



Online Safety Act 2023

2023 CHAPTER 50

PART 6

DUTIES OF PROVIDERS OF REGULATED SERVICES: FEES

85 Regulations by OFCOM about qualifying worldwide revenue etc

- (1) For the purposes of this Part, OFCOM may by regulations make provision—
 - (a) about how the qualifying worldwide revenue of a provider of a regulated service is to be determined, and
 - (b) defining the “qualifying period” in relation to a charging year.
- (2) OFCOM may by regulations also make provision specifying or describing evidence, documents or other information that providers must supply to OFCOM for the purposes of section 83 (see subsection (3)(b) of that section), including provision about the way in which providers must supply the evidence, documents or information.
- (3) Regulations under subsection (1)(a) may provide that the qualifying worldwide revenue of a provider of a regulated service (P) who is a member of a group during any part of a qualifying period is to include the qualifying worldwide revenue of any entity that—
 - (a) is a group undertaking in relation to P for all or part of that period, and
 - (b) receives or is due to receive, during that period, any amount referable (to any degree) to a regulated service provided by P.
- (4) Regulations under subsection (1)(a) may, in particular—
 - (a) make provision about circumstances in which amounts do, or do not, count as being referable (to any degree) to a regulated service for the purposes of the determination of the qualifying worldwide revenue of the provider of the service or of an entity that is a group undertaking in relation to the provider;
 - (b) provide for cases or circumstances in which amounts that—
 - (i) are of a kind specified or described in the regulations, and
 - (ii) are not referable to a regulated service,

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Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 85. (See end of Document for details)

are to be brought into account in determining the qualifying worldwide revenue of the provider of the service or of an entity that is a group undertaking in relation to the provider.

- (5) Regulations which make provision of a kind mentioned in subsection (3) may include provision that, in the case of an entity that is a group undertaking in relation to a provider for part (not all) of a qualifying period, only amounts relating to the part of the qualifying period for which the entity was a group undertaking may be brought into account in determining the entity's qualifying worldwide revenue.
- (6) Regulations under subsection (1)(a) may make provision corresponding to paragraph 5(8) of Schedule 13.
- (7) Before making regulations under subsection (1) OFCOM must consult—
 - (a) the Secretary of State,
 - (b) the Treasury, and
 - (c) such other persons as OFCOM consider appropriate.
- (8) Before making regulations under subsection (2) OFCOM must consult the Secretary of State.
- (9) Regulations under this section may make provision subject to such exemptions and exceptions as OFCOM consider appropriate.
- (10) In this section—

“group” means a parent undertaking and its subsidiary undertakings, reading those terms in accordance with section 1162 of the Companies Act 2006;

“group undertaking” has the meaning given by section 1161(5) of that Act.

Commencement Information

- I1** S. 85 not in force at Royal Assent, see [s. 240\(1\)](#)
- I2** S. 85 in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(z\)](#)

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