



Online Safety Act 2023

2023 CHAPTER 50

PART 10

COMMUNICATIONS OFFENCES

False and threatening communications offences

181 Threatening communications offence

- (1) A person commits an offence if—
 - (a) the person sends a message (see section 182),
 - (b) the message conveys a threat of death or serious harm, and
 - (c) at the time of sending it, the person—
 - (i) intended an individual encountering the message to fear that the threat would be carried out (whether or not by the person sending the message), or
 - (ii) was reckless as to whether an individual encountering the message would fear that the threat would be carried out (whether or not by the person sending the message).
- (2) “Serious harm” means—
 - (a) serious injury amounting to grievous bodily harm within the meaning of the Offences against the Person Act 1861,
 - (b) rape,
 - (c) assault by penetration within the meaning of section 2 of the Sexual Offences Act 2003, or
 - (d) serious financial loss.
- (3) In proceedings for an offence under this section relating to a threat of serious financial loss, it is a defence for the person to show that—
 - (a) the threat was used to reinforce a reasonable demand, and

Status: This is the original version (as it was originally enacted).

- (b) the person reasonably believed that the use of the threat was a proper means of reinforcing the demand.
- (4) If evidence is adduced which is sufficient to raise an issue with respect to the defence under subsection (3), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (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 general limit in a magistrates' court or a fine (or both);
 - (b) 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);
 - (c) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).