



# Communications Act 2003

## 2003 CHAPTER 21

### PART 2

#### NETWORKS, SERVICES AND THE RADIO SPECTRUM

### CHAPTER 1

#### ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES

##### *Information provisions*

#### **144 Offences in connection with information requirements**

- (1) A person who fails to provide information in accordance with a requirement of OFCOM under section 135 or 136 [<sup>F1</sup>, or who contravenes a requirement imposed under section 137A,] is guilty of an offence and shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.
- (2) In proceedings against a person for an offence under subsection (1) it shall be a defence for that person to show—
  - (a) that it was not reasonably practicable for him to comply with the requirement within the period specified by OFCOM; but
  - (b) that he has taken all reasonable steps to [<sup>F2</sup>comply with the requirement] after the end of that period.
- (3) A person is guilty of an offence if—
  - (a) in pursuance of any requirement under section [<sup>F3</sup>135, 136 or 137A], he provides [<sup>F4</sup>or publishes] any information that is false in any material particular; and
  - (b) at the time he provides [<sup>F4</sup>or publishes] it, he either knows it to be false or is reckless as to whether or not it is false.

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**Changes to legislation:** Communications Act 2003, Section 144 is up to date with all changes known to be in force on or before 10 April 2024. 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) View outstanding changes

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- (4) A person guilty of an offence under subsection (3) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- (5) Proceedings for an offence under subsection (1) may be brought in respect of a contravention by a person of a requirement imposed under section 135 or 136 only if—
- (a) OFCOM have given the person a notification under section 138 in respect of that contravention;
  - <sup>F5</sup>(b) a confirmation decision has been given under section 139A in respect of that requirement and the period allowed under that decision has expired without the requirement have been complied with; and]
  - (c) OFCOM have not imposed a financial penalty under section 139 in respect of that contravention.
- <sup>F6</sup>(6) Nothing in this section applies in relation to a contravention of a requirement imposed on a person by virtue of section 135(2)(g).]

#### Textual Amendments

- F1** Words in s. 144(1) inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 86(5)(a)**, 118(2)
- F2** Words in s. 144(2)(b) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 86(5)(b)**, 118(2)
- F3** Words in s. 144(3) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 86(5)(c)(i)**, 118(2)
- F4** Words in s. 144(3) inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 86(5)(c)(ii)**, 118(2)
- F5** S. 144(5)(b) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 86(5)(d)**, 118(2)
- F6** S. 144(6) inserted (21.12.2020) by [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020 \(S.I. 2020/1419\)](#), reg. 1(2), **Sch. 1 para. 59**

#### Commencement Information

- I1** S. 144 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. 144 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, Section 144 is up to date with all changes known to be in force on or before 10 April 2024. 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.

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**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. 124Q(7)(a) words substituted by [2013 c. 22 Sch. 9 para. 52](#)
- s. 148A and cross-heading inserted by [2022 c. 46 s. 73\(2\)](#)
- s. 368E(5)(d)(e) inserted by [2017 c. 30 s. 94\(3\)](#)
- s. 402(2A)(za)(zb) inserted by [2022 c. 46 Sch. para. 2](#)
- Sch. 3A para. 21(6) inserted by [2022 c. 46 Sch. para. 3\(5\)\(b\)](#)
- Sch. 3A para. 37(3)(aza) inserted by [2022 c. 46 Sch. para. 3\(9\)](#)
- Sch. 3A para. 84(1)(aza) inserted by [2022 c. 46 Sch. para. 3\(10\)](#)
- Sch. 3A para. 103(1)(ca) inserted by [2022 c. 46 s. 70](#)
- Sch. 3A para. 119A inserted by [2022 c. 46 s. 72](#)
- Sch. 3A Pt. 4ZA inserted by [2022 c. 46 s. 67\(1\)](#)