



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).

Status: This is the original version (as it was originally enacted).

- (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.