



Malicious Communications Act 1988

1988 CHAPTER 27

1 Offence of sending letters etc. with intent to cause distress or anxiety.

(1) Any person who sends to another person—

- (a) a [^{F1}letter, electronic communication or article of any description] which conveys—
 - (i) a message which is indecent or grossly offensive;
 - (ii) a threat; or
 - (iii) information which is false and known or believed to be false by the sender; or
- (b) any [^{F2}article or electronic communication] which is, in whole or part, of an indecent or grossly offensive nature,

is guilty of an offence if his purpose, or one of his purposes, in sending it is that it should, so far as falling within paragraph (a) or (b) above, cause distress or anxiety to the recipient or to any other person to whom he intends that it or its contents or nature should be communicated.

(2) A person is not guilty of an offence by virtue of subsection (1)(a)(ii) above if he shows—

- (a) that the threat was used to reinforce a demand [^{F3}made by him on reasonable grounds]; and
- (b) that he believed [^{F4}, and had reasonable grounds for believing,] that the use of the threat was a proper means of reinforcing the demand.

[^{F5}(2A) In this section “ electronic communication ” includes—

- ^{F6}(a) any oral or other communication by means of [^{F6}an electronic communications network] (c. 12)); and
- (b) any communication (however sent) that is in electronic form.]

(3) In this section references to sending include references to delivering [^{F7}or transmitting] and to causing to be sent [^{F8}, delivered or transmitted] and “sender” shall be construed accordingly.

Status: Point in time view as at 29/12/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Malicious Communications Act 1988, Section 1. (See end of Document for details)

- (4) A person guilty of an offence under this section shall be liable on summary conviction to [^{F9}imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both].

Textual Amendments

- F1** Words in s. 1(1)(a) substituted (11.5.2001) by 2001 c. 16, **ss. 43(1)(a)**, 138(2)
- F2** Words in s. 1(1)(b) substituted (11.5.2001) by 2001 c. 16, **ss. 43(1)(b)**, 138(2)
- F3** Words in s. 1(2)(a) substituted (11.5.2001) by 2001 c. 16, **ss. 43(2)(a)**, 138(2)
- F4** Words in s. 1(2)(b) substituted (11.5.2001) by 2001 c. 16, **ss. 43(2)(b)**, 138(2)
- F5** S. 1(2A) inserted (11.5.2001) by 2001 c. 16, **ss. 43(3)**, 138(2)
- F6** Words in s. 1(2A)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by **Communications Act 2003** (c. 21), s. 411(2), **Sch. 17 para. 90** (with **Sch. 18**); **S.I. 2003/1900**, arts. 1(2), 2(1), **Schs. 1** (with art. 3) (as amended by **S.I. 2003/3142**, art. 1(3)); **S.I. 2003/3142**, art. 3(2) (with art. 11)
- F7** Words in s. 1(3) inserted (11.5.2001) by 2001 c. 16, **ss. 43(4)(a)**, 138(2)
- F8** Words in s. 1(3) substituted (11.5.2001) by 2001 c. 16, **ss. 43(4)(b)**, 138(2)
- F9** Words in s. 1(4) substituted (11.5.2001) by virtue of 2001 c. 16, **ss. 43(5)(6)**, 138(2)

Status:

Point in time view as at 29/12/2003. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Malicious Communications Act 1988, Section 1.