



Online Safety Act 2023

2023 CHAPTER 50

PART 6

DUTIES OF PROVIDERS OF REGULATED SERVICES: FEES

88 OFCOM's fees statements

- (1) OFCOM may not require a provider of a regulated service to pay a fee under section 84 unless there is in force a statement of the principles that OFCOM propose to apply in determining fees payable under that section.
- (2) Those principles must be such as appear to OFCOM to be likely to secure, on the basis of such estimates of the likely costs as it is practicable for them to make—
 - (a) that on a year by year basis, the aggregate amount of the fees payable to OFCOM under section 84 is sufficient to meet, but does not exceed, the annual cost to OFCOM of the exercise of their online safety functions;
 - (b) that the fees required under section 84 are justifiable and proportionate having regard to the functions in respect of which they are imposed;
 - (c) that the relationship between meeting the cost of the exercise of those functions and the amounts of the fees is transparent.
- (3) A statement of principles mentioned in subsection (1) must (among other things)—
 - (a) include details relating to the computation model used to calculate fees payable under section 84, including details of factors mentioned in subsection (2)(a)(ii) of that section (if any),
 - (b) include details about the meaning of “qualifying worldwide revenue” and “qualifying period” for the purposes of this Part, and
 - (c) specify the threshold figure contained in regulations under section 86.
- (4) Before making or revising such a statement of principles, OFCOM must consult such persons as they consider appropriate.
- (5) Such a statement of principles may make different provision in relation to different kinds of regulated services.

Status: This is the original version (as it was originally enacted).

- (6) OFCOM must publish such a statement of principles (and any revised or replacement statement).
- (7) As soon as reasonably practicable after the end of each charging year, OFCOM must publish a statement setting out, in respect of that year—
 - (a) the aggregate amount of the fees payable under section 84 for that year that has been received by OFCOM,
 - (b) the aggregate amount of the fees payable under that section for that year that remains outstanding and is likely to be paid or recovered, and
 - (c) the cost to OFCOM of the exercise of their online safety functions.
- (8) Any deficit or surplus shown (after applying this subsection for all previous years) by a statement under subsection (7) must be carried forward and taken into account in determining what is required to satisfy the requirement imposed by virtue of subsection (2)(a) in relation to the following year.
- (9) For the purposes of this section OFCOM’s costs of the exercise of their online safety functions during a charging year include the costs of preparations for the exercise of their online safety functions incurred during that year.