



# Online Safety Act 2023

## 2023 CHAPTER 50

### PART 10

#### COMMUNICATIONS OFFENCES

##### *False and threatening communications offences*

#### **179 False communications offence**

- (1) A person commits an offence if—
  - (a) the person sends a message (see section 182),
  - (b) the message conveys information that the person knows to be false,
  - (c) at the time of sending it, the person intended the message, or the information in it, to cause non-trivial psychological or physical harm to a likely audience, and
  - (d) the person has no reasonable excuse for sending the message.
- (2) For the purposes of this offence an individual is a “likely audience” of a message if, at the time the message is sent, it is reasonably foreseeable that the individual—
  - (a) would encounter the message, or
  - (b) in the online context, would encounter a subsequent message forwarding or sharing the content of the message.
- (3) In a case where several or many individuals are a likely audience, it is not necessary for the purposes of subsection (1)(c) that the person intended to cause harm to any one of them in particular (or to all of them).
- (4) See section 180 for exemptions from the offence under this section.
- (5) A person who commits an offence under this section is liable—
  - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both);

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- (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (6) In subsection (5)(a) “the maximum term for summary offences” means—
  - (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, 6 months;
  - (b) if the offence is committed after that time, 51 weeks.
- (7) Proceedings for an offence under this section may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the prosecutor’s knowledge.
- (8) But such proceedings may not be brought by virtue of subsection (7) more than 3 years after the commission of the offence.
- (9) A certificate signed by the prosecutor as to the date on which the evidence in question came to the prosecutor’s knowledge is conclusive evidence of the date on which it did so; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

#### Commencement Information

- I1** S. 179 not in force at Royal Assent, see [s. 240\(1\)](#)
- I2** [S. 179](#) in force at 31.1.2024 by [S.I. 2024/31, reg. 2](#)

### 180 Exemptions from offence under section 179

- (1) A recognised news publisher cannot commit an offence under section 179.
- (2) An offence under section 179 cannot be committed by the holder of a licence under the Broadcasting Act 1990 or 1996 in connection with anything done under the authority of the licence.
- (3) An offence under section 179 cannot be committed by the holder of a multiplex licence in connection with anything done under the authority of the licence.
- (4) An offence under section 179 cannot be committed by the provider of an on-demand programme service in connection with anything done in the course of providing such a service.
- (5) An offence under section 179 cannot be committed in connection with the showing of a film made for cinema to members of the public.

#### Commencement Information

- I3** S. 180 not in force at Royal Assent, see [s. 240\(1\)](#)
- I4** [S. 180](#) in force at 31.1.2024 by [S.I. 2024/31, reg. 2](#)

### 181 Threatening communications offence

- (1) A person commits an offence if—
  - (a) the person sends a message (see section 182),

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- (b) the message conveys a threat of death or serious harm, and
  - (c) at the time of sending it, the person—
    - (i) intended an individual encountering the message to fear that the threat would be carried out (whether or not by the person sending the message), or
    - (ii) was reckless as to whether an individual encountering the message would fear that the threat would be carried out (whether or not by the person sending the message).
- (2) “Serious harm” means—
- (a) serious injury amounting to grievous bodily harm within the meaning of the Offences against the Person Act 1861,
  - (b) rape,
  - (c) assault by penetration within the meaning of section 2 of the Sexual Offences Act 2003, or
  - (d) serious financial loss.
- (3) In proceedings for an offence under this section relating to a threat of serious financial loss, it is a defence for the person to show that—
- (a) the threat was used to reinforce a reasonable demand, and
  - (b) the person reasonably believed that the use of the threat was a proper means of reinforcing the demand.
- (4) If evidence is adduced which is sufficient to raise an issue with respect to the defence under subsection (3), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (5) A person who commits an offence under this section is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
  - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
  - (c) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

#### **Commencement Information**

- I5** S. 181 not in force at Royal Assent, see [s. 240\(1\)](#)
- I6** [S. 181](#) in force at 31.1.2024 by [S.I. 2024/31, reg. 2](#)

## **182 Interpretation of sections 179 to 181**

- (1) This section applies for the purposes of sections 179 to 181, and references in this section to an offence are to an offence under section 179 or 181.
- (2) A person “sends a message” if the person—
- (a) sends, transmits or publishes a communication (including an oral communication) by electronic means, or
  - (b) sends, or gives to an individual, a letter or a thing of any other description, and references to a message are to be read accordingly.

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- (3) A person also “sends a message” if the person—
- (a) causes a communication (including an oral communication) to be sent, transmitted or published by electronic means, or
  - (b) causes a letter or a thing of any other description to be—
    - (i) sent, or
    - (ii) given to an individual.
- (4) But a provider of an internet service by means of which a communication is sent, transmitted or published is not to be regarded as a person who sends a message.
- (5) “Encounter”, in relation to a message, means read, view, hear or otherwise experience the message.
- (6) It does not matter whether the content of a message is created by the person who sends it (so for example, in the online context, an offence may be committed by a person who forwards another person’s direct message or shares another person’s post).
- (7) In the application of sections 179 to 181 to the sending by electronic means of a message consisting of or including a hyperlink to other content—
- (a) references to the message are to be read as including references to content accessed directly via the hyperlink, and
  - (b) an individual who is a likely audience in relation to the hyperlink for the purposes of section 179 is to be assumed to be a likely audience in relation to the linked content.
- (8) In the application of sections 179 to 181 to the sending of an item on which data is stored electronically, references to the message are to be read as including content accessed by means of the item to which the recipient is specifically directed by the sender (and in this subsection “sending” includes “giving”, and “sender” is to be read accordingly).
- (9) In the online context, the date on which a person commits an offence in relation to a message is the date on which the message is first sent by the person.
- (10) “Recognised news publisher” has the meaning given by section 56.
- (11) “Multiplex licence” means a licence under section 8 of the Wireless Telegraphy Act 2006 which authorises the provision of a multiplex service within the meaning of section 42(6) of that Act.
- (12) “On-demand programme service” has the same meaning as in the Communications Act (see section 368A of that Act), and a person is the “provider” of an on-demand programme service if the person has given notification of the person’s intention to provide that service in accordance with section 368BA of that Act.

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**Commencement Information**

- I7** S. 182 not in force at Royal Assent, see [s. 240\(1\)](#)  
**I8** S. 182 in force at 31.1.2024 by [S.I. 2024/31](#), [reg. 2](#)

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### *Offences of sending or showing flashing images*

#### **183 Offences of sending or showing flashing images electronically**

- (1) A person (A) commits an offence if—
  - (a) A sends a communication by electronic means which consists of or includes flashing images (see subsection (13)),
  - (b) either condition 1 or condition 2 is met, and
  - (c) A has no reasonable excuse for sending the communication.
- (2) Condition 1 is that—
  - (a) at the time the communication is sent, it is reasonably foreseeable that an individual with epilepsy would be among the individuals who would view it, and
  - (b) A sends the communication with the intention that such an individual will suffer harm as a result of viewing the flashing images.
- (3) Condition 2 is that, when sending the communication—
  - (a) A believes that an individual (B)—
    - (i) whom A knows to be an individual with epilepsy, or
    - (ii) whom A suspects to be an individual with epilepsy, will, or might, view it, and
  - (b) A intends that B will suffer harm as a result of viewing the flashing images.
- (4) In subsections (2)(a) and (3)(a), references to viewing the communication are to be read as including references to viewing a subsequent communication forwarding or sharing the content of the communication.
- (5) The exemptions contained in section 180 apply to an offence under subsection (1) as they apply to an offence under section 179.
- (6) For the purposes of subsection (1), a provider of an internet service by means of which a communication is sent is not to be regarded as a person who sends a communication.
- (7) In the application of subsection (1) to a communication consisting of or including a hyperlink to other content, references to the communication are to be read as including references to content accessed directly via the hyperlink.
- (8) A person (A) commits an offence if—
  - (a) A shows an individual (B) flashing images by means of an electronic communications device,
  - (b) when showing the images—
    - (i) A knows that B is an individual with epilepsy, or
    - (ii) A suspects that B is an individual with epilepsy,
  - (c) when showing the images, A intends that B will suffer harm as a result of viewing them, and
  - (d) A has no reasonable excuse for showing the images.
- (9) An offence under subsection (1) or (8) cannot be committed by a healthcare professional acting in that capacity.
- (10) A person who commits an offence under subsection (1) or (8) is liable—

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- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
  - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
  - (c) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (11) It does not matter for the purposes of this section whether flashing images may be viewed at once (for example, a GIF that plays automatically) or only after some action is performed (for example, pressing play).
- (12) In this section—
- (a) references to sending a communication include references to causing a communication to be sent;
  - (b) references to showing flashing images include references to causing flashing images to be shown.
- (13) In this section—
- “electronic communications device” means equipment or a device that is capable of transmitting images by electronic means;
  - “flashing images” means images which carry a risk that an individual with photosensitive epilepsy who viewed them would suffer a seizure as a result;
  - “harm” means—
    - (a) a seizure, or
    - (b) alarm or distress;
  - “individual with epilepsy” includes, but is not limited to, an individual with photosensitive epilepsy;
  - “send” includes transmit and publish (and related expressions are to be read accordingly).

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**Commencement Information**

**I9** S. 183 not in force at Royal Assent, see [s. 240\(1\)](#)

**I10** S. 183 in force at 31.1.2024 by [S.I. 2024/31, reg. 2](#)

*Offence of encouraging or assisting serious self-harm*

**184 Offence of encouraging or assisting serious self-harm**

- (1) A person (D) commits an offence if—
- (a) D does a relevant act capable of encouraging or assisting the serious self-harm of another person, and
  - (b) D's act was intended to encourage or assist the serious self-harm of another person.
- (2) D “does a relevant act” if D—
- (a) communicates in person,
  - (b) sends, transmits or publishes a communication by electronic means,
  - (c) shows a person such a communication,
  - (d) publishes material by any means other than electronic means,

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- (e) sends, gives, shows or makes available to a person—
    - (i) material published as mentioned in paragraph (d), or
    - (ii) any form of correspondence, or
  - (f) sends, gives or makes available to a person an item on which data is stored electronically.
- (3) “Serious self-harm” means self-harm amounting to—
- (a) in England and Wales and Northern Ireland, grievous bodily harm within the meaning of the Offences Against the Person Act 1861, and
  - (b) in Scotland, severe injury,
- and includes successive acts of self-harm which cumulatively reach that threshold.
- (4) The person referred to in subsection (1)(a) and (b) need not be a specific person (or class of persons) known to, or identified by, D.
- (5) D may commit an offence under this section whether or not serious self-harm occurs.
- (6) If a person (D1) arranges for a person (D2) to do an act that is capable of encouraging or assisting the serious self-harm of another person and D2 does that act, D1 is to be treated as also having done it.
- (7) In the application of subsection (1) to an act by D involving an electronic communication or a publication in physical form, it does not matter whether the content of the communication or publication is created by D (so for example, in the online context, the offence under this section may be committed by forwarding another person’s direct message or sharing another person’s post).
- (8) In the application of subsection (1) to the sending, transmission or publication by electronic means of a communication consisting of or including a hyperlink to other content, the reference in subsection (2)(b) to the communication is to be read as including a reference to content accessed directly via the hyperlink.
- (9) In the application of subsection (1) to an act by D involving an item on which data is stored electronically, the reference in subsection (2)(f) to the item is to be read as including a reference to content accessed by means of the item to which the person in receipt of the item is specifically directed by D.
- (10) A provider of an internet service by means of which a communication is sent, transmitted or published is not to be regarded as a person who sends, transmits or publishes it.
- (11) Any reference in this section to doing an act that is capable of encouraging the serious self-harm of another person includes a reference to doing so by threatening another person or otherwise putting pressure on another person to seriously self-harm.
- “Seriously self-harm” is to be interpreted consistently with subsection (3).
- (12) Any reference to an act in this section, except in subsection (3), includes a reference to a course of conduct, and references to doing an act are to be read accordingly.
- (13) In subsection (3) “act” includes omission.
- (14) A person who commits an offence under this section is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);

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- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);
- (d) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

#### Commencement Information

**111** S. 184 not in force at Royal Assent, see **s. 240(1)**

**112** S. 184 in force at 31.1.2024 by **S.I. 2024/31, reg. 2**

#### *Further provision*

### **185 Extra-territorial application and jurisdiction**

- (1) Sections 179(1), 181(1) and 183(1) apply to an act done outside the United Kingdom, but only if the act is done by a person within subsection (2).
- (2) A person is within this subsection if the person is—
  - (a) an individual who is habitually resident in England and Wales or Northern Ireland, or
  - (b) a body incorporated or constituted under the law of England and Wales or Northern Ireland.
- (3) Section 184(1) applies to an act done outside the United Kingdom, but only if the act is done by a person within subsection (4).
- (4) A person is within this subsection if the person is—
  - (a) an individual who is habitually resident in the United Kingdom, or
  - (b) a body incorporated or constituted under the law of any part of the United Kingdom.
- (5) Proceedings for an offence committed under section 179, 181 or 183(1) outside the United Kingdom may be taken, and the offence may for incidental purposes be treated as having been committed, at any place in England and Wales or Northern Ireland.
- (6) Proceedings for an offence committed under section 184 outside the United Kingdom may be taken, and the offence may for incidental purposes be treated as having been committed, at any place in the United Kingdom.
- (7) In the application of subsection (6) to Scotland, any such proceedings against a person may be taken, and the offence may for incidental purposes be treated as having been committed—
  - (a) in any sheriff court district in which the person is apprehended or is in custody, or
  - (b) in such sheriff court district as the Lord Advocate may determine.
- (8) In subsection (7) “sheriff court district” is to be construed in accordance with the Criminal Procedure (Scotland) Act 1995 (see section 307(1) of that Act).

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#### Commencement Information

- I13** S. 185 not in force at Royal Assent, see [s. 240\(1\)](#)  
**I14** S. 185 in force at 31.1.2024 by [S.I. 2024/31, reg. 2](#)

### 186 Liability of corporate officers

- (1) If an offence under section 179, 181, 183 or 184 is committed by a body corporate and it is proved that the offence—
- (a) has been committed with the consent or connivance of an officer of the body corporate, or
  - (b) is attributable to any neglect on the part of an officer of the body corporate, the officer (as well as the body corporate) commits the offence and is liable to be proceeded against and punished accordingly.
- (2) “Officer”, in relation to a body corporate, means—
- (a) a director, manager, associate, secretary or other similar officer, or
  - (b) a person purporting to act in any such capacity.
- In paragraph (a) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (3) If an offence under section 184 is committed by a Scottish partnership and it is proved that the offence—
- (a) has been committed with the consent or connivance of a partner of the partnership, or
  - (b) is attributable to any neglect on the part of a partner of the partnership, the partner (as well as the partnership) commits the offence and is liable to be proceeded against and punished accordingly.
- (4) “Partner”, in relation to a Scottish partnership, includes any person who was purporting to act as a partner.

#### Commencement Information

- I15** S. 186 not in force at Royal Assent, see [s. 240\(1\)](#)  
**I16** S. 186 in force at 31.1.2024 by [S.I. 2024/31, reg. 2](#)

*Offences to be inserted into Sexual Offences Act 2003*

### 187 Sending etc photograph or film of genitals

In the Sexual Offences Act 2003, after section 66 insert—

#### “66A Sending etc photograph or film of genitals

- (1) A person (A) who intentionally sends or gives a photograph or film of any person’s genitals to another person (B) commits an offence if—

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- (a) A intends that B will see the genitals and be caused alarm, distress or humiliation, or
  - (b) A sends or gives such a photograph or film for the purpose of obtaining sexual gratification and is reckless as to whether B will be caused alarm, distress or humiliation.
- (2) References to sending or giving such a photograph or film to another person include, in particular—
- (a) sending it to another person by any means, electronically or otherwise,
  - (b) showing it to another person, and
  - (c) placing it for a particular person to find.
- (3) “Photograph” includes the negative as well as the positive version.
- (4) “Film” means a moving image.
- (5) References to a photograph or film also include—
- (a) an image, whether made or altered by computer graphics or in any other way, which appears to be a photograph or film,
  - (b) a copy of a photograph, film or image within paragraph (a), and
  - (c) data stored by any means which is capable of conversion into a photograph, film or image within paragraph (a).
- (6) A person who commits an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years.”

**Commencement Information**

**I17** S. 187 not in force at Royal Assent, see [s. 240\(1\)](#)

**I18** S. 187 in force at 31.1.2024 by [S.I. 2024/31, reg. 2](#)

**188 Sharing or threatening to share intimate photograph or film**

In the Sexual Offences Act 2003, after section 66A (inserted by section 187), insert—

**“66B Sharing or threatening to share intimate photograph or film**

- (1) A person (A) commits an offence if—
- (a) A intentionally shares a photograph or film which shows, or appears to show, another person (B) in an intimate state,
  - (b) B does not consent to the sharing of the photograph or film, and
  - (c) A does not reasonably believe that B consents.
- (2) A person (A) commits an offence if—
- (a) A intentionally shares a photograph or film which shows, or appears to show, another person (B) in an intimate state,
  - (b) A does so with the intention of causing B alarm, distress or humiliation, and

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- (c) B does not consent to the sharing of the photograph or film.
- (3) A person (A) commits an offence if—
- (a) A intentionally shares a photograph or film which shows, or appears to show, another person (B) in an intimate state,
  - (b) A does so for the purpose of A or another person obtaining sexual gratification,
  - (c) B does not consent to the sharing of the photograph or film, and
  - (d) A does not reasonably believe that B consents.
- (4) A person (A) commits an offence if—
- (a) A threatens to share a photograph or film which shows, or appears to show, another person (B) in an intimate state, and
  - (b) A does so—
    - (i) with the intention that B or another person who knows B will fear that the threat will be carried out, or
    - (ii) being reckless as to whether B or another person who knows B will fear that the threat will be carried out.
- (5) Subsections (1) to (4) are subject to section 66C (exemptions).
- (6) For the purposes of subsections (1) to (3) and section 66C(3)(b)—
- (a) “consent” to the sharing of a photograph or film includes general consent covering the particular act of sharing as well as specific consent to the particular act of sharing, and
  - (b) whether a belief is reasonable is to be determined having regard to all the circumstances including any steps A has taken to ascertain whether B consents.
- (7) Where a person is charged with an offence under subsection (4), it is not necessary for the prosecution to prove—
- (a) that the photograph or film mentioned in the threat exists, or
  - (b) if it does exist, that it is in fact a photograph or film which shows or appears to show a person in an intimate state.
- (8) It is a defence for a person charged with an offence under subsection (1) to prove that the person had a reasonable excuse for sharing the photograph or film.
- (9) A person who commits an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both).
- (10) A person who commits an offence under subsection (2), (3) or (4) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine (or both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.
- (11) In subsection (9) “the maximum term for summary offences” means—
- (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, six months;
  - (b) if the offence is committed after that time, 51 weeks.

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- (12) If on the trial of a person charged with an offence under subsection (2) or (3) a magistrates' court or jury finds the person not guilty of the offence charged, the magistrates' court or jury may find the person guilty of an offence under subsection (1).
- (13) The Crown Court has the same powers and duties in relation to a person who is by virtue of subsection (12) convicted before it of an offence under subsection (1) as a magistrates' court would have on convicting the person of the offence.

### **66C Sharing or threatening to share intimate photograph or film: exemptions**

- (1) A person (A) who shares a photograph or film which shows, or appears to show, another person (B) in an intimate state does not commit an offence under section 66B(1), (2) or (3) if—
- the photograph or film was taken in a place to which the public or a section of the public had or were permitted to have access (whether on payment or otherwise),
  - B had no reasonable expectation of privacy from the photograph or film being taken, and
  - B was, or A reasonably believes that B was, in the intimate state voluntarily.
- (2) For the purposes of subsection (1)(b), whether a person had a reasonable expectation of privacy from a photograph or film being taken is to be determined by reference to the circumstances that the person sharing the photograph or film reasonably believes to have existed at the time the photograph or film was taken.
- (3) A person (A) who shares a photograph or film which shows, or appears to show, another person (B) in an intimate state does not commit an offence under section 66B(1), (2) or (3) if—
- the photograph or film had, or A reasonably believes that the photograph or film had, been previously publicly shared, and
  - B had, or A reasonably believes that B had, consented to the previous sharing.
- (4) A person (A) who shares a photograph or film which shows, or appears to show, another person (B) in an intimate state does not commit an offence under section 66B(1) if—
- B is a person under 16,
  - B lacks, or A reasonably believes that B lacks, capacity to consent to the sharing of the photograph or film, and
  - the photograph or film is shared—
    - with a healthcare professional acting in that capacity, or
    - otherwise in connection with the care or treatment of B by a healthcare professional.
- (5) A person who shares a photograph or film which shows, or appears to show, a child in an intimate state does not commit an offence under section 66B(1) if the photograph or film is of a kind ordinarily shared between family and friends.

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- (6) A person who threatens to share a photograph or film which shows, or appears to show, another person in an intimate state does not commit an offence under section 66B(4) if, by reason of this section, the person would not commit an offence under section 66B(1), (2) or (3) by sharing the photograph or film in the circumstances conveyed by the threat.

**66D Sharing or threatening to share intimate photograph or film: interpretation**

- (1) This section applies for the purposes of sections 66B and 66C.
- (2) A person “shares” something if the person, by any means, gives or shows it to another person or makes it available to another person.
- (3) But a provider of an internet service by means of which a photograph or film is shared is not to be regarded as a person who shares it.
- (4) “Photograph” and “film” have the same meaning as in section 66A (see subsections (3) to (5) of that section).
- (5) Except where a photograph or film falls within subsection (8), a photograph or film shows, or appears to show, another person in an intimate state if it shows or appears to show—
- (a) the person participating or engaging in an act which a reasonable person would consider to be a sexual act,
  - (b) the person doing a thing which a reasonable person would consider to be sexual,
  - (c) all or part of the person’s exposed genitals, buttocks or breasts,
  - (d) the person in an act of urination or defecation, or
  - (e) the person carrying out an act of personal care associated with the person’s urination, defecation or genital or anal discharge.
- (6) For the purposes of subsection (5)(c) the reference to all or part of a person’s “exposed” genitals, buttocks or breasts includes—
- (a) a reference to all or part of the person’s genitals, buttocks or breasts visible through wet or otherwise transparent clothing,
  - (b) the case where all or part of the person’s genitals, buttocks or breasts would be exposed but for the fact that they are covered only with underwear, and
  - (c) the case where all or part of the person’s genitals, buttocks or breasts would be exposed but for the fact that they are obscured, provided that the area obscured is similar to or smaller than an area that would typically be covered by underwear worn to cover a person’s genitals, buttocks or breasts (as the case may be).
- (7) In subsection (6)(c) “obscured” means obscured by any means, other than by clothing that a person is wearing, including, in particular, by an object, by part of a person’s body or by digital alteration.
- (8) A photograph or film falls within this subsection if (so far as it shows or appears to show a person in an intimate state) it shows or appears to show something, other than breastfeeding, that is of a kind ordinarily seen in public.

*Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, PART 10. (See end of Document for details)*

- (9) For the purposes of subsection (8) “breastfeeding” includes the rearranging of clothing in the course of preparing to breastfeed or having just finished breastfeeding.”

**Commencement Information**

- I19** S. 188 not in force at Royal Assent, see [s. 240\(1\)](#)  
**I20** S. 188 in force at 31.1.2024 by [S.I. 2024/31, reg. 2](#)

*Repeals and amendments in connection with offences*

**189 Repeals in connection with offences under sections 179 and 181**

- (1) Section 127(2)(a) and (b) of the Communications Act (false messages) is repealed so far as it extends to England and Wales and Northern Ireland.
- (2) The following provisions of the Malicious Communications Act 1988 are repealed—
  - (a) section 1(1)(a)(ii),
  - (b) section 1(1)(a)(iii), and
  - (c) section 1(2).
- (3) The following provisions of the Malicious Communications (Northern Ireland) Order 1988 ([S.I. 1988/1849 \(N.I. 18\)](#)) are repealed—
  - (a) Article 3(1)(a)(ii),
  - (b) Article 3(1)(a)(iii), and
  - (c) Article 3(2).

**Commencement Information**

- I21** S. 189 not in force at Royal Assent, see [s. 240\(1\)](#)  
**I22** S. 189 in force at 31.1.2024 by [S.I. 2024/31, reg. 2](#)

**190 Repeals in connection with offences under section 188**

Sections 33 to 35 of the Criminal Justice and Courts Act 2015 (disclosing or threatening to disclose private sexual photographs and films with intent to cause distress) are repealed.

**Commencement Information**

- I23** S. 190 not in force at Royal Assent, see [s. 240\(1\)](#)  
**I24** S. 190 in force at 31.1.2024 by [S.I. 2024/31, reg. 2](#)

**191 Consequential amendments**

- (1) Part 1 of Schedule 14 contains amendments consequential on sections 179, 181 and 183.
- (2) Part 2 of Schedule 14 contains amendments consequential on section 184.

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*Changes to legislation: There are currently no known outstanding effects  
for the Online Safety Act 2023, PART 10. (See end of Document for details)*

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- (3) Part 3 of Schedule 14 contains amendments consequential on sections 187 and 188.
- (4) Part 4 of Schedule 14 contains amendments consequential on section 190.

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**Commencement Information**

- I25** S. 191 not in force at Royal Assent, see [s. 240\(1\)](#)
- I26** [S. 191](#) in force at 31.1.2024 by [S.I. 2024/31, reg. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Online Safety Act 2023, PART 10.