitutes, an offer to sell goods or to supply services,
 - (b) regulated user-generated content that amounts to an offence under the Consumer Protection from Unfair Trading Regulations 2008 ([S.I. 2008/1277](#)) (construed in accordance with section 59: see subsections (3), (11) and (12) of that section), or
 - (c) any other regulated user-generated content in relation to which an enforcement authority has functions under those Regulations (see regulation 19 of those Regulations).
- (4) References to restricting users’ access to content, and related references, are to be construed in accordance with sections 58 and 236(6).
- (5) Content of a particular kind is “relevant content” if—

Status: Point in time view as at 10/01/2024.

Changes to legislation: Online Safety Act 2023, Section 74 is up to date with all changes known to be in force on or before 24 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) a term of service, other than a term of service mentioned in section 72(9), indicates (in whatever words) that the presence of content of that kind is prohibited on the service or that users' access to content of that kind is restricted, and
- (b) it is regulated user-generated content.

References to relevant content are to content that is relevant content in relation to the service in question.

- (6) “Affected person” means a person, other than a user of the service in question, who is in the United Kingdom and who is—
 - (a) the subject of the content,
 - (b) a member of a class or group of people with a certain characteristic targeted by the content,
 - (c) a parent of, or other adult with responsibility for, a child who is a user of the service or is the subject of the content, or
 - (d) an adult providing assistance in using the service to another adult who requires such assistance, where that other adult is a user of the service or is the subject of the content.
- (7) In determining what is proportionate for the purposes of sections 71 and 72, the size and capacity of the provider of a service is, in particular, relevant.
- (8) For the meaning of “Category 1 service”, see section 95 (register of categories of services).

Commencement Information

II S. 74 in force at Royal Assent, see [s. 240\(4\)\(j\)](#)

Status:

Point in time view as at 10/01/2024.

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