EXPLANATORY MEMORANDUM TO

THE ONLINE SAFETY (CSEA CONTENT REPORTING BY REGULATED USER-TO-USER SERVICE PROVIDERS) (REVOCATION) REGULATIONS 2025

2025 No. 1066

1. Introduction

1.1 This Explanatory Memorandum has been prepared by Home Office and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Jess Phillips MP, Minister for Safeguarding and Violence Against Women and Girls at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

2.2 Christian Papaleontiou, Deputy Director for Tackling Child Sexual Abuse Unit at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Christopher Jones at the Home Office can be contacted by email at the following address with any queries regarding the instrument: christopher.jones50@homeoffice.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument revokes the Online Safety (CSEA Content Reporting by Regulated User-To-User Service Providers) Regulations 2025, before it is due to come into force on 3 November 2025, following delays to the operationalisation of the Designated Reporting Body (DRB) at the National Crime Agency (NCA).

4.2 It is being laid in parallel with legislation that will revoke the Online Safety Act 2023 (Commencement No. 5) Regulations 2025, although this will not be subject to parliamentary procedure.

4.3 Once a revised operationalisation date for the DRB is confirmed, which is likely to be in Spring 2026, a new instrument will be laid which will implement the child sexual exploitation and abuse (CSEA) reporting duty, including the regulations.

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) in which the instrument forms part of the law) is the United Kingdom.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 Online CSEA is a crime that this Government is committed to ending, including through supporting law enforcement to safeguard victims and act against offenders.

5.2 The prevalence of online CSEA has consistently risen. In the year to March 2025, there were 42,209 obscene publications offences (a proxy for indecent images of children) in the UK: this represents a 1104% increase since year to March 2013.

5.3 In March 2025, regulations were made under section 67 of the Online Safety Act 2023 (OSA) setting out what is required of in-scope user-to-user services in order to comply with the CSEA reporting requirement in the Act. Those regulations had a coming into force date of 3 November 2025. The DRB, which will enable services to submit reports of CSEA to the NCA, is a highly complex IT project, requiring the integration of multiple systems, stringent security standards, and close collaboration with law enforcement partners. Due to technical issues in its development, a decision has been taken to delay the operationalisation of the DRB to ensure that the portal can be thoroughly tested and operates effectively before the duty comes into force. This is vitally important as in-scope services require an accessible portal to comply with the regulations, which in-turn will enable law enforcement to appropriately respond to reports of CSEA, including the safeguarding of children and enforcement against offenders.

5.4 If the coming into force date for the CSEA reporting duty remains as 3 November, in-scope user-to-user providers will not be able to submit reports of CSEA content to the NCA, resulting in providers not being able to comply with their statutory duties.

5.5 In parallel with the instrument, legislation will be laid revoking the Online Safety Act 2023 (Commencement No. 5) Regulations 2025, which commenced the requirement to report CSEA content to the NCA (section 66 OSA), and the corresponding offence in relation to reporting (section 69 OSA). All of these sections of the OSA are inclusive of the end-to-end CSEA reporting duty and must come into force together. The revocation of the commencement regulations is not subject to parliamentary procedure.

5.6 The NCA is working at pace to resolve these technical issues. Only once the technical issues have been resolved and a new operationalisation date is established, will legislation be brought forward to bring into force the reporting requirements. Until a new set of regulations is made, user-to-user services can continue to act as they do now, including reporting under international law to existing reporting bodies and law enforcement. Suspected CSEA cases with a UK nexus made via alternative channels, including reports made internationally, will continue to be passed to UK law enforcement.

What was the previous policy, how is this different?

5.7 Prior to the OSA, in the UK, there was previously no compulsory requirement for services to report CSEA to a law enforcement body. However, many services, now regulated by the OSA, are based in the United States, which does require those services to report certain CSEA offences to the National Center for Missing and Exploited Children (NCMEC) under United States legislation. As in-scope services regulated by the OSA can and many do already report to NCMEC, it is expected that the impact of revoking the CSEA reporting duty, including the regulations, will have minimal impact.

6. Legislative and Legal Context

How has the law changed?

6.1 Currently, reporting of CSEA content by services, including user-to-user services in-scope of the OSA, happens on a voluntary basis and through international reporting regimes. When section 66 of the OSA comes into force alongside the regulations, the UK will require user-to-user services regulated by the OSA to report to the NCA if they do not already report CSEA content to a body which is equivalent to the NCA outside the UK.

6.2 Whilst it was previously anticipated that the regulations would come into force on 3 November, due to the delay in operationalisation of the DRB, a decision has been made to revoke the Online Safety (CSEA Content Reporting by Regulated User-To-User Service Providers) Regulations 2025 through this instrument. A new instrument will be laid in due course to implement the CSEA reporting duty once an operationalisation date for the DRB is certain.

Why was this approach taken to change the law?

6.3 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 Prior to revoking the regulations, the Home Office notified Ofcom and the NCA, as required under the OSA, as well as the Information Commissioner's Office, the Internet Watch Foundation, NCMEC, the National Police Chiefs' Council, GCHQ and Devolved Governments, given vested interest. Stakeholders have been supportive of the decision to revoke, acknowledging that it is necessary for the DRB to be ready to receive CSEA reports when the regulations come into force.

8. Applicable Guidance

8.1 No guidance is required for the revocation of the original statutory instrument.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment on the OSA 2023, including the CSEA reporting duty was published in October 2024.[1] No impact assessment is required for the revocation of the original statutory instrument as there are no impacts until a new instrument is laid, bringing into force the CSEA reporting duty.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because legislation within the OSA does not apply to such organisations.

9.3 The legislation does not impact small or micro businesses, until a new instrument is laid, bringing into force the CSEA reporting duty.

[1] https://assets.publishing.service.gov.uk/media/6716222b9242eecc6c849b09/Online_Safety_act_enactment_impact_assessment.pdf

9.4 There is no, or no significant, impact on the public sector until a new instrument is laid, bringing into force the CSEA reporting duty.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 No monitoring or reviewing is required for the revocation of the original statutory instrument.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 The original instrument is being revoked as it is paramount that the DRB must be ready to accept reporting from user-to-user services, and therefore all efforts should be made ahead of its launch to rectify technical issues detected. Furthermore, until a new instrument is laid about reports to the NCA, services can continue to act as they do now, including as previously noted, reporting under international law, to existing reporting bodies and law enforcement. Suspected CSEA cases with a UK nexus made via alternative channels, including reports made internationally, will continue to be passed to UK law enforcement.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).