



Online Safety Act 2023

2023 CHAPTER 50

PART 3

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

CHAPTER 7

INTERPRETATION OF PART 3

- 55** **“Regulated user-generated content”, “user-generated content”, “news publisher content”**
- (1) This section applies for the purposes of this Part.
- (2) “Regulated user-generated content”, in relation to a regulated user-to-user service, means user-generated content, except—
- (a) emails,
 - (b) SMS messages,
 - (c) MMS messages,
 - (d) one-to-one live aural communications (see subsection (5)),
 - (e) comments and reviews on provider content (see subsection (6)),
 - (f) identifying content that accompanies content within any of paragraphs (a) to (e), and
 - (g) news publisher content (see subsection (8)).
- (3) “User-generated content”, in relation to a user-to-user service, means content—
- (a) that is—
 - (i) generated directly on the service by a user of the service, or
 - (ii) uploaded to or shared on the service by a user of the service, and
 - (b) that may be encountered by another user, or other users, of the service by means of the service.

Status: Point in time view as at 23/08/2024.

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 55. (See end of Document for details)

- (4) For the purposes of subsection (3)—
- (a) the reference to content generated, uploaded or shared by a user includes content generated, uploaded or shared by means of software or an automated tool applied by the user;
 - (b) a bot or other automated tool is to be regarded as a user of a service if—
 - (i) the functions of the bot or tool include interacting with user-generated content, and
 - (ii) the bot or tool is not controlled by or on behalf of the provider of the service.
- (5) “One-to-one live aural communications”, in relation to a user-to-user service, means content—
- (a) consisting of speech or other sounds conveyed in real time between two users of the service by means of the service,
 - (b) that is not a recording, and
 - (c) that is not accompanied by user-generated content of any other kind, except identifying content.
- (6) “Comments and reviews on provider content”, in relation to a user-to-user service, means content present on the service consisting of comments or reviews relating to provider content (together with any further comments on such comments or reviews).
- (7) In subsection (6) “provider content” means content published on a service by the provider of the service or by a person acting on behalf of the provider, including where the publication of the content is effected or controlled by means of—
- (a) software or an automated tool or algorithm applied by the provider or by a person acting on behalf of the provider, or
 - (b) an automated tool or algorithm made available on the service by the provider or by a person acting on behalf of the provider.

For the purposes of subsection (6), content that is user-generated content in relation to a service is not to be regarded as provider content in relation to that service.

- (8) “News publisher content”, in relation to a regulated user-to-user service, means any content present on the service that is within subsection (9) or (10).
- (9) Content is within this subsection if it was generated directly on the service by a user of the service that is a recognised news publisher.
- (10) Content is within this subsection if—
- (a) the content was uploaded to or shared on the service by a user of the service, and
 - (b) the content either—
 - (i) reproduces in full an article or written item that was originally published by a recognised news publisher (and is not a screenshot or photograph of that article or item or of part of it),
 - (ii) is video or audio content that was originally published or broadcast by a recognised news publisher, and is not a clipped or edited form of such content (unless it is the recognised news publisher who has clipped or edited it), or
 - (iii) is a link to an article or item within sub-paragraph (i) or to content within sub-paragraph (ii).

Status: Point in time view as at 23/08/2024.

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 55. (See end of Document for details)

(11) For the meaning of “recognised news publisher”, see section 56.

(12) In this section—

“MMS message” means a Multimedia Messaging Service message (that may include images, sounds and short videos) that may be sent between telephone numbers allocated in accordance with a national or international numbering plan;

“SMS message” means a Short Message Service text message composed principally of letters or numbers that may be sent between telephone numbers allocated in accordance with a national or international numbering plan.

Commencement Information

II S. 55 in force at Royal Assent, see [s. 240\(4\)\(h\)](#)

Status:

Point in time view as at 23/08/2024.

Changes to legislation:

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