



Online Safety Act 2023

2023 CHAPTER 50

PART 10

COMMUNICATIONS OFFENCES

False and threatening communications offences

179 False communications offence

- (1) A person commits an offence if—
 - (a) the person sends a message (see section 182),
 - (b) the message conveys information that the person knows to be false,
 - (c) at the time of sending it, the person intended the message, or the information in it, to cause non-trivial psychological or physical harm to a likely audience, and
 - (d) the person has no reasonable excuse for sending the message.
- (2) For the purposes of this offence an individual is a “likely audience” of a message if, at the time the message is sent, it is reasonably foreseeable that the individual—
 - (a) would encounter the message, or
 - (b) in the online context, would encounter a subsequent message forwarding or sharing the content of the message.
- (3) In a case where several or many individuals are a likely audience, it is not necessary for the purposes of subsection (1)(c) that the person intended to cause harm to any one of them in particular (or to all of them).
- (4) See section 180 for exemptions from the offence under this section.
- (5) A person who commits an offence under this section is liable—
 - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both);

Status: Point in time view as at 31/01/2024.

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 179. (See end of Document for details)

- (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (6) In subsection (5)(a) “the maximum term for summary offences” means—
- (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, 6 months;
 - (b) if the offence is committed after that time, 51 weeks.
- (7) Proceedings for an offence under this section may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the prosecutor’s knowledge.
- (8) But such proceedings may not be brought by virtue of subsection (7) more than 3 years after the commission of the offence.
- (9) A certificate signed by the prosecutor as to the date on which the evidence in question came to the prosecutor’s knowledge is conclusive evidence of the date on which it did so; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

Commencement Information

- I1** S. 179 not in force at Royal Assent, see [s. 240\(1\)](#)
- I2** S. 179 in force at 31.1.2024 by [S.I. 2024/31](#), [reg. 2](#)

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