



# Online Safety Act 2023

## 2023 CHAPTER 50

### PART 2

#### KEY DEFINITIONS

#### **3 “User-to-user service” and “search service”**

- (1) In this Act “user-to-user service” means an internet service by means of which content that is generated directly on the service by a user of the service, or uploaded to or shared on the service by a user of the service, may be encountered by another user, or other users, of the service.
- (2) For the purposes of subsection (1)—
  - (a) it does not matter if content is actually shared with another user or users as long as a service has a functionality that allows such sharing;
  - (b) it does not matter what proportion of content on a service is content described in that subsection.
- (3) For the meaning of “content” and “encounter”, see section 236.
- (4) In this Act “search service” means an internet service that is, or includes, a search engine (see section 229).
- (5) Subsections (6) and (7) have effect to determine whether an internet service that—
  - (a) is of a kind described in subsection (1), and
  - (b) includes a search engine,is a user-to-user service or a search service for the purposes of this Act.
- (6) It is a search service if the only content described in subsection (1) that is enabled by the service is content of any of the following kinds—
  - (a) content mentioned in paragraph 1, 2 or 3 of Schedule 1 (emails, SMS and MMS messages, one-to-one live aural communications) and related identifying content;

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- (b) content arising in connection with any of the activities described in paragraph 4(1) of Schedule 1 (comments etc on provider content);
  - (c) content present on a part of the service in relation to which the conditions in paragraph 7(2) of Schedule 1 are met (internal business service conditions).
- (7) Otherwise, it is a user-to-user service.

#### Commencement Information

**II** S. 3 in force at Royal Assent, see s. 240(4)(a)

#### 4 “Regulated service”, “Part 3 service” etc

- (1) This section applies for the purposes of this Act.
- (2) A user-to-user service is a “regulated user-to-user service”, and a search service is a “regulated search service”, if the service—
  - (a) has links with the United Kingdom (see subsections (5) and (6)), and
  - (b) is not—
    - (i) a service of a description that is exempt as provided for by Schedule 1, or
    - (ii) a service of a kind described in Schedule 2 (services combining user-generated content or search content not regulated by this Act with pornographic content that is regulated).
- (3) “Part 3 service” means a regulated user-to-user service or a regulated search service.
- (4) “Regulated service” means—
  - (a) a regulated user-to-user service,
  - (b) a regulated search service, or
  - (c) an internet service, other than a regulated user-to-user service or a regulated search service, that is within section 80(2) (including a service of a kind described in Schedule 2).
- (5) For the purposes of subsection (2), a user-to-user service or a search service “has links with the United Kingdom” if—
  - (a) the service has a significant number of United Kingdom users, or
  - (b) United Kingdom users form one of the target markets for the service (or the only target market).
- (6) For the purposes of subsection (2), a user-to-user service or a search service also “has links with the United Kingdom” if—
  - (a) the service is capable of being used in the United Kingdom by individuals, and
  - (b) there are reasonable grounds to believe that there is a material risk of significant harm to individuals in the United Kingdom presented by—
    - (i) in the case of a user-to-user service, user-generated content present on the service or (if the service includes a search engine) search content of the service;
    - (ii) in the case of a search service, search content of the service.
- (7) A regulated user-to-user service that includes a public search engine is referred to in this Act as a “combined service”.

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“Public search engine” means a search engine other than one in relation to which the conditions in paragraph 7(2) of Schedule 1 (internal business service conditions) are met.

(8) In this section—

“search content” has the same meaning as in Part 3 (see section 57);

“user-generated content” has the meaning given by section 55 (see subsections (3) and (4) of that section).

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**Commencement Information**

**I2** S. 4 in force at Royal Assent, see s. 240(4)(a)

## 5 Disapplication of Act to certain parts of services

(1) This Act does not apply in relation to a part of a Part 3 service if the conditions in paragraph 7(2) of Schedule 1 (internal business service conditions) are met in relation to that part.

(2) This Act does not apply in relation to a part of a regulated search service if—

(a) the only user-generated content enabled by that part of the service is content of any of the following kinds—

(i) content mentioned in paragraph 1, 2 or 3 of Schedule 1 (emails, SMS and MMS messages, one-to-one live aural communications) and related identifying content;

(ii) content arising in connection with any of the activities described in paragraph 4(1) of Schedule 1 (comments etc on provider content); and

(b) no regulated provider pornographic content is published or displayed on that part of the service.

(3) In this section—

“regulated provider pornographic content” and “published or displayed” have the same meaning as in Part 5 (see section 79);

“user-generated content” has the meaning given by section 55 (see subsections (3) and (4) of that section).

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**Commencement Information**

**I3** S. 5 in force at Royal Assent, see s. 240(4)(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Online Safety Act 2023, PART 2.