



# Online Safety Act 2023

## 2023 CHAPTER 50

### PART 11

#### SUPPLEMENTARY AND GENERAL

##### *Service of notices*

#### **208 Service of notices**

- (1) This section applies in relation to a notice that may or must be given by OFCOM to a person under any provision of this Act.
- (2) OFCOM may give a notice to a person by—
  - (a) delivering it by hand to the person,
  - (b) leaving it at the person's proper address,
  - (c) sending it by post to the person at that address, or
  - (d) sending it by email to the person's email address.
- (3) A notice to a body corporate may be given to any officer of that body.
- (4) A notice to a partnership may be given to any partner or to a person who has the control or management of the partnership business.
- (5) A notice to an entity that is not a legal person under the law under which it is formed (other than a partnership) may be given to any member of the governing body of the entity.
- (6) In the case of a notice given to a person who is a provider of a regulated service, the person's proper address for the purposes of paragraphs (b) and (c) of subsection (2), and section 7 of the Interpretation Act 1978 in its application to those paragraphs, is any address (within or outside the United Kingdom) at which OFCOM believe, on reasonable grounds, that the notice will come to the attention of the person or (where the person is an entity) any director or other officer of that entity.

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*Status: This is the original version (as it was originally enacted).*

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- (7) In the case of a notice given to a person other than a provider of a regulated service, a person's proper address for the purposes of paragraphs (b) and (c) of subsection (2), and section 7 of the Interpretation Act 1978 in its application to those paragraphs, is—
- (a) in the case of an entity, the address of the entity's registered or principal office;
  - (b) in any other case, the person's last known address.
- (8) In the case of an entity registered or carrying on business outside the United Kingdom, or with offices outside the United Kingdom, the reference in subsection (7) to its principal office includes its principal office in the United Kingdom or, if the entity has no office in the United Kingdom, any place in the United Kingdom at which OFCOM believe, on reasonable grounds, that the notice will come to the attention of any director or other officer of that entity.
- (9) In the case of a notice given to an individual under section 106 (interviews), the reference in subsection (7) to the person's last known address is to the individual's home address or, if the individual is currently connected with a provider of a regulated service, the address of the provider's registered or principal office.
- (10) For the purposes of subsection (2)(d), a person's email address is—
- (a) any email address published for the time being by that person as an address for contacting that person, or
  - (b) if there is no such published address, any email address by means of which OFCOM believe, on reasonable grounds, that the notice will come to the attention of that person or (where that person is an entity) any director or other officer of that entity.
- (11) A notice sent by email is treated as given 48 hours after it was sent, unless the contrary is proved.
- (12) In this section—
- “director” includes any person occupying the position of a director, by whatever name called;
  - “officer”, in relation to an entity, includes a director, a manager, a partner, an associate, a secretary or, where the affairs of the entity are managed by its members, a member.