



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 1

PROVISIONS FOR COMBATTING CRIME AND DISORDER

CHAPTER 3

OTHER PROVISIONS FOR COMBATTING CRIME AND DISORDER

Further provision about intimidation etc.

43 Malicious communications

- (1) In subsection (1) of section 1 of the Malicious Communications Act 1988 (c. 27) (offence of sending letters and other articles with intent to cause distress or anxiety)—
 - (a) in paragraph (a), for “letter or other article” there shall be substituted “ letter, electronic communication or article of any description ”; and
 - (b) in paragraph (b), for the word “other article” there shall be substituted “ article or electronic communication ”.
- (2) In subsection (2) of that section (defence of making a threat in the belief that it was a proper way of reinforcing a demand and that there were reasonable grounds for making that demand)—
 - (a) in paragraph (a), for “which he believed he had reasonable grounds for making” there shall be substituted “ made by him on reasonable grounds ”; and
 - (b) in paragraph (b), after “believed” there shall be inserted “ , and had reasonable grounds for believing, ”.
- (3) After that subsection there shall be inserted—

“(2A) In this section “electronic communication” includes—

Changes to legislation: *There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 43. (See end of Document for details)*

- (a) any oral or other communication by means of a telecommunication system (within the meaning of the Telecommunications Act 1984 (c. 12)); and
 - (b) any communication (however sent) that is in electronic form.”
- (4) In subsection (3) of that section (definition of “send”)—
 - (a) after “delivering” there shall be inserted “ or transmitting ”; and
 - (b) for “or delivered” there shall be substituted “ , delivered or transmitted ”.
- (5) In subsection (5) of that section (penalty for offence), for “a fine not exceeding level 4 on the standard scale” there shall be substituted “ imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both ”.
- (6) Subsection (5) does not affect the penalty for an offence committed before the day on which this Act is passed.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 43.