

*Status: Point in time view as at 10/01/2024.*

*Changes to legislation: Online Safety Act 2023, PART 3 is up to date with all changes known to be in force on or before 08 July 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)*

## SCHEDULES

### SCHEDULE 8

#### TRANSPARENCY REPORTS BY PROVIDERS OF CATEGORY 1 SERVICES, CATEGORY 2A SERVICES AND CATEGORY 2B SERVICES

#### PART 3

##### FURTHER PROVISION AND INTERPRETATION

- 37 When determining which information to require in a notice under section 77(1) in relation to a particular service, OFCOM must take into account—
- the kind of service it is;
  - the functionalities of the service;
  - the number of users of the service;
  - the capacity of the provider;
  - the duties set out in Chapter 2 or 3 of Part 3 or Chapters 1 to 4 of Part 4 that apply in relation to the service;
  - the proportion of users of the service who are children.

##### Commencement Information

- I1** Sch. 8 para. 37 not in force at Royal Assent, see [s. 240\(1\)](#)  
**I2** [Sch. 8 para. 37](#) in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(x\)](#)

- 38 The Secretary of State may by regulations—
- amend Part 1 or Part 2 of this Schedule so as to add further matters about which information may be required, or to vary or omit matters about which information may be required, and
  - amend paragraph 37 in connection with any such amendment.

##### Commencement Information

- I3** Sch. 8 para. 38 not in force at Royal Assent, see [s. 240\(1\)](#)  
**I4** [Sch. 8 para. 38](#) in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(x\)](#)

- 39 The Secretary of State must consult OFCOM before making regulations under paragraph 38.

##### Commencement Information

- I5** Sch. 8 para. 39 not in force at Royal Assent, see [s. 240\(1\)](#)  
**I6** [Sch. 8 para. 39](#) in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(x\)](#)

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- 40 In the application of Part 2 of this Schedule to a combined service, references to statements of policies and procedures include references to provisions of the terms of service which relate to the search engine.

**Commencement Information**

- I7** Sch. 8 para. 40 not in force at Royal Assent, see [s. 240\(1\)](#)  
**I8** Sch. 8 para. 40 in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(x\)](#)

- 41 (1) For the purposes of this Schedule, content of a particular kind is “relevant content” if—
- (a) a term of service, other than a term of service within sub-paragraph (2), 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.
- (2) The terms of service within this sub-paragraph are as follows—
- (a) terms of service which make provision of the kind mentioned in section 10(5) (protecting individuals from illegal content) or 12(9) (protecting children from content that is harmful to children);
  - (b) terms of service which deal with the treatment of consumer content.
- (3) References in this Schedule to relevant content are to content that is relevant content in relation to the service in question.
- (4) The reference in sub-paragraph (1) to users’ access to content being restricted is to be construed in accordance with sections 58 and 236(6).

**Commencement Information**

- I9** Sch. 8 para. 41 not in force at Royal Assent, see [s. 240\(1\)](#)  
**I10** Sch. 8 para. 41 in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(x\)](#)

- 42 In this Schedule—
- “consumer content” has the same meaning as in Chapter 3 of Part 4 (see section 74(3));
- “content that is harmful to children” has the same meaning as in Part 3 (see section 60);
- “illegal content” has the same meaning as in Part 3 (see section 59);
- “illegal search content” means search content that is illegal content;
- “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;
- “search content” has the same meaning as in Part 3 (see section 57);
- “users” means United Kingdom users (see section 227), except in paragraphs 16(a) and 32(a) where “users” means individuals in the United Kingdom who are users of a service.

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**Commencement Information**

- I11** Sch. 8 para. 42 not in force at Royal Assent, see [s. 240\(1\)](#)
- I12** Sch. 8 para. 42 in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(x\)](#)

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