



Online Safety Act 2023

2023 CHAPTER 50

PART 3

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

CHAPTER 2

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

Category 1 services

16 User empowerment duties: interpretation

- (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,

- (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).