



Online Safety Act 2023

2023 CHAPTER 50

PART 6

DUTIES OF PROVIDERS OF REGULATED SERVICES: FEES

83 Duty to notify OFCOM

- (1) A provider of a regulated service must notify OFCOM in relation to a charging year which is—
 - (a) the first fee-paying year in relation to that provider, or
 - (b) any charging year after the first fee-paying year where—
 - (i) the previous charging year was not a fee-paying year in relation to the provider, and the charging year in question is a fee-paying year in relation to the provider, or
 - (ii) the previous charging year was a fee-paying year in relation to the provider, and the charging year in question is not a fee-paying year in relation to the provider.
- (2) A “fee-paying year”, in relation to a provider, means a charging year where both of the following conditions apply—
 - (a) the provider’s qualifying worldwide revenue for the qualifying period that relates to that charging year is equal to or greater than the threshold figure that has effect for that charging year (see section 86), and
 - (b) the provider is not exempt (see subsection (6)).
- (3) A notification under subsection (1) in relation to a charging year must include details of all regulated services provided by the provider, and where it is a notification under subsection (1)(a) or (b)(i), it must also include—
 - (a) details of the provider’s qualifying worldwide revenue for the qualifying period that relates to that charging year, and
 - (b) supporting evidence, documents or other information as required by regulations made by OFCOM under section 85.

Status: This is the original version (as it was originally enacted).

- (4) Section 85 confers power on OFCOM to make regulations about the determination of a provider’s qualifying worldwide revenue, and the meaning of “qualifying period”, for the purposes of this Part.
- (5) A notification under subsection (1) must be provided to OFCOM—
 - (a) in relation to the initial charging year, within four months of the date on which the first regulations under section 86 come into force (first threshold figure);
 - (b) in relation to subsequent charging years, at least six months before the beginning of the charging year to which the notification relates.
- (6) OFCOM may provide that particular descriptions of providers of regulated services are exempt for the purposes of this section and section 84 where—
 - (a) OFCOM consider that an exemption for such providers is appropriate, and
 - (b) the Secretary of State approves the exemption.
- (7) OFCOM may revoke such an exemption where they consider that it is no longer appropriate and the Secretary of State approves the revocation.
- (8) Exemptions, or revocations of exemptions, which are approved by the Secretary of State are to take effect from the beginning of a particular charging year.
- (9) Details of an exemption or revocation must be published by OFCOM at least six months before the beginning of the first charging year for which the exemption or revocation is to have effect.
- (10) But subsection (9) does not apply in relation to any exemptions which are to have effect for the initial charging year.
- (11) For the purposes of this section and section 84, the “provider” of a regulated service, in relation to a charging year, includes a person who is the provider of the service for part of that year.