



# Online Safety Act 2023

## 2023 CHAPTER 50

### PART 7

#### OFCOM'S POWERS AND DUTIES IN RELATION TO REGULATED SERVICES

### CHAPTER 6

#### ENFORCEMENT POWERS

##### *Provisional notices and confirmation decisions*

#### **138 Confirmation decisions: offences**

- (1) A person to whom a confirmation decision is given commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed by the decision which—
  - (a) is of a kind described in section 133(1), and
  - (b) is imposed (whether or not exclusively) in relation to a failure to comply with a children's online safety duty.
- (2) A "children's online safety duty" means a duty set out in—
  - (a) section 12(3)(a),
  - (b) section 12(3)(b),
  - (c) section 81(2), or
  - (d) section 81(4).
- (3) A person to whom a confirmation decision is given commits an offence if, without reasonable excuse, the person fails to comply with a CSEA requirement imposed by the decision (see section 133(6) and (7)).
- (4) A person who commits an offence under this section is liable—

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*Status: This is the original version (as it was originally enacted).*

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- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
- (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).