

SCHEDULES

SCHEDULE 14

Section 191

AMENDMENTS CONSEQUENTIAL ON OFFENCES IN PART 10 OF THIS ACT

PART 1

AMENDMENTS CONSEQUENTIAL ON OFFENCES IN SECTIONS 179, 181 AND 183

Football Spectators Act 1989

- 1 In Schedule 1 to the Football Spectators Act 1989 (football banning orders: relevant offences), after paragraph 1(y) insert—
- “(z) any offence under section 179 (false communications) or 181 (threatening communications) of the Online Safety Act 2023—
 - (i) which does not fall within paragraph (d), (e), (m), (n), (r) or (s),
 - (ii) as respects which the court has stated that the offence is aggravated by hostility of any of the types mentioned in section 66(1) of the Sentencing Code (racial hostility etc), and
 - (iii) as respects which the court makes a declaration that the offence related to a football match, to a football organisation or to a person whom the accused knew or believed to have a prescribed connection with a football organisation.”

Sexual Offences Act 2003

- 2 In Schedule 5 to the Sexual Offences Act 2003, in the list of offences for England and Wales, after paragraph 63C insert—
- “63D An offence under section 179 of the Online Safety Act 2023 (false communications).
 - 63E An offence under section 181 of that Act (threatening communications).”
- 3 In Schedule 5 to the Sexual Offences Act 2003, in the list of offences for Northern Ireland, after paragraph 171H insert—
- “171I An offence under section 179 of the Online Safety Act 2023 (false communications).
 - 171J An offence under section 181 of that Act (threatening communications).”

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Regulatory Enforcement and Sanctions Act 2008

- 4 In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (relevant enactments for the purposes of relevant functions to which Parts 1 and 2 of that Act apply), at the appropriate place insert—
 “Online Safety Act 2023, sections 179 and 181”.

Elections Act 2022

- 5 In Schedule 9 to the Elections Act 2022 (offences for purposes of Part 5), in Part 2, after paragraph 52 insert—

“Online Safety Act 2023

- 52A An offence under any of the following provisions of the Online Safety Act 2023—
 (a) section 179 (false communications);
 (b) section 181 (threatening communications);
 (c) section 183 (sending or showing flashing images).”

PART 2

AMENDMENTS CONSEQUENTIAL ON OFFENCE IN SECTION 184

Children and Young Persons Act 1933

- 6 In Schedule 1 to the Children and Young Persons Act 1933 (offences against children and young persons with respect to which special provisions of Act apply), after the entry relating to the Suicide Act 1961 insert—
 “An offence under section 184(1) of the Online Safety Act 2023 (encouraging or assisting serious self-harm) where the relevant act is an act capable of, and done with the intention of, encouraging or assisting the serious self-harm of a child or young person.”

Visiting Forces Act 1952

- 7 (1) The Schedule to the Visiting Forces Act 1952 (offences referred to in section 3) is amended as follows.
 (2) In paragraph 1(b), after paragraph (xv) insert—
 “(xvi) section 184 of the Online Safety Act 2023;”
 (3) In paragraph 2(b), after paragraph (iv) insert—
 “(v) section 184 of the Online Safety Act 2023;”

Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))

- 8 In Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968 (offences against children and young persons with respect to which special provisions of Act apply), after the entry relating to the Criminal Justice Act (Northern Ireland) 1966 insert—

“An offence under section 184(1) of the Online Safety Act 2023 (encouraging or assisting serious self-harm) where the relevant act is an act capable of, and done with the intention of, encouraging or assisting the serious self-harm of a child or young person.”

Criminal Attempts Act 1981

- 9 In section 1 of the Criminal Attempts Act 1981 (attempting to commit an offence), in subsection (4), after paragraph (c) insert—
- “(d) an offence under section 184(1) of the Online Safety Act 2023 (encouraging or assisting serious self-harm).”

Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (S.I. 1983/1120 (N.I. 13))

- 10 In Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (attempting to commit an offence), in paragraph (4), after sub-paragraph (c) insert—
- “(ca) an offence under section 184(1) of the Online Safety Act 2023 (encouraging or assisting serious self-harm);”.

Armed Forces Act 2006

- 11 In Schedule 2 to the Armed Forces Act 2006 (“Schedule 2 offences”), in paragraph 12, at the end insert—
- “(ba) an offence under section 184 of the Online Safety Act 2023 (encouraging or assisting serious self-harm).”

Serious Crime Act 2007

- 12 (1) The Serious Crime Act 2007 is amended as follows.
- (2) In section 51A (exceptions to section 44 for encouraging or assisting suicide)—
- (a) the existing text becomes subsection (1);
- (b) after that subsection insert—
- “(2) Section 44 does not apply to an offence under section 184(1) of the Online Safety Act 2023 (offence of encouraging or assisting serious self-harm).”;
- (c) in the heading, at the end insert “or serious self-harm”.
- (3) In Part 1 of Schedule 3 (listed offences: England and Wales and Northern Ireland), after paragraph 24A insert—

“Online Safety Act 2023

- 24B An offence under section 184(1) of the Online Safety Act 2023 (encouraging or assisting serious self-harm).”

PART 3

AMENDMENTS CONSEQUENTIAL ON OFFENCES IN SECTIONS 187 AND 188

Children and Young Persons Act 1933

- 13 In Schedule 1 to the Children and Young Persons Act 1933 (offences against children and young persons with respect to which special provisions of Act apply), in the first entry relating to the Sexual Offences Act 2003, after “66” insert “, 66A, 66B”.

Police and Criminal Evidence Act 1984

- 14 In section 65A of the Police and Criminal Evidence Act 1984 (“qualifying offences” for the purposes of Part 5 of that Act), in subsection (2)(p) after “61 to” insert “66A, 66B(2) and (3),”.

Sexual Offences (Amendment) Act 1992

- 15 In section 6 of the Sexual Offences (Amendment) Act 1992 (interpretation), after subsection (2A) insert—

“(2B) For the purposes of this Act, where it is alleged or there is an accusation that an offence under section 66B(4) of the Sexual Offences Act 2003 (threatening to share intimate photograph or film) has been committed, the person against whom the offence is alleged to have been committed is to be regarded as—

- (a) the person to whom the threat mentioned in that subsection is alleged to have been made, and
- (b) (if different) the person shown, or who appears to be shown, in an intimate state in the photograph or film that is the subject of the threat.”

Sexual Offences Act 2003

- 16 (1) The Sexual Offences Act 2003 is amended as follows.
- (2) In section 78 (meaning of “sexual”), after “15A” insert “, 66B to 66D”.
- (3) In section 136A(3A) (specified child sex offences), in paragraph (c), after “66” insert “, 66A, 66B(2) and (3)”.
- (4) In Schedule 3 (sexual offences for purposes of Part 2), after paragraph 33 insert—
- “33A An offence under section 66A of this Act (sending etc photograph or film of genitals) if—
- (a) where the offender was under 18, the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
 - (b) in any other case—
 - (i) the victim was under 18, or
 - (ii) the offender, in respect of the offence or finding, is or has been—
 - (a) sentenced to a term of imprisonment,

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- (b) detained in a hospital, or
 - (c) made the subject of a community sentence of at least 12 months.
- 33B An offence under section 66B(3) of this Act (sharing intimate photograph or film for purpose of obtaining sexual gratification) if—
- (a) where the offender was under 18, the offender is or has been sentenced in respect of the offence to imprisonment for a term of at least 12 months;
 - (b) in any other case—
 - (i) the victim was under 18, or
 - (ii) the offender, in respect of the offence or finding, is or has been—
 - (a) sentenced to a term of imprisonment,
 - (b) detained in a hospital, or
 - (c) made the subject of a community sentence of at least 12 months.”

Criminal Justice Act 2003

- 17 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In Part 2 of Schedule 15 (specified sexual offences for purposes of section 325), after paragraph 149 insert—
- “149A An offence under section 66A of that Act (sending etc photograph or film of genitals).
 - 149B An offence under section 66B(2) or (3) of that Act (sharing intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification).”
- (3) In Schedule 34A (child sex offences for purposes of section 327A), in paragraph 10—
- (a) after “66” insert “, 66A, 66B(2) or (3)”, and
 - (b) after “exposure” insert “, sending etc photograph or film of genitals, sharing intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification”.

Anti-social Behaviour, Crime and Policing Act 2014

- 18 In section 116 of the Anti-social Behaviour, Crime and Policing Act 2014 (information about guests at hotels believed to be used for child sexual exploitation), in subsection (8)(c), in the entry that relates to exposure and voyeurism offences in the Sexual Offences Act 2003—
- (a) after “66” insert “, 66A, 66B(2) and (3)”, and
 - (b) after “exposure” insert “, sending etc photograph or film of genitals, sharing intimate photograph or film with intent to cause alarm, distress or humiliation or for purpose of obtaining sexual gratification”.

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Modern Slavery Act 2015

- 19 In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), in paragraph 33 (offences under Sexual Offences Act 2003), after the entry for section 66 insert—
- “section 66A (sending etc photograph or film of genitals)
 - section 66B(2) (sharing intimate photograph or film with intent to cause alarm, distress or humiliation)
 - section 66B(3) (sharing intimate photograph or film for purpose of obtaining sexual gratification)”.

Sentencing Act 2020

- 20 In Part 2 of Schedule 18 to the Sentencing Act 2020 (specified sexual offences for purposes of section 306), in paragraph 38 (offences under Sexual Offences Act 2003), after sub-paragraph (ax) insert—
- “(axa) section 66A (sending etc photograph or film of genitals);
 - (axb) section 66B(2) (sharing intimate photograph or film with intent to cause alarm, distress or humiliation);
 - (axc) section 66B(3) (sharing intimate photograph or film for purpose of obtaining sexual gratification);”.

Elections Act 2022

- 21 In Schedule 9 to the Elections Act 2022 (offences for purposes of Part 5), after paragraph 47(f) insert—
- “(g) section 66A (sending etc photograph or film of genitals).”

PART 4

AMENDMENTS CONSEQUENTIAL ON SECTION 190

Criminal Justice and Courts Act 2015

- 22 (1) The Criminal Justice and Courts Act 2015 is amended as follows.
- (2) In section 96 (extent), in subsection (6), omit paragraphs (c) and (g).
 - (3) Omit Schedule 8 (disclosing or threatening to disclose private sexual photographs or films: providers of information society services).

Domestic Abuse Act 2021

- 23 (1) The Domestic Abuse Act 2021 is amended as follows.
- (2) Omit section 69 (threats to disclose private sexual photographs and films with intent to cause distress) and the italic heading before it.
 - (3) In section 85 (power to make consequential provision), in subsection (1)(b), omit “69,”.
 - (4) In section 86 (power to make transitional or saving provision), in subsection (1)(b), omit “69,”.

Overseas Operations (Service Personnel and Veterans) Act 2021

- 24 In Part 1 of Schedule 1 to the Overseas Operations (Service Personnel and Veterans) Act 2021 (“excluded offences” for the purposes of section 6 of that Act), omit paragraph 11.

Criminal Justice (Electronic Commerce) (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/835)

- 25 In the Criminal Justice (Electronic Commerce) (Amendment) (EU Exit) Regulations 2021, omit regulation 8 (amendment of the Criminal Justice and Courts Act 2015).