



# Online Safety Act 2023

## 2023 CHAPTER 50

### PART 3 **U.K.**

#### PROVIDERS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES: DUTIES OF CARE

### CHAPTER 2 **U.K.**

#### PROVIDERS OF USER-TO-USER SERVICES: DUTIES OF CARE

##### *Category 1 services*

### 16 **User empowerment duties: interpretation** **U.K.**

- (1) In determining what is proportionate for the purposes of section 15(2), the following factors, in particular, are relevant—
  - (a) all the findings of the most recent assessment under section 14, and
  - (b) the size and capacity of the provider of the service.
- (2) Section 15(2) applies to content that—
  - (a) is regulated user-generated content in relation to the service in question, and
  - (b) is within subsection (3), (4) or (5).
- (3) Content is within this subsection if it encourages, promotes or provides instructions for—
  - (a) suicide or an act of deliberate self-injury, or
  - (b) an eating disorder or behaviours associated with an eating disorder.
- (4) Content is within this subsection if it is abusive and the abuse targets any of the following characteristics—
  - (a) race,
  - (b) religion,

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*Changes to legislation: Online Safety Act 2023, Section 16 is up to date with all changes known to be in force on or before 16 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) View outstanding changes*

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- (c) sex,
  - (d) sexual orientation,
  - (e) disability, or
  - (f) gender reassignment.
- (5) Content is within this subsection if it incites hatred against people—
- (a) of a particular race, religion, sex or sexual orientation,
  - (b) who have a disability, or
  - (c) who have the characteristic of gender reassignment.
- (6) The duty set out in section 15(5) applies in relation to all registered adult users, not just those who begin to use a service after that duty begins to apply.
- (7) In section 15 and this section—
- “disability” means any physical or mental impairment;
  - “injury” includes poisoning;
  - “non-verified user” means a user who—
- (a) is an individual, whether in the United Kingdom or outside it, and
  - (b) has not verified their identity to the provider of a service;
- “race” includes colour, nationality, and ethnic or national origins.
- (8) In section 15 and this section—
- (a) references to features include references to functionalities and settings, and
  - (b) references to religion include references to a lack of religion.
- (9) For the purposes of section 15 and this section, a person has the characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex, and the reference to gender reassignment in subsection (4) is to be construed accordingly.
- (10) See also, in relation to duties set out in section 15, section 22 (duties about freedom of expression and privacy).

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**Commencement Information**

- I1** S. 16 not in force at Royal Assent, see **s. 240(1)**
- I2** S. 16 in force at 10.1.2024 by **S.I. 2023/1420, reg. 2(e)**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(6A) inserted by [2024 c. 15 Sch. 7 para. 5\(2\)\(b\)](#)