



Online Safety Act 2023

2023 CHAPTER 50

PART 7

OFCOM'S POWERS AND DUTIES IN RELATION TO REGULATED SERVICES

CHAPTER 6

ENFORCEMENT POWERS

Business disruption measures

145 Interim service restriction orders

- (1) OFCOM may apply to the court for an interim order under this section (an “interim service restriction order”) in relation to a regulated service where they consider that—
 - (a) the grounds in subsection (3) apply in relation to the service, or
 - (b) in the case of a Part 3 service, the grounds in subsection (4) apply in relation to the service.
- (2) An interim service restriction order is an interim order imposing requirements on one or more persons who provide an ancillary service (whether from within or outside the United Kingdom) in relation to a regulated service (see subsection (9)).
- (3) The grounds mentioned in subsection (1)(a) are that—
 - (a) it is likely that the provider of the regulated service is failing to comply with an enforceable requirement that applies in relation to the regulated service, and
 - (b) the level of risk of harm to individuals in the United Kingdom relating to the likely failure, and the nature and severity of that harm, are such that it would not be appropriate to wait to establish the failure before applying for the order.
- (4) The grounds mentioned in subsection (1)(b) are that—

Status: This is the original version (as it was originally enacted).

- (a) it is likely that the provider of the Part 3 service is failing to comply with a notice under section 121(1) that relates to the service (notices to deal with terrorism content and CSEA content), and
 - (b) the level of risk of harm to individuals in the United Kingdom relating to the likely failure, and the nature and severity of that harm, are such that it would not be appropriate to wait to establish the failure before applying for the order.
- (5) An application by OFCOM for an interim service restriction order must—
- (a) specify the regulated service in relation to which the application is made (“the relevant service”),
 - (b) specify the provider of that service (“the non-compliant provider”),
 - (c) specify the grounds on which the application is based, and contain evidence about those grounds,
 - (d) specify the persons on whom (in OFCOM’s opinion) the requirements of the order should be imposed,
 - (e) contain evidence as to why OFCOM consider that the persons mentioned in paragraph (d) provide an ancillary service in relation to the relevant service, and specify any such ancillary service provided,
 - (f) specify the requirements which OFCOM consider that the order should impose on such persons, and
 - (g) in the case of an application made without notice having been given to the non-compliant provider, or to the persons mentioned in paragraph (d), state why no notice has been given.
- (6) The court may make an interim service restriction order imposing requirements on a person in relation to the relevant service if the court is satisfied—
- (a) as to the ground in subsection (3)(a) or the ground in subsection (4)(a) (as the case may be),
 - (b) that the person provides an ancillary service in relation to the relevant service,
 - (c) that there are prima facie grounds to suggest that an application for a service restriction order under section 144 would be successful,
 - (d) that the level of risk of harm to individuals in the United Kingdom relating to the likely failure mentioned in subsection (3)(a) or (4)(a) (whichever applies), and the nature and severity of that harm, are such that it is not appropriate to wait for the failure to be established before making the order, and
 - (e) if no notice of the application has been given to the non-compliant provider, or to the persons on whom requirements are being imposed, that it is appropriate to make the order without notice.
- (7) An interim service restriction order ceases to have effect on the earlier of—
- (a) the date specified in the order, or the date on which the period specified in the order expires (as the case may be), and
 - (b) the date on which the court makes a service restriction order under section 144 in relation to the relevant service that imposes requirements on the same persons on whom requirements are imposed by the interim order, or dismisses the application for such an order.
- (8) Subsections (7) to (10) of section 144 apply in relation to an interim service restriction order under this section as they apply in relation to a service restriction order under that section.

- (9) In this section, “ancillary service” and “the court” have the same meaning as in section 144 (see subsections (11), (12) and (13) of that section).