



# Malicious Communications Act 1988

## 1988 CHAPTER 27

An Act to make provision for the punishment of persons who send or deliver letters or other articles for the purpose of causing distress or anxiety. [29th July 1988]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### 1 Offence of sending letters etc. with intent to cause distress or anxiety.

(1) Any person who sends to another person—

- (a) a [<sup>F1</sup>letter, electronic communication or article of any description] which conveys—
  - (i) a message which is indecent or grossly offensive;
  - (ii) a threat; or
  - (iii) information which is false and known or believed to be false by the sender; or
- (b) any [<sup>F2</sup>article or electronic communication] which is, in whole or part, of an indecent or grossly offensive nature,

is guilty of an offence if his purpose, or one of his purposes, in sending it is that it should, so far as falling within paragraph (a) or (b) above, cause distress or anxiety to the recipient or to any other person to whom he intends that it or its contents or nature should be communicated.

(2) A person is not guilty of an offence by virtue of subsection (1)(a)(ii) above if he shows

- (a) that the threat was used to reinforce a demand [<sup>F3</sup>made by him on reasonable grounds]; and
- (b) that he believed [<sup>F4</sup>, and had reasonable grounds for believing,] that the use of the threat was a proper means of reinforcing the demand.

[<sup>F5</sup>(2A) In this section “ electronic communication ” includes—

*Changes to legislation: There are currently no known outstanding effects for the Malicious Communications Act 1988. (See end of Document for details)*

- <sup>F6</sup>( a ) any oral or other communication by means of [<sup>F6</sup>an electronic communications network ] (c. 12)); and
- ( b ) any communication (however sent) that is in electronic form.]
- (3) In this section references to sending include references to delivering [<sup>F7</sup>or transmitting] and to causing to be sent [<sup>F8</sup>, delivered or transmitted] and “sender” shall be construed accordingly.
- [<sup>F9</sup>(4) A person guilty of an offence under this section is liable—
- ( a ) on conviction on indictment to imprisonment for a term not exceeding two years or a fine (or both);
- ( b ) on summary conviction to imprisonment for a term not exceeding 12 months or a fine (or both).
- (5) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the reference in subsection (4)(b) to 12 months is to be read as a reference to six months.
- (6) In relation to an offence committed before section 85 of the Legal Aid Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in subsection (4) (b) to a fine is to be read as a reference to a fine not exceeding the statutory maximum.]

#### Annotations:

##### Amendments (Textual)

- F1** Words in s. 1(1)(a) substituted (11.5.2001) by 2001 c. 16, ss. 43(1)(a), 138(2)
- F2** Words in s. 1(1)(b) substituted (11.5.2001) by 2001 c. 16, ss. 43(1)(b), 138(2)
- F3** Words in s. 1(2)(a) substituted (11.5.2001) by 2001 c. 16, ss. 43(2)(a), 138(2)
- F4** Words in s. 1(2)(b) substituted (11.5.2001) by 2001 c. 16, ss. 43(2)(b), 138(2)
- F5** S. 1(2A) inserted (11.5.2001) by 2001 c. 16, ss. 43(3), 138(2)
- F6** Words in s. 1(2A)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 17 para. 90 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F7** Words in s. 1(3) inserted (11.5.2001) by 2001 c. 16, ss. 43(4)(a), 138(2)
- F8** Words in s. 1(3) substituted (11.5.2001) by 2001 c. 16, ss. 43(4)(b), 138(2)
- F9** S. 1(4)-(6) substituted for s. 1(4) (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 32(1), 95(1) (with s. 32(2)); S.I. 2015/778, art. 3, Sch. 1 para. 26

## 2 Northern Ireland.

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M1</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of this Act—

- ( a ) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- ( b ) shall be subject to annulment in pursuance of a resolution of either House.

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**Changes to legislation:** There are currently no known outstanding effects for the Malicious Communications Act 1988. (See end of Document for details)

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**Annotations:**

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**Marginal Citations**

**M1** 1974 c. 28.

**3 Short title, commencement and extent.**

- (1) This Act may be cited as the Malicious Communications Act 1988.
- (2) Section 1 above shall not come into force until the end of the period of two months beginning with the day on which this Act is passed.
- (3) This Act does not extend to Scotland or, except for section 2, to Northern Ireland.

**Changes to legislation:**

There are currently no known outstanding effects for the Malicious Communications Act 1988.