



# 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*

#### **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<sup>F1</sup>... 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.

*Changes to legislation: Communications Act 2003, Cross Heading: Offences relating to networks and services is up to date with all changes known to be in force on or before 31 May 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Annotations:**

**Amendments (Textual)**

- F1** Words in s. 125(2) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 1](#), [Sch. 2](#) (with [regs. 31-40](#))

**Commencement Information**

- I1** S. 125 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I2** S. 125 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

**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.

**Annotations:**

**Commencement Information**

- I3** S. 126 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), [arts. 1\(2\), 2\(1\)](#), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), [art. 1\(3\)](#))
- I4** S. 126 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

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## 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)).
- [<sup>F2</sup>(5) An information or complaint relating to an offence under this section may be tried by a magistrates' court in England and Wales or Northern Ireland if it is laid or made—
  - (a) before the end of the period of 3 years beginning with the day on which the offence was committed, and
  - (b) before the end of the period of 6 months beginning with the day on which evidence comes to the knowledge of the prosecutor which the prosecutor considers sufficient to justify proceedings.
- (6) Summary proceedings for an offence under this section may be commenced in Scotland—
  - (a) before the end of the period of 3 years beginning with the day on which the offence was committed, and
  - (b) before the end of the period of 6 months beginning with the day on which evidence comes to the knowledge of the prosecutor which the prosecutor considers sufficient to justify proceedings,and section 136(3) of the Criminal Procedure (Scotland) Act 1995 (date when proceedings deemed to be commenced) applies for the purposes of this subsection as it applies for the purposes of that section.
- (7) A certificate of a prosecutor as to the date on which evidence described in subsection (5)(b) or (6)(b) came to his or her knowledge is conclusive evidence of that fact.]

### Annotations:

### Amendments (Textual)

- F2** S. 127(5)-(7) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 51(1)**, 95(1) (with s. 51(2)); [S.I. 2015/778](#), art. 3, Sch. 1 para. 42

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#### **Commencement Information**

- I5** S. 127 in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I6** S. 127 in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)

**Changes to legislation:**

Communications Act 2003, Cross Heading: Offences relating to networks and services is up to date with all changes known to be in force on or before 31 May 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to :**

- 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:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124O and cross-heading inserted by [2010 c. 24 s. 19](#)
- s. 124P 124Q inserted by [2010 c. 24 s. 20\(1\)](#)
- s. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 124R inserted by [2010 c. 24 s. 21](#)
- s. 124S 124T and cross-heading inserted by [2017 c. 30 s. 102](#)
- s. 192(1)(d) (iia) inserted by [2010 c. 24 s. 20\(2\)](#)
- s. 365(1A) inserted by [2017 c. 30 s. 89\(3\)](#)
- s. 365(5A)(5B) inserted by [2017 c. 30 s. 89\(6\)](#)
- s. 365A inserted by [2017 c. 30 s. 89\(7\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)