



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

140 Penalty for failure to comply with notice under section 121(1)

- (1) This section applies if—
 - (a) OFCOM have given a notice under section 121(1) relating to a Part 3 service to the provider of that service (notices to deal with terrorism content and CSEA content), and
 - (b) OFCOM are satisfied that the provider has failed, or is failing, to comply with the notice.
- (2) OFCOM may give the provider a notice under this subsection stating that they propose to impose a penalty on the provider in respect of that failure.
- (3) The provider may make representations to OFCOM (with any supporting evidence) about the matters contained in the notice.
- (4) Subsection (5) applies if—
 - (a) the period allowed for representations has expired, and
 - (b) OFCOM are still satisfied as to the failure mentioned in subsection (1).
- (5) OFCOM may give the provider a penalty notice under this subsection requiring the provider to pay to OFCOM a penalty of an amount in sterling determined by OFCOM.

Status: Point in time view as at 10/01/2024.

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 140. (See end of Document for details)

- (6) The penalty may consist of any of the following, depending on what was specified in the notice about the proposed penalty—
- (a) a single amount;
 - (b) an amount calculated by reference to a daily rate;
 - (c) a combination of a single amount and an amount calculated by reference to a daily rate.
- (7) See section 142 for information which must be included in notices under this section.
- (8) Nothing in this section is to be taken to prevent OFCOM from giving the provider a further notice under section 121(1) (see section 126), as well as giving a penalty notice under subsection (5).

Commencement Information

- I1** S. 140 not in force at Royal Assent, see [s. 240\(1\)](#)
I2 S. 140 in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(z17\)](#)

Status:

Point in time view as at 10/01/2024.

Changes to legislation:

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