Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

Offences relating to networks and services

127 Improper use of public electronic communications network

(1) A person is guilty of an offence if he—
   (a) sends by means of a public electronic communications network a message or
       other matter that is grossly offensive or of an indecent, obscene or menacing
       character; or
   (b) causes any such message or matter to be so sent.

(2) A person is guilty of an offence if, for the purpose of causing annoyance,
    inconvenience or needless anxiety to another, he—
   (a) sends by means of a public electronic communications network, a message
       that he knows to be false,
   (b) causes such a message to be sent; or
   (c) persistently makes use of a public electronic communications network.

(3) A person guilty of an offence under this section shall be liable, on summary conviction,
    to imprisonment for a term not exceeding six months or to a fine not exceeding level
    5 on the standard scale, or to both.
(4) Subsections (1) and (2) do not apply to anything done in the course of providing a programme service (within the meaning of the Broadcasting Act 1990 (c. 42)).
Status:
This version of this provision is prospective.

Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to Communications Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to:
- s. 127 coming into force by S.I. 2003/1900 art. 1(2) 2(1) Sch. 1
- s. 127 coming into force by S.I. 2003/3142 art. 3(2) (This provision is brought into force, so far as not already in force, on the expiry of the 'transitional period' by virtue of: s. 408(6) of the Act; arts. 1(2), 2, 3(1) of S.I. 2003/1900; and art. 3(2) of this commencing S.I.)
- specified provision(s) amendment to earlier commencing SI 2003/1900, art. 3(2) by S.I. 2003/3142 art. 1(3)
- specified provision(s) amendment to earlier commencing SI 2003/3142 by S.I. 2004/1492 art. 2
- specified provision(s) amendment to earlier commencing SI 2003/3142 by S.I. 2004/697 art. 2
- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by S.I. 2004/545 art. 2

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
- Act amendment to earlier affecting provision SI 2003/3195 by S.I. 2004/715 art. 3 Sch.
- Act amendment to earlier affecting provision SI 2003/3195 art. 6 Sch. 2 by S.I. 2004/1116 art. 2
- Act amendment to earlier affecting provision SI 2003/3197 by S.I. 2004/308 art. 6(3) Sch. 2
- Act amendment to earlier affecting provision SI 2003/3197 by S.I. 2004/716 art. 3
- Act amendment to earlier affecting provision SI 2003/3197 art. 6 Sch. 2 by S.I. 2004/1114 art. 2
- Act amendment to earlier affecting provision SI 2003/3198 by S.I. 2004/309 art. 2(2) Sch. Pt. 2
- Act amendment to earlier affecting provision SI 2003/3198 by S.I. 2004/718 art. 2
- Act amendment to earlier affecting provision SI 2003/3198 art. 6 Sch. 2 by S.I. 2007/278 art. 3 Sch. 2 Pt. 1
- Act amendment to earlier affecting provision SI 2003/3198 art. 6(1) by S.I. 2004/1115 art. 2
- Act amendment to earlier affecting provision. SI 2003/3195 Sch. 2 by S.I. 2012/2688 arts. 2 3
- Act applied (with modifications) by S.I. 2004/1944 art. 4 Sch.
- Act applied (with modifications) by S.I. 2012/2690 art. 4 Sch.
- Act modified by S.I. 2007/1118 art. 7
- Act modified (Guernsey) by S.I. 2013/243 art. 5 Sch. Pt. 2
- Act specified provisions extended (Guernsey) (with modifications) by S.I. 2003/3195 art. 6 Sch. 2 (This SI is amended by SI 2004/307, 2004/715, 2004/1116, 2005/856)
- Act specified provisions extended (Guernsey) (with modifications) by S.I. 2004/307 art. 4 Sch.
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– Act specified provisions extended (Jersey) (with modifications) by S.I. 2003/3197 art. 6 Sch. 2 (This SI is amended by S.I 2004/308, 2004/716, 2004/1114, 2005/855)
– Blanket amendment words substituted by S.I. 2011/1043 art. 3 4
– Blanket amendment words substituted by S.I. 2011/1043 art. 3 6

Whole provisions yet to be inserted into this Act (including any effects on those provisions):
– Pt. 4A inserted by S.I. 2009/2979 reg. 2
– s. 26(1)(2)(a)-(c)(3)-(6) coming into force by S.I. 2003/1900 art. 1(2) 2(1) Sch. 1
– s. 393(1)(a)(b)(2)-(4)(5)(a)-(i)(l)-(p)(6)(b)-(d)(8)-(12) coming into force by S.I. 2003/1900 art. 1(2) 2(1) Sch. 1
– s. 394(1)(2)(a)-(d)(3)-(10) coming into force by S.I. 2003/1900 art. 1(2) 2(1) Sch. 1
– s. 351(1)-(3)(4)(a)(ii)(iii)(b)(5)-(9)(11) coming into force by S.I. 2003/3142 art. 3(1) Sch. 1
– s. 26(1)(2)(a)-(c)(3)-(6) coming into force by S.I. 2003/3142 art. 3(1) Sch. 1
– s. 393(1)(a)(b)(2)-(4)(5)(a)-(i)(l)-(p)(6)(b)-(d)(8)-(12) coming into force by S.I. 2003/3142 art. 3(1) Sch. 1
– s. 394(1)(2)(a)-(d)(3)-(10) coming into force by S.I. 2003/3142 art. 3(1) Sch. 1
– s. 406(2)-(5)(8)-(10) coming into force by S.I. 2003/3142 art. 3(2)
– s. 4A and cross-heading inserted by S.I. 2011/1210 Sch. 1 para. 6
– s. 35A inserted by S.I. 2011/1210 Sch. 1 para. 11
– s. 48A-48C inserted by S.I. 2011/1210 Sch. 1 para. 23
– s. 49A-49C inserted by S.I. 2011/1210 Sch. 1 para. 25
– s. 56A and cross-heading inserted by S.I. 2011/1210 Sch. 1 para. 31
– s. 76A inserted by S.I. 2011/1210 Sch. 1 para. 41
– s. 80A 80B inserted by S.I. 2011/1210 Sch. 1 para. 43
– s. 84A inserted by S.I. 2011/1210 Sch. 1 para. 47
– s. 89A-89C inserted by S.I. 2011/1210 Sch. 1 para. 50
– s. 96A-96C and cross-heading inserted by S.I. 2011/1210 Sch. 1 para. 55
– s. 100A and cross-heading inserted by S.I. 2011/1210 Sch. 1 para. 60
– s. 105A-105D and cross-heading inserted by S.I. 2011/1210 Sch. 1 para. 65
– s. 110A inserted by S.I. 2011/1210 Sch. 1 para. 69
– s. 111A 111B inserted by S.I. 2011/1210 Sch. 1 para. 71
– s. 120A inserted by S.I. 2011/1210 Sch. 1 para. 77
– s. 127(5)-(7) inserted by 2015 c. 2 s. 51(1)
– s. 139A-139C inserted by S.I. 2011/1210 Sch. 1 para. 83
– s. 146A inserted by S.I. 2011/1210 Sch. 1 para. 88
– s. 150A and cross-heading inserted by S.I. 2011/1210 Sch. 1 para. 89
– s. 185A inserted by S.I. 2011/1210 Sch. 1 para. 92
– s. 335A and cross-heading inserted by S.I. 2009/2979 reg. 7
– s. 335A(1)(a) word substituted by S.I. 2010/1883 reg. 4
– s. 368B(1) word substituted by S.I. 2010/419 reg. 3(1)
– s. 368B(6) word substituted by S.I. 2010/419 reg. 3(2)
– s. 368B(10)(d)(e) inserted by S.I. 2014/2916 reg. 3
– s. 368D(3)(za)(zb) inserted by S.I. 2010/419 reg. 5(1)
– s. 368D(3A) inserted by S.I. 2010/419 reg. 5(2)
– s. 368E(2)-(7) substituted for s. 368E(2) by S.I. 2014/2916 reg. 2
– s. 368G(2) word substituted by S.I. 2010/419 reg. 6
– s. 368H(16) words inserted by S.I. 2010/831 reg. 7
– s. 368J(1) words inserted by S.I. 2010/419 reg. 7
– s. 368K(1)(a) words inserted by S.I. 2010/419 reg. 8(2)
– s. 368K(1)(b) words inserted by S.I. 2010/419 reg. 8(3)(a)
– s. 368K(1)(b) words inserted by S.I. 2010/419 reg. 8(3)(b)
– s. 368K(1)(b) words inserted by S.I. 2010/419 reg. 8(3)(c)
– s. 368O(2)(a) words inserted by S.I. 2010/419 reg. 10
- s. 368P(A1) inserted by S.I. 2010/419 reg. 11(a)
- s. 368P(1) substituted by S.I. 2010/419 reg. 11(b)
- s. 368P(2)(b)(c) omitted by S.I. 2010/419 reg. 11(c)
- s. 368Q(A1) inserted by S.I. 2010/419 reg. 12(1)
- s. 368Q(4) words substituted by S.I. 2010/419 reg. 12(2)
- s. 368Q(5) words inserted by S.I. 2010/419 reg. 12(3)
- s. 368R(1) words substituted by S.I. 2010/831 reg. 8
- s. 368R(1) words substituted by S.I. 2012/1916 Sch. 34 para. 44
- s. 368BA 368BB and cross-heading inserted by S.I. 2010/419 reg. 4
- s. 368NA and cross-heading inserted by S.I. 2010/419 reg. 9
- Sch. 11A inserted by S.I. 2010/831 reg. 9

Commencement Orders yet to be applied to the Communications Act 2003

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/1900 art. 2 Sch. 1 2 commences (2003 c. 21)
- S.I. 2003/3142 art. 2-4 Sch. 1 2 commences (2003 c. 21)
- S.I. 2004/2575 art. 2 Sch. 1 2 commences (2004 c. 20)
- S.I. 2005/3495 art. 2 commences (2005 c. 15)
- S.I. 2007/2584 art. 2 commences (2006 c. 26)
- S.I. 2008/3068 art. 2-5 commences (2008 c. 17)
- S.I. 2009/803 art. 2-10 commences (2008 c. 17)
- S.I. 2009/812 art. 3 commences (2006 c. 52)
- S.I. 2009/1167 art. 3 4 commences (2006 c. 52)
- S.I. 2010/862 art. 2 3 commences (2008 c. 17)
- S.I. 2010/2317 art. 2 3 commences (2010 c. 15)
- S.I. 2011/2329 art. 2 3 commences (2011 c. 5)