



Online Safety Act 2023

2023 CHAPTER 50

PART 10

COMMUNICATIONS OFFENCES

False and threatening communications offences

182 Interpretation of sections 179 to 181

- (1) This section applies for the purposes of sections 179 to 181, and references in this section to an offence are to an offence under section 179 or 181.
- (2) A person “sends a message” if the person—
 - (a) sends, transmits or publishes a communication (including an oral communication) by electronic means, or
 - (b) sends, or gives to an individual, a letter or a thing of any other description, and references to a message are to be read accordingly.
- (3) A person also “sends a message” if the person—
 - (a) causes a communication (including an oral communication) to be sent, transmitted or published by electronic means, or
 - (b) causes a letter or a thing of any other description to be—
 - (i) sent, or
 - (ii) given to an individual.
- (4) But a provider of an internet service by means of which a communication is sent, transmitted or published is not to be regarded as a person who sends a message.
- (5) “Encounter”, in relation to a message, means read, view, hear or otherwise experience the message.
- (6) It does not matter whether the content of a message is created by the person who sends it (so for example, in the online context, an offence may be committed by a person who forwards another person’s direct message or shares another person’s post).

Status: This is the original version (as it was originally enacted).

- (7) In the application of sections 179 to 181 to the sending by electronic means of a message consisting of or including a hyperlink to other content—
- (a) references to the message are to be read as including references to content accessed directly via the hyperlink, and
 - (b) an individual who is a likely audience in relation to the hyperlink for the purposes of section 179 is to be assumed to be a likely audience in relation to the linked content.
- (8) In the application of sections 179 to 181 to the sending of an item on which data is stored electronically, references to the message are to be read as including content accessed by means of the item to which the recipient is specifically directed by the sender (and in this subsection “sending” includes “giving”, and “sender” is to be read accordingly).
- (9) In the online context, the date on which a person commits an offence in relation to a message is the date on which the message is first sent by the person.
- (10) “Recognised news publisher” has the meaning given by section 56.
- (11) “Multiplex licence” means a licence under section 8 of the Wireless Telegraphy Act 2006 which authorises the provision of a multiplex service within the meaning of section 42(6) of that Act.
- (12) “On-demand programme service” has the same meaning as in the Communications Act (see section 368A of that Act), and a person is the “provider” of an on-demand programme service if the person has given notification of the person’s intention to provide that service in accordance with section 368BA of that Act.