



Department for
Science, Innovation
& Technology

Rt Hon Peter Kyle
Secretary of State for Science, Innovation
and Technology
100 Parliament Street
London SW1A 2BQ

www.gov.uk/dsit

11 September 2024

Dear Mr Ridley,

Thank you for the opportunity to respond to this second Report to Prevent Future Deaths, regarding the death of Deborah Jane Cooper. I was deeply saddened to read about the circumstances surrounding Deborah's tragic death and would like to extend my deepest condolences to her family and friends for their loss.

Following your further investigation and the response you received from Ofcom referenced in your letter, I completely understand and appreciate your decision to issue a second Regulation 28 Report. As the Secretary of State responsible for the Online Safety Act and online harms more broadly, I will respond to your further queries as per my department's remit and having engaged with the Ministry of Justice on the areas which fall into their remit.

In your letter, you raise concern that there appears to be nothing in the Online Safety Act that dissuades Amazon UK from marketing [REDACTED] to members of the public, including adults and children. Before separately addressing the two specific issues of concern you raise, I would like to clarify that whilst the Act does not prevent adults from seeking out legal content, under the Child Safety Duties children will be protected from encountering harmful content including that which falls below the criminal threshold on regulated services.

Under the Act, regulated search services must minimise the risk of children encountering (in search results or directly by clicking on them) 'primary priority content' which encourages or provides instructions for suicide or self-harm, even where it is legal. This would involve such content on an online marketplace, and if such search results included content – related to a book – which *itself* encouraged or provided instructions for suicide, or a search result led directly to a digital copy of a book which did so, the risk of children encountering this content would have to be minimised by the search service. The government is working closely with Ofcom to ensure these duties are implemented as quickly and effectively as possible.

Now I will address the two specific issues you raise in your letter, the first of which sets out your concern that a limited company cannot be imprisoned under the Suicide Act 1961 as amended by the Coroners' and Justice Act 2009. Whilst the Suicide Act 1961 does not itself provide for a penalty other than imprisonment, under section 120 of the Sentencing Act 2020 the Crown Court has a general power to impose a fine on an offender convicted on indictment so there is no legislative gap in terms of sentencing if a company were to be convicted of an offence under the 1961 Act. The Suicide Act 1961 falls within the remit of the Ministry of Justice, should you have any further questions on this.

I will now turn to the second issue you raise, that where Amazon or other providers are selling potentially harmful books related to suicide and self-harm directly, such content is out of scope of the Online Safety Act.



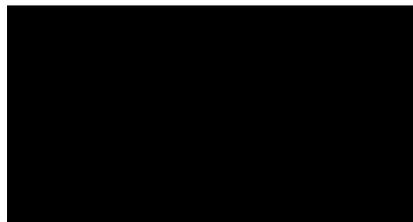
The Online Safety Act does not prevent adult users from accessing legal suicide and self-harm content, regardless of whether it is user generated content or provider content. In some cases, such content may be trying to provide support to those in need and this is therefore a complicated area to regulate. To be clear, I am not saying that [REDACTED] is such a book.

The issue therefore is whether the authors or distributors of [REDACTED] or similar books are committing an offence. However, the enforcement of existing offences is not for the government, but for the police and the Crown Prosecution Service and it is ultimately for the courts to decide if an offence has been committed.

As you are aware, relevant criminal offences have a high threshold to avoid criminalising people who are expressing suicidal feelings and those offering them support, by for example, sharing their own experiences. As set out above, offences under the Suicide Act 1961 and their thresholds are under the remit of the Ministry of Justice.

I would like to thank you again for drawing this to my attention and hope that this response has assisted your investigation. Should you have any further queries or concerns in relation to the relevant offences as set out above, the Ministry of Justice will be best placed to answer these.

Yours sincerely,

A large black rectangular redaction box covering the signature of the sender.

Rt Hon Peter Kyle
Secretary of State for Science, Innovation and Technology