



Online Safety Act 2023

2023 CHAPTER 50

PART 7

OFCOM'S POWERS AND DUTIES IN RELATION TO REGULATED SERVICES

CHAPTER 6

ENFORCEMENT POWERS

Penalty notices etc

141 Non-payment of fee

- (1) This section applies if—
 - (a) the provider of a regulated service is liable to pay a fee to OFCOM under section 84 or Schedule 10 in respect of the current charging year (within the meaning of Part 6) or a previous charging year, and
 - (b) in OFCOM's opinion, the provider has not paid the full amount of the fee that the provider is liable to pay.
- (2) OFCOM may give the provider a notice under this subsection specifying—
 - (a) the outstanding amount of the fee that OFCOM consider the provider is due to pay to them under section 84 or Schedule 10, and
 - (b) the period within which the provider must pay it.
- (3) A notice under subsection (2)—
 - (a) may be given in respect of liabilities that relate to different charging years;
 - (b) may also state that OFCOM propose to impose a penalty on the provider.
- (4) The provider may make representations to OFCOM (with any supporting evidence) about the matters contained in the notice.
- (5) Subsection (6) applies if—

Status: This is the original version (as it was originally enacted).

- (a) the notice under subsection (2) stated that OFCOM propose to impose a penalty,
 - (b) the period allowed for representations has expired, and
 - (c) OFCOM are satisfied that an amount of the fee is still due to them.
- (6) OFCOM may give the provider a penalty notice under this subsection requiring the provider to pay to OFCOM a penalty of an amount in sterling determined by OFCOM.
- (7) The penalty may consist of any of the following, depending on what was specified in the notice about the proposed penalty—
- (a) a single amount;
 - (b) an amount calculated by reference to a daily rate;
 - (c) a combination of a single amount and an amount calculated by reference to a daily rate.
- (8) A penalty notice under subsection (6) may require the payment of separate single amounts in respect of liabilities that relate to different charging years.
- (9) See section 142 for information which must be included in notices under this section.
- (10) Nothing in this section affects OFCOM's power to bring proceedings (whether before or after the imposition of a penalty by a notice under subsection (6)) for the recovery of the whole or part of an amount due to OFCOM under section 84 or Schedule 10.
- (11) But OFCOM may not bring such proceedings unless a provider has first been given a notice under subsection (2) specifying the amount due to OFCOM.