

Categorisation Impact Assessment Statement of Reasons

1. Background

- 1.1 Section 95 of the Online Safety Act 2023 ('the Act') requires Ofcom to assess each regulated user-to-user service, search service and combined service which we consider is likely to meet the Category 1, 2A or 2B threshold conditions (as applicable) set out in the Online Safety Act 2023 (Category 1, Category 2A and Category 2B Threshold Conditions) Regulations 2025 ('the Regulations').¹ We must then add entries relating to any service meeting the threshold conditions to the relevant part of the register of categorised services ('the register'). In addition, services that meet the conditions in section 97 of the Act must be added to a list of emerging Category 1 services ('the list'). Ofcom is currently undertaking such assessments under section 95 of the Act.
- 1.2 In the case of Ofcom's prospective decisions to place a service on the register, we do not consider it necessary for us to carry out an assessment of the likely impact of implementing our proposed decisions (including the application of the additional duties, where relevant) under Section 7 of the Communications Act 2003 ('the 2003 Act'). This document serves as a statement for the purposes of section 7(3)(b) of the 2003 Act setting out our reasons for thinking that it is unnecessary to carry out an assessment, which is being published before taking any such prospective decision.
- 1.3 In relation to our prospective decisions on the list, since there are no additional obligations on service providers whose services are placed on this list, it does not appear to us that our decision involves a proposal which if implemented would be likely to have a significant impact on persons carrying on businesses in relevant markets or on the UK general public such that an assessment under section 7 is required.

2. Rationale

- 2.1 Our decisions for categorisation are constrained by and flow from legislation that requires us to intervene in a particular way. Section 95 of the Act sets out Ofcom's obligations in respect of establishing the register. The Regulations set out the thresholds that services are assessed against and the Act and Regulations determine the process by which we must assess services and take decisions. To the extent that any categorisation decision requires us to exercise interpretive discretion, in particular due to ambiguity in the scope provisions of the Act, we will seek to establish the objective meaning of a provision and give effect to the intention of Parliament. In making each of the individual prospective decisions for the register, we will therefore be following the instructions provided in the legislation, taking each decision in line with criteria set in the Regulations and the Act.

¹ [The Online Safety Act 2023 \(Category 1, Category 2A and Category 2B Threshold Conditions\) Regulations 2025](#).

- 2.2 In reaching our decisions, we will also be implementing a policy or process on which an impact assessment has already been carried out. In setting the threshold conditions in the Regulations, Government considered the impact of its policy. That impact assessment considered the potential impact of the Regulations, including the costs and benefits.² It also considered how the Regulations affected the original impact assessment that was conducted to understand and explain the potential impact of the Act as a whole.³ The impact assessment undertaken by Government in designing the Regulations was based in part on estimates of the number of services likely to be placed on the register as a result of the threshold conditions. The number of services that we have provisionally assessed to meet the threshold conditions at this time falls within the range used as an estimate by Government in their impact assessment.⁴
- 2.3 In these respects, we consider that our approach to impact assessment for our prospective decisions is consistent with Ofcom’s impact assessment guidance and our duties under section 7 of the 2003 Act.⁵

Services added to the register

- 2.4 We recognise that there will be impacts associated with the implementation of the additional duties that apply to services as a result of our decision to place a service on the register. In that context, Ofcom’s proposals on our approach to those additional duties are important for the purposes of section 7 of the 2003 Act. Ofcom has therefore carried out, and will continue to carry out, impact assessments for our approach to the additional duties, including our proposals relating to any codes of practice and guidance that we produce to support categorised services in complying with these additional duties. In particular:
- In relation to the transparency reporting duties, we consulted on and then published final versions of our impact assessments for Ofcom’s transparency guidance in 2025.⁶ We also plan to consult on our impact assessment for our proposed transparency notices.
 - In relation to the deceased child user duties, we consulted on our impact assessment of our proposed guidance to assist providers to understand and comply with these duties between December 2025 and March 2026.⁷
 - In relation to the enhanced risk assessment duties, we have previously consulted on the impact of our Illegal Content and Children’s Risk Assessment Guidance, which replicate, under Step 4, the requirements of these duties within the context of the guidance more broadly. Since we have not imposed any substantive further requirements beyond those in the Act, the impact of the enhanced risk assessment duties therefore primarily flows from the Act.
 - In relation to the fraudulent advertising duties, we are consulting on our impact assessment of our approach to those duties in our consultation on the fraudulent advertising codes,

² Department for Science, Innovation and Technology, 2024. [Impact Assessment for The Online Safety Act 2023 \(Category 1, Category 2A and Category 2B Threshold Conditions\) Regulations 2025.](#)

³ Department for Science, Innovation and Technology, 2024. [Online Safety Act: Enactment impact assessment.](#)

⁴ Department for Science, Innovation and Technology, 2024. [Impact Assessment for The Online Safety Act 2023 \(Category 1, Category 2A and Category 2B Threshold Conditions\) Regulations 2025](#), p 7.

⁵ Ofcom, 2023, [Impact Assessment Guidance](#), p 8-9, para 3.5.

⁶ Ofcom, 2025, [Annex A1 - Statement: Transparency Reporting.](#)

⁷ Ofcom, 2025. [A2. Impact Assessments, Consultation: Guidance - Deceased Child User Duties.](#)

which will be published alongside the register in July 2026, within weeks of the publication of this statement.

- In relation to the remaining additional duties that apply to **Category 1 services** (including, among others, duties relating to user empowerment, user identity verification, and news publisher content/journalistic content/content of democratic importance), we are consulting on our impact assessment for our approach to these duties in our additional duties consultation. This will be published alongside the register in July 2026, within weeks of the publication of this statement.

2.5 We encourage all stakeholders, including providers of categorised services, to engage with our forthcoming consultations on the additional duties insofar as relevant to the category of service, if they wish to understand or comment on the potential impact of those draft policies.

Conclusion

2.6 For the reasons outlined above, we do not consider it necessary to carry out an assessment of the likely impact of our decisions to add services to the register under Section 7 of the 2003 Act.