



Online Safety Act 2023

2023 CHAPTER 50

PART 3

PROVIDERS OF REGULATED USER-TO-USER SERVICES AND REGULATED SEARCH SERVICES: DUTIES OF CARE

CHAPTER 5

DUTIES ABOUT FRAUDULENT ADVERTISING

40 Fraud etc offences

- (1) This section specifies offences for the purposes of this Chapter (see sections 38(3)(b) and 39(3)(b)).
- (2) An offence under any of the following provisions of the Financial Services and Markets Act 2000—
 - (a) section 23 (contravention of prohibition on carrying on regulated activity unless authorised or exempt);
 - (b) section 24 (false claims to be authorised or exempt);
 - (c) section 25 (contravention of restrictions on financial promotion).
- (3) An offence under any of the following provisions of the Fraud Act 2006—
 - (a) section 2 (fraud by false representation);
 - (b) section 4 (fraud by abuse of position);
 - (c) section 7 (making or supplying articles for use in frauds);
 - (d) section 9 (participating in fraudulent business carried on by sole trader etc).
- (4) An offence under any of the following provisions of the Financial Services Act 2012—
 - (a) section 89 (misleading statements);
 - (b) section 90 (misleading impressions).

Changes to legislation: There are currently no known outstanding effects for the Online Safety Act 2023, Section 40. (See end of Document for details)

- (5) An offence of attempting or conspiring to commit an offence specified in subsection (2), (3) or (4).
- (6) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) in relation to an offence specified in subsection (2), (3) or (4), or (in Scotland) inciting a person to commit such an offence.
- (7) An offence of aiding, abetting, counselling or procuring the commission of an offence specified in subsection (2), (3) or (4), or (in Scotland) being involved art and part in the commission of such an offence.

Commencement Information

- I1** S. 40 not in force at Royal Assent, see [s. 240\(1\)](#)
- I2** S. 40 in force at 10.1.2024 by [S.I. 2023/1420](#), [reg. 2\(1\)](#)

Changes to legislation:

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