



Online Safety Act 2023

2023 CHAPTER 50

PART 11

SUPPLEMENTARY AND GENERAL

Offences

199 Information offences: supplementary

- (1) Proceedings against a person for an offence under section 109(1) or paragraph 18(1)(b) of Schedule 12 may be brought only if—
 - (a) OFCOM have given the person a provisional notice of contravention in respect of the failure to comply with the requirements of an information notice or the requirements imposed by a person acting under Schedule 12 (as the case may be),
 - (b) OFCOM have given the person a confirmation decision in respect of that failure imposing requirements of a kind described in section 133(1) and the time allowed for compliance with the decision has expired without those requirements having been complied with,
 - (c) OFCOM have not imposed a penalty on the person in respect of that failure,
 - (d) a service restriction order under section 144 has not been made in relation to a regulated service provided by the person in respect of that failure, and
 - (e) an access restriction order under section 146 has not been made in relation to a regulated service provided by the person in respect of that failure.
- (2) Proceedings for an offence under section 110(2) (failure by named senior manager to prevent offence under section 109(1)) may be brought only if the conditions in subsection (1) are met in respect of the offence under section 109(1).
- (3) Where a penalty has been imposed on a person in respect of an act or omission constituting an offence under section 69 or 109 or paragraph 18 of Schedule 12, no proceedings may be brought against the person for that offence.

Status: This is the original version (as it was originally enacted).

- (4) Where a penalty has been imposed on an entity in respect of an act or omission constituting an offence under section 109, no proceedings for an offence under section 110 may be brought against an individual in respect of a failure to prevent that offence.
- (5) A penalty may not be imposed on a person in respect of an act or omission constituting an offence under section 69 or 109 or paragraph 18 of Schedule 12 if—
- (a) proceedings for the offence have been brought against the person but have not been concluded, or
 - (b) the person has been convicted of the offence.
- (6) In this section “penalty” means a penalty imposed by—
- (a) a confirmation decision (see sections 132(5)(b) and 137), or
 - (b) a penalty notice under section 139.