



House of Lords
House of Commons

Joint Committee on Statutory Instruments

Twenty-fourth Report of Session of 2024-25

HC 291-xxiv / HL Paper 125

The Online Safety (CSEA Content Reporting by Regulated User-to-User Service Providers) Regulations 2025

The Sanctions (EU Exit) (Miscellaneous Amendments) Regulations 2025

Joint Committee on Statutory Instruments

The Joint Committee on Statutory Instruments (JCSI) is appointed to consider statutory instruments made in exercise of powers granted by Act of Parliament. Instruments not laid before Parliament are included within the Committee's remit; but local instruments and instruments made by devolved administrations are not considered by JCSI unless they are required to be laid before Parliament.

The role of the JCSI, whose membership is drawn from both Houses of Parliament, is to assess the technical qualities of each instrument that falls within its remit and to decide whether to draw the special attention of each House to any instrument on one or more of the following grounds:

- i. that it imposes, or sets the amount of, a charge on public revenue or that it requires payment for a licence, consent or service to be made to the Exchequer, a government department or a public or local authority, or sets the amount of the payment;
- ii. that its parent legislation says that it cannot be challenged in the courts;
- iii. that it appears to have retrospective effect without the express authority of the parent legislation;
- iv. that there appears to have been unjustifiable delay in publishing it or laying it before Parliament;
- v. that there appears to have been unjustifiable delay in sending a notification under the proviso to section 4(1) of the Statutory Instruments Act 1946, where the instrument has come into force before it has been laid;
- vi. that there appears to be doubt about whether there is power to make it or that it appears to make an unusual or unexpected use of the power to make;
- vii. that its form or meaning needs to be explained;
- viii. that its drafting appears to be defective;
- ix. any other ground which does not go to its merits or the policy behind it.

The Committee usually meets weekly when Parliament is sitting.

Current membership

House of Lords

[Lord Brady of Altrincham](#) (Conservative; Life peer)

[Lord Kakkar](#) (Crossbench; Life peer)

[Lord Meston](#) (Crossbench; Excepted Hereditary)

[Lord Sahota](#) (Labour; Life peer)

[Baroness Sater](#) (Conservative; Life peer)

[Lord Watson of Wyre Forest](#) (Labour; Life peer)

House of Commons

[Sir Bernard Jenkin](#) (Conservative; Harwich and North Essex) (Chair)

[Lewis Atkinson](#) (Labour; Sunderland Central)

[Rachel Blake](#) (Labour; Cities of London and Westminster)

[Charlie Maynard](#) (Liberal Democrat; Witney)

[Andrew Pakes](#) (Labour; Peterborough)

[David Pinto-Duschinsky](#) (Labour; Hendon)

[Gareth Snell](#) (Labour; Stoke-on-Trent Central)

Powers

The full constitution and powers of the Committee are set out in House of Commons Standing Order No. 151 and House of Lords Standing Order No.74, relating to Public Business.

Publication

This Report, together with formal minutes relating to the report, was Ordered by the House of Commons and by the House of Lords, on 14 May 2025, to be printed.

It was published on 16 May 2025. All publications of the Committee are on the Internet at www.parliament.uk/jcsi.

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Instruments reported

At its meeting on 14 May 2025 the Committee scrutinised a number of instruments in accordance with Standing Orders. It was agreed that the special attention of both Houses should be drawn to two of those considered. The instruments and the grounds for reporting are given below. The relevant departmental memoranda are published as appendices to this report.

1 S.I. 2025/368: Reported for defective drafting

The Online Safety (CSEA Content Reporting by Regulated User-to-User Service Providers) Regulations 2025

Procedure: Made negative

- 1.1 The Committee draws the special attention of both Houses to these Regulations on the grounds that they are defectively drafted in three respects.**
- 1.2** These Regulations set out what is required of in-scope companies to comply with the requirement in the Online Safety Act 2023 to report child sexual exploitation and abuse content (“CSEA”) to the National Crime Agency (“NCA”).
- 1.3** Regulation 18 sets out the time frame for a provider to submit their report to the NCA depending on the priority level they believe should apply. For a priority level 1 report (the highest priority level), regulation 18(1) states that the provider “must send the report as soon as possible”. For any other priority level, or where the provider has not decided which priority level should apply, they “must send the report as soon as practicable after making the judgement that the content is CSEA content”. The criteria for priority levels are set out at regulation 14(2). Noting that section 69 of the 2023 Act makes it an offence to breach these requirements, the Committee asked the Home Office to explain the intended difference between requiring a provider to send a report “as soon as possible” in paragraph (1) and

requiring a provider to send a report “as soon as practicable after making the judgement that the content is CSEA content” in paragraphs (2) and (3), and how effect is given to that intention.

- 1.4** In a memorandum printed at Appendix 1, the Department acknowledges that further elucidation could have been provided in the Explanatory Memorandum accompanying the Regulations. The Department explains that the expression “as soon as possible” is intended to convey a more urgent requirement than the expression “as soon as practicable” does, which it asserts reflects the criteria set out in regulation 14 to enable a provider to determine the priority level of the CSEA report. The Department goes on to explain that the difference in the time frame required for paragraphs (2) and (3) reflects concerns raised at consultation stage that not all providers will have the systems in place to detect the distinctions between the criteria for priority levels set out at regulation 14(2) and that the intention of the 2023 Act is to enable flexibility allowing for the providers’ different resources. The Committee does not understand how this has an impact on the difference in timeframe as the lack of such systems would presumably also impact the ability to determine a priority level 1 offence as well as the other levels. The Department asserts that the requirement to send a report “as soon as practicable” ensures that there is “a requirement to report at the earliest opportunity without unjustifiable delay” whilst at the same time ensuring that there is some flexibility for services which do not have the same technology in place that is as fast as others. While the Committee acknowledges that in some contexts, there will be a practical difference between a requirement to send something “as soon as possible” and “as soon as practicable”, the Committee is not convinced that there is a meaningful difference in this context. Noting that all reports must be sent using an online portal in accordance with regulation 16, the Committee remains unclear how it would be possible to distinguish in practice whether a report had been sent “as soon as possible” or “as soon as practicable”, or whether in this context there is any difference between those two terms. Given that it is an offence to breach these requirements, the Committee expects particular clarity on such matters. **The Committee accordingly reports regulation 18 for defective drafting.**
- 1.5** Schedule 1 of these Regulations sets out the CSEA information to be included in reports, with paragraph 2(j) of Schedule 1 referring to “the numerical hash value of the detected CSEA content at the point classified as CSEA content”. “Numerical hash value” is not defined within the instrument and the Committee asked the Department to explain its intended meaning.
- 1.6** In a memorandum printed at Appendix 1, the Department explains that the intended meaning of a “numerical hash value” is the unique hash which has been created by mathematical algorithms of an image or video which has been assessed by law enforcement as an illegal image of a child.

The Department acknowledges that defining the term would make the legislation clearer and undertakes to amend the Regulations to provide a definition at the next appropriate opportunity, although it also notes that “hashing” is a well-known term amongst providers to whom regulation 12 and Schedule 1 will apply. The Committee is clear that while this term may be familiar to providers affected by these parts of the Regulations, it is essential that all readers of the instrument be provided with the same level of clarity and therefore “numerical hash value” both could and should have been defined. **The Committee accordingly reports paragraph 2(j) of Schedule 1 for defective drafting, acknowledged by the Department.**

- 1.7** Throughout these Regulations, there are references to “work telephone number”. In the definitions, “work” in the context of telephone numbers and email addresses is defined as “a telephone number or an email address at which an individual can be contacted during normal working hours”. On some occasions (but not consistently) “work telephone number” is followed by “(including the international dialling code)”. The Committee asked the Department to explain why the requirement to include an international dialling code had not been consistently applied to all requirements to provide a work telephone number throughout the instrument.
- 1.8** In a memorandum printed at Appendix 1, the Department acknowledges that this was an oversight during the drafting of the instrument and recognises the importance of consistency in drafting. The Department undertakes to amend the Regulations to provide for this consistency at the next appropriate opportunity. **The Committee accordingly reports regulations 5(2), 5(3)(b) and 6, and paragraph 1(e) of Schedule 1 for defective drafting, acknowledged by the Department.**

2 S.I. 2025/394: Reported for defective drafting

The Sanctions (EU Exit) (Miscellaneous Amendments) Regulations 2025

Procedure: Made negative

- 2.1 The Committee draws the special attention of both Houses to these Regulations on the ground that they are defectively drafted in one respect.**
- 2.2** These Regulations make amendments to sanctions regulations to reflect a new urgent procedure when designating persons by name introduced by the Economic Crime (Transparency and Enforcement) Act 2022. Regulation

11(3) inserts a new regulation 5A into the Zimbabwe (Sanctions) (EU Exit) Regulations 2019. Regulation 5(1) of those Regulations provides that the Secretary of State may designate persons by name. However, the new regulations 5A(3) and (5) refer to “the Treasury” instead of “the Secretary of State”. The Committee asked the Foreign, Commonwealth and Development Office to explain the discrepancy.

- 2.3** In a memorandum printed at Appendix 2, the Department acknowledges that the new regulations 5A(3) and (5) should refer to “the Secretary of State” rather than “the Treasury”. The Department undertakes to address this by way of an amending instrument as soon as the appropriate opportunity arises and confirms that this will be offered free of charge to all known recipients of the instrument. **The Committee accordingly reports regulation 11(3) for defective drafting, acknowledged by the Department.**

Instruments not reported

At its meeting on 14 May 2025 the Committee considered the instruments set out in the Annex to this Report, none of which were required to be reported to both Houses.

Annex

Draft instruments requiring affirmative approval

S.I. Numbers	S.I. Title
Draft	Human Medicines (Amendments Relating to Hub and Spoke Dispensing etc.) Regulations 2025

Instruments subject to annulment

S.I. Numbers	S.I. Title
S.I. 2025/402	The Drivers' Hours and Tachographs (Amendment and Modification) Regulations 2025
S.I. 2025/405	The Gangmasters (Licensing Conditions) (Amendment) (Fees) Rules 2025
S.I. 2025/407	The Noise Emission in the Environment by Equipment for use Outdoors (Amendment) (Northern Ireland) Regulations 2025
S.I. 2025/415	The Civil Legal Aid (Remuneration) (Amendment) Regulations 2025
S.I. 2025/422	The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2025

S.I. Numbers	S.I. Title
S.I. 2025/510	The Ivory Prohibitions (Exemptions) (Process and Procedure) (Amendment) Regulations 2025
S.I. 2025/514	The Energy (Euratom Decisions and Miscellaneous Provisions) (Amendment and Revocation) Regulations 2025
S.I. 2025/522	The Public Procurement (Revocation) Regulations 2025
S.I. 2025/529	The Aviation Security (Amendment) Regulations 2025

Instruments not subject to Parliamentary proceedings not laid before Parliament

S.I. Numbers	S.I. Title
S.I. 2023/566	The Identity and Language (Northern Ireland) Act 2022 (Commencement) Regulations 2023
S.I. 2025/397	The Power to Award Degrees etc. (Engineering College of Technology Limited) Order 2025
S.I. 2025/399	The Finance Act 2021 (Amendment of Schedule 26 Penalty Figures) (Appointed Day: Regulation Making Power) Regulations 2025
S.I. 2025/441	The Victims and Prisoners Act 2024 (Commencement No. 5) Regulations 2025
S.I. 2025/446	The Electricity (Early-Model Competitive Tenders for Onshore Transmission Licences) Regulations 2025
S.I. 2025/447	The Environment Act 2021 (Commencement No. 10) Regulations 2025
S.I. 2025/477	The Power to Award Degrees etc. (ICMP Management Limited) (Amendment) Order 2025
S.I. 2025/511	The Free Zone (Customs Site No. 7 Liverpool) Designation Order 2025
S.I. 2025/530	The Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (Commencement No. 2 and Transitional Provisions) (Amendment) Regulations 2025

Appendix 1: Memorandum from the Home Office

S.I. 2025/368

The Online Safety (CSEA Content Reporting by Regulated User-to-User Service Providers) Regulations 2025

1. The Committee has asked the Home Office for a memorandum on the following point(s):

“1. In relation to regulation 18, noting that section 69 of the Online Safety Act 2023 makes it an offence to breach these requirements, explain the intended difference between –

 - (1) requiring a provider to send a report “as soon as possible” in paragraph (1), and*
 - (2) requiring a provider to send a report “as soon as practicable after making the judgment that the content is CSEA content” in paragraphs (2) and (3); and*

how effect is given to that intention.

2. In relation to paragraph 2(j) of Schedule 1, explain the intended meaning of “numerical hash value”.

3. Explain why the requirement to include an international dialling code has not been consistently applied to all requirements to provide a work telephone number throughout the instrument.”
2. In respect of point (1), the Home Office acknowledges that further elucidation could have been provided in the Explanatory Memorandum to the Regulations to explain the volume of reports which the National Crime Agency (NCA) already receive and the need for prioritisation to ensure that CSEA reports sent to the NCA are dealt with appropriately. However, the drafting intention is that the expression “as soon as possible” conveys a more urgent requirement than the expression “as soon as practicable” does.

The reasons for this are set out in paragraphs 3 to 5 of this Memorandum with regard to the criteria set out in regulation 14 and the time frame for reporting set out in regulation 18.

3. Regulation 14 requires the authorised person (where this is possible) to indicate the priority level of the CSEA report in accordance with the criteria set out in that regulation. Priority level 1 is urgent where there is information which suggests that there is current or imminent risk to a child and the provider believes that a crime is taking place or about to take place and that the child is in need of immediate safeguarding or there is a threat to the life of that child. Accordingly, regulation 18(1) requires the CSEA content to be sent as soon as possible. The criteria for priority level 2 are that a child is at risk in the near future or there are reasonable grounds for believing that contact offending has taken place or that content which amounts to a child sexual exploitation or abuse offence has been produced recently, or that the provider considers that there is a need for swift action on other grounds. Priority level 3 is for cases to which neither priority level 1 nor priority level 2 apply.
4. The requirement in paragraphs (2) and (3) of regulation 18 are for the report to be sent “as soon as practicable after making the judgement that the content is CSEA content” to allow information required by Schedule 1 to be provided where this is readily available without requiring the same level of urgency as for priority level 1. The difference in the time frame required for paragraph (2) and (3) also reflects concern raised in the informal consultation that not all providers of regulated user-to-user services will already have the systems and processes required to be able to detect the distinctions between the criteria set out in regulation 14(2).
5. Section 236 (“interpretation: general”) of the Online Safety Act 2023 (“the Act”) defines ““systems and/or processes” as being “any reference to systems and/or processes is to human or automated systems and/or processes, and accordingly it includes technologies.”. The intention of the Act is to enable flexibility so that it covers both moderation by a human or the use of technology to allow for the different resources of providers. The requirement to report CSEA content to the NCA “as soon as practicable” is a requirement to report at the earliest opportunity without unjustifiable delay whilst providing some flexibility for those services who do not have systems and processes which are as fast as the other regulated user-to-user services.
6. In respect of point (2), the intended meaning of a “numerical hash value” is the unique hash which has been created by mathematical algorithms of an image or video which has been assessed by law enforcement as an illegal image of a child. ‘Hashing’ is a well-known term amongst providers to whom regulation 12 and Schedule 1 will apply. For instance, OFCOM’s

Illegal content Codes of Practice for user to user services (published on 24 February and in force from 17 March 2025) references “Perceptual hash matching technology” as a defined term in those Codes (at page 66). They are available here at this link - www.ofcom.org.uk/siteassets/resources/documents/online-safety/information-for-industry/illegal-harms/illegal-content-codes-of-practice-for-user-to-user-services-24-feb.pdf?v=391889. There is more information about hash matching on OFCOM’s website under an Overview of Perceptual Hashing Technology (available at this link - www.ofcom.org.uk/online-safety/safety-technology/overview-of-perceptual-hashing-technology) and by Microsoft in explaining ‘Ensuring Data Integrity with Hash Codes’ (available at this link - <https://learn.microsoft.com/en-us/dotnet/standard/security/ensuring-data-integrity-with-hash-codes>). However, the Home Office acknowledges that defining this term would make the legislation clearer and is grateful to the Committee for drawing this issue to the Home Office’s attention. The Home Office will look to amend the Regulations to provide a definition at the next appropriate opportunity.

7. In respect of point (3), the Home Office apologises for omitting to include the words “international dialling code” in each place in which these Regulations require a “work telephone number” to be provided. This was an oversight during the drafting of this instrument. The Home Office acknowledges the importance of consistency in drafting. The Home Office will look to amend the Regulations to provide for this consistency at the next appropriate opportunity.
8. The Home Office is grateful to the Committee for drawing these matters to its attention.

Home Office

6 May 2025

Appendix 2: Memorandum from the Foreign, Commonwealth and Development Office

S.I. 2025/394

The Sanctions (EU Exit) (Miscellaneous Amendments) Regulations 2025

1. The Committee has asked the Foreign, Commonwealth and Development Office for a memorandum on the following point(s):

“Explain whether the new regulations 5A(3) and (5) to be inserted into the Zimbabwe (Sanctions) (EU Exit) Regulations 2019 should refer to “the Secretary of State” instead of “the Treasury”.”
2. The Department considers that new regulations 5A(3) and (5) to be inserted into the Zimbabwe (Sanctions) (EU Exit) Regulations 2019 should refer to the “Secretary of State” rather than the “Treasury”.
3. The Department acknowledges this error and will address it by way of an amending instrument as soon as an appropriate opportunity arises. The amending instrument will be offered free of charge to all known recipients of the instrument and contain the appropriate headnote.

Foreign, Commonwealth and Development Office

6 May 2025

Formal Minutes

Wednesday 14 May 2025

Members present

Sir Bernard Jenkin, in the Chair

Lewis Atkinson

Lord Brady of Altrincham

Andrew Pakes

David Pinto-Duschinsky

Lord Sahota

Baroness Sater

Lord Watson of Wyre Forest

Report consideration

Draft Report (Twenty-fourth Report), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 2.3 read and agreed to.

Annex agreed to.

Papers were appended to the Report as Appendices 1 to 2.

Resolved, That the Report be the Twenty-fourth Report of the Committee to both Houses.

Ordered, That the Chair make the Report to the House of Commons and that the Report be made to the House of Lords.

Adjournment

Adjourned till Wednesday 21 May at 3.40 p.m.

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2024–25

Number	Title	Reference
23rd	2 Statutory Instruments Reported	HC 291-xxiii
22nd	3 Statutory Instruments Reported	HC 291-xxii
21st	2 Statutory Instruments Reported	HC 291-xxi
20th	5 Statutory Instruments Reported	HC 291-xx
19th	No Statutory Instruments Reported	HC 291-xix
18th	2 Statutory Instruments Reported	HC 291-xviii
17th	No Statutory Instruments Reported	HC 291-xvii
16th	1 Statutory Instrument Reported	HC 291-xvi
15th	1 Statutory Instrument Reported	HC 291-xv
14th	No Statutory Instruments Reported	HC 291-xiv
13th	8 Statutory Instruments Reported	HC 291-xiii
12th	2 Statutory Instruments Reported	HC 291-xii
11th	2 Statutory Instruments Reported	HC 291-xi
10th	2 Statutory Instruments Reported	HC 291-x
9th	2 Statutory Instruments Reported	HC 291-ix
8th	4 Statutory Instruments Reported	HC 291-viii
7th	1 Statutory Instrument Reported	HC 291-vii
6th	4 Statutory Instruments Reported	HC 291-vi
5th	5 Statutory Instruments Reported	HC 291-v
4th	2 Statutory Instruments Reported	HC 291-iv

Number	Title	Reference
3rd	10 Statutory Instruments Reported	HC 291-iii
2nd	No Statutory Instruments Reported	HC 291-ii
1st	2 Statutory Instruments Reported	HC 291-i