



Communications Act 2003

2003 CHAPTER 21

PART 2

NETWORKS, SERVICES AND THE RADIO SPECTRUM

CHAPTER 1

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

PROSPECTIVE

Offences relating to networks and services

125 Dishonestly obtaining electronic communications services

- (1) A person who—
 - (a) dishonestly obtains an electronic communications service, and
 - (b) does so with intent to avoid payment of a charge applicable to the provision of that service,is guilty of an offence.
- (2) It is not an offence under this section to obtain a service mentioned in section 297(1) of the Copyright, Designs and Patents Act 1988 (c. 48) (dishonestly obtaining a broadcasting or cable programme service provided from a place in the UK).
- (3) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.

Status: This version of this cross heading contains provisions that are 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. (See end of Document for details)

126 Possession or supply of apparatus etc. for contravening s. 125

- (1) A person is guilty of an offence if, with an intention falling within subsection (3), he has in his possession or under his control anything that may be used—
 - (a) for obtaining an electronic communications service; or
 - (b) in connection with obtaining such a service.
- (2) A person is guilty of an offence if—
 - (a) he supplies or offers to supply anything which may be used as mentioned in subsection (1); and
 - (b) he knows or believes that the intentions in relation to that thing of the person to whom it is supplied or offered fall within subsection (3).
- (3) A person's intentions fall within this subsection if he intends—
 - (a) to use the thing to obtain an electronic communications service dishonestly;
 - (b) to use the thing for a purpose connected with the dishonest obtaining of such a service;
 - (c) dishonestly to allow the thing to be used to obtain such a service; or
 - (d) to allow the thing to be used for a purpose connected with the dishonest obtaining of such a service.
- (4) An intention does not fall within subsection (3) if it relates exclusively to the obtaining of a service mentioned in section 297(1) of the Copyright, Designs and Patents Act 1988 (c. 48).
- (5) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.
- (6) In this section, references, in the case of a thing used for recording data, to the use of that thing include references to the use of data recorded by it.

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.

Status: This version of this cross heading contains provisions that are 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. (See end of Document for details)

(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 cross heading contains provisions that are 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 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 applied (with modifications) by [S.I. 2004/1944 art. 4 Sch.](#)
- Act modified by [S.I. 2007/1118 art. 7](#)
- 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.](#)
- Act specified provisions extended (Isle of Man) (with modifications) by [S.I. 2003/3198 art. 6 Sch. 2](#) (This SI is amended by SI 2004/309, 2004/718, 2004/1115, 2007/278)
- Act specified provisions extended (Jersey) (with modifications) by [S.I. 2003/3197 art. 6 Sch. 2](#) (This SI is amended by SI 2004/308, 2004/716, 2004/1114, 2005/855)
- Act specified provisions extended (Jersey) (with modifications) by [S.I. 2004/308 art. 4 Sch. 1](#)
- Blanket amendment text amended by [S.I. 2011/1043 art. 3 4](#)
- Blanket amendment text amended 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. 4A 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 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 89B 89C inserted by [S.I. 2011/1210 Sch. 1 para. 50](#)
- s. 96A-96C inserted by [S.I. 2011/1210 Sch. 1 para. 55](#)

- s. 100A inserted by S.I. 2011/1210 Sch. 1 para. 60
- s. 105A-105D 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. 124A inserted by 2010 c. 24 s. 3
- s. 124B inserted by 2010 c. 24 s. 4
- s. 124C inserted by 2010 c. 24 s. 5
- s. 124D inserted by 2010 c. 24 s. 6
- s. 124E inserted by 2010 c. 24 s. 7
- s. 124F inserted by 2010 c. 24 s. 8
- s. 124G inserted by 2010 c. 24 s. 9
- s. 124H inserted by 2010 c. 24 s. 10
- s. 124I inserted by 2010 c. 24 s. 11
- s. 124J inserted by 2010 c. 24 s. 12
- s. 124K inserted by 2010 c. 24 s. 13
- s. 124L inserted by 2010 c. 24 s. 14
- s. 124M inserted by 2010 c. 24 s. 15
- s. 124N inserted by 2010 c. 24 s. 16(1)
- s. 124O inserted by 2010 c. 24 s. 19
- s. 124P 124Q inserted by 2010 c. 24 s. 20(1)
- s. 124R inserted by 2010 c. 24 s. 21
- s. 134A-134C inserted by 2010 c. 24 s. 1(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 inserted by S.I. 2011/1210 Sch. 1 para. 89
- s. 185A inserted by S.I. 2011/1210 Sch. 1 para. 92
- s. 198A inserted by 2010 c. 24 s. 22(1)
- s. 198B-198D inserted by 2010 c. 24 s. 23(1)
- s. 216A inserted by 2010 c. 24 s. 24(7)
- s. 218A inserted by 2010 c. 24 s. 27
- s. 264A inserted by 2010 c. 24 s. 2
- s. 271A inserted by 2010 c. 24 s. 23(2)
- s. 335A inserted by S.I. 2009/2979 reg. 7
- s. 335A(1)(a) text amended by S.I. 2010/1883 reg. 4
- s. 368B(1) text amended by S.I. 2010/419 reg. 3(1)
- s. 368B(6) text amended by S.I. 2010/419 reg. 3(2)
- 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. 368G(2) text amended by S.I. 2010/419 reg. 6
- s. 368H(16) text amended by S.I. 2010/831 reg. 7
- s. 368J(1) text amended by S.I. 2010/419 reg. 7
- s. 368K(1)(a) text amended by S.I. 2010/419 reg. 8(2)
- s. 368K(1)(b) text amended by S.I. 2010/419 reg. 8(3)
- s. 368O(2)(a) text amended 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) text amended by S.I. 2010/419 reg. 12(2)
- s. 368Q(5) text amended by S.I. 2010/419 reg. 12(3)
- s. 368R(1) text amended by S.I. 2010/831 reg. 8
- s. 368BA 368BB inserted by S.I. 2010/419 reg. 4
- s. 368NA inserted by S.I. 2010/419 reg. 9
- Sch. 11A inserted by S.I. 2010/831 reg. 9
- specified provision(s) amendment to earlier commencing SI 2003/3142 by S.I. 2004/545 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 by [S.I. 2004/1492 art. 2](#)

Commencement Orders yet to be applied to the Communications Act 2003:

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2003/1900 art. 2](#) commences (2003 c. 21)
- [S.I. 2004/3309 art. 2 3](#) commences (2003 c. 21)
- [S.I. 2009/2130 art. 2](#) commences (2003 c. 21)

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2003/3142 art. 2-4](#) commences (2002 c. 11 and 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. 2007/3546 art. 3 Sch.](#) commences (2007 c. 17)
- [S.I. 2008/3068 art. 2-5](#) commences (2008 c. 17)
- [S.I. 2009/812 art. 3](#) commences (2006 c. 52)
- [S.I. 2009/1059](#) Order transitional provisions for effects of commencing SI 2009/812
- [S.I. 2009/1167 art. 3 4](#) commences (2006 c. 52)
- [S.I. 2010/2317 art. 2 3](#) commences (2010 c. 15)
- [S.I. 2011/2329 art. 2 3](#) commences (2011 c. 5)