



Online Safety Act 2023

2023 CHAPTER 50

PART 11

SUPPLEMENTARY AND GENERAL

Offences

203 Application of offences to providers that are not legal persons

- (1) In this section a “relevant entity” means an entity that—
 - (a) is the provider of a regulated service, and
 - (b) is not a legal person under the law under which it is formed.
- (2) Proceedings for an offence alleged to have been committed by a relevant entity must be brought against the entity in its own name (and not in that of any of its officers or members).
- (3) For the purposes of such proceedings—
 - (a) rules of court relating to the service of documents have effect as if the entity were a body corporate; and
 - (b) the following provisions apply as they apply in relation to a body corporate—
 - (i) section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates’ Courts Act 1980;
 - (ii) section 18 of the [Criminal Justice Act \(Northern Ireland\) 1945 \(c. 15 \(N.I.\)\)](#) and Article 166 of, and Schedule 4 to, the Magistrates’ Courts (Northern Ireland) Order 1981 ([S.I. 1981/1675 \(N.I. 26\)](#)).
- (4) A fine imposed on a relevant entity on its conviction of an offence must be paid out of the entity’s funds.
- (5) If an offence is committed by a relevant entity and it is proved that the offence—
 - (a) has been committed with the consent or connivance of an officer of the entity, or
 - (b) is attributable to any neglect on the part of an officer of the entity,

Status: This is the original version (as it was originally enacted).

the officer (as well as the entity) commits the offence and (subject to section 199(1)) is liable to be proceeded against and punished accordingly.

- (6) In relation to a partnership, “officer” means—
- (a) a partner, or
 - (b) a person purporting to act as a partner.
- (7) In relation to a relevant entity other than a partnership, “officer” means—
- (a) an officer of the entity or a person concerned in the management or control of the entity, or
 - (b) a person purporting to act in such a capacity.
- (8) Subsection (2) is not to be read as prejudicing any liability of an officer under subsection (5).
- (9) In this section “offence” means an offence under this Act, except under Part 10.