



# Online Safety Act 2023

## 2023 CHAPTER 50

### PART 7

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

### CHAPTER 6

#### ENFORCEMENT POWERS

##### *Penalty notices etc*

#### **139 Penalty for failure to comply with confirmation decision**

- (1) This section applies if—
  - (a) OFCOM have given a confirmation decision to a person,
  - (b) the decision includes requirements of a kind described in section 133(1) (requirements to take steps),
  - (c) OFCOM are satisfied that the person has failed to comply with one or more of those requirements, and
  - (d) OFCOM have not imposed a daily rate penalty under section 137(1)(b) in respect of that failure.
- (2) OFCOM may give the person a penalty notice under this section in respect of the failure to comply with the confirmation decision, requiring the person to pay to OFCOM a penalty of a single amount in sterling determined by OFCOM.
- (3) But OFCOM may give such a notice to the person only after—
  - (a) notifying the person that they propose to give a penalty notice under this section, specifying the reasons for doing so and indicating the amount of the proposed penalty, and
  - (b) giving the person an opportunity to make representations (with any supporting evidence).

---

*Changes to legislation:* Online Safety Act 2023, Section 139 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

- (4) A penalty notice under this section must—
- (a) give OFCOM's reasons for their decision to impose the penalty,
  - (b) state the amount of the penalty,
  - (c) state the reasons for the amount of the penalty, including any aggravating or mitigating factors that OFCOM have taken into account,
  - (d) specify the period within which the penalty must be paid,
  - (e) contain details of the rights of appeal under section 168, and
  - (f) contain information about the consequences of not paying the penalty (including information about the further kinds of enforcement action that it would be open to OFCOM to take).
- (5) The period specified under subsection (4)(d) must be at least 28 days beginning with the day on which the penalty notice is given.

---

**Commencement Information**

- I1** S. 139 not in force at Royal Assent, see [s. 240\(1\)](#)  
**I2** [S. 139](#) in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(z17\)](#)

**Changes to legislation:**

Online Safety Act 2023, Section 139 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(6A) inserted by [2024 c. 15 Sch. 7 para. 5\(2\)\(b\)](#)