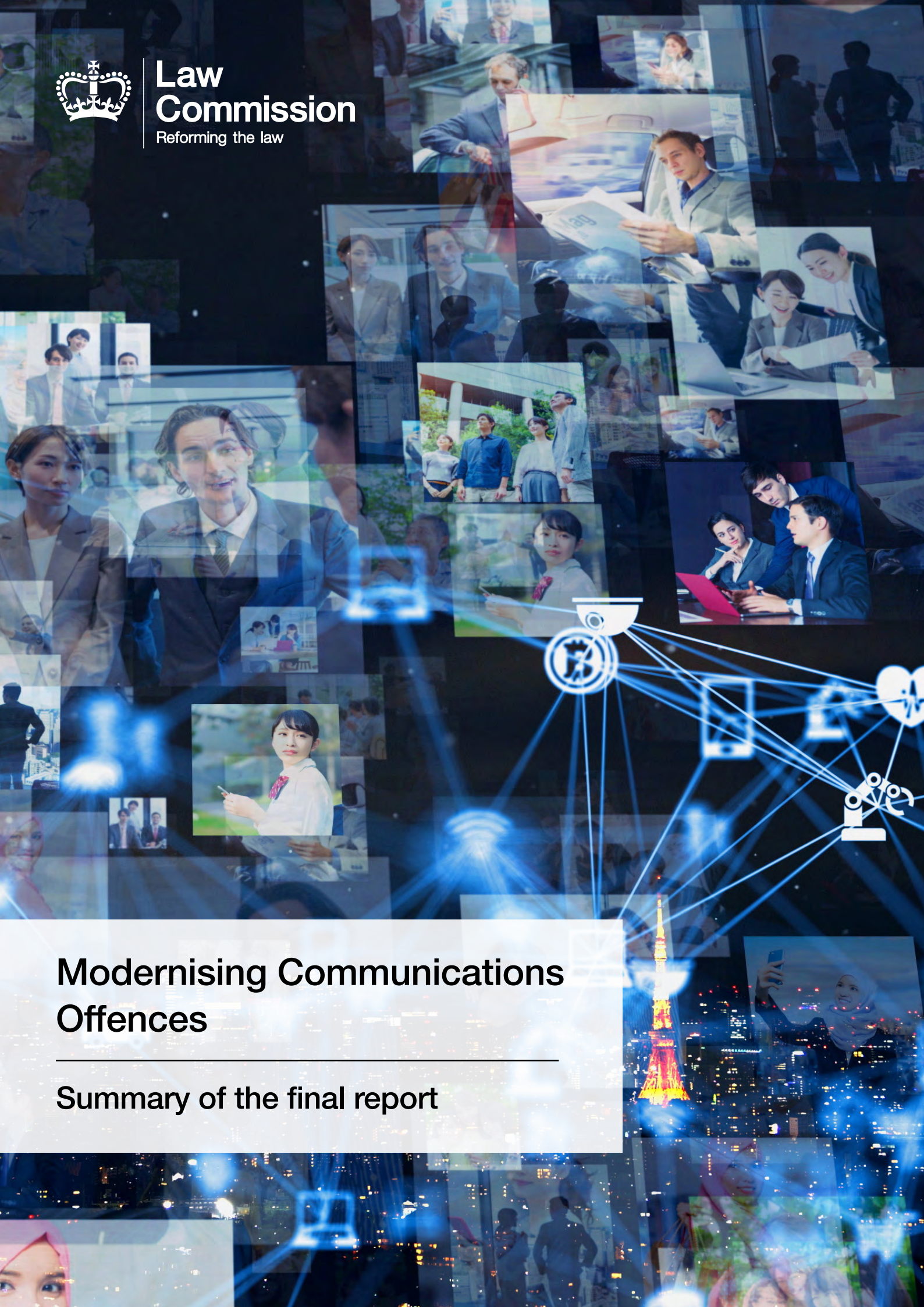


Law Commission
Reforming the law

Modernising Communications Offences

Summary of the final report

Introduction

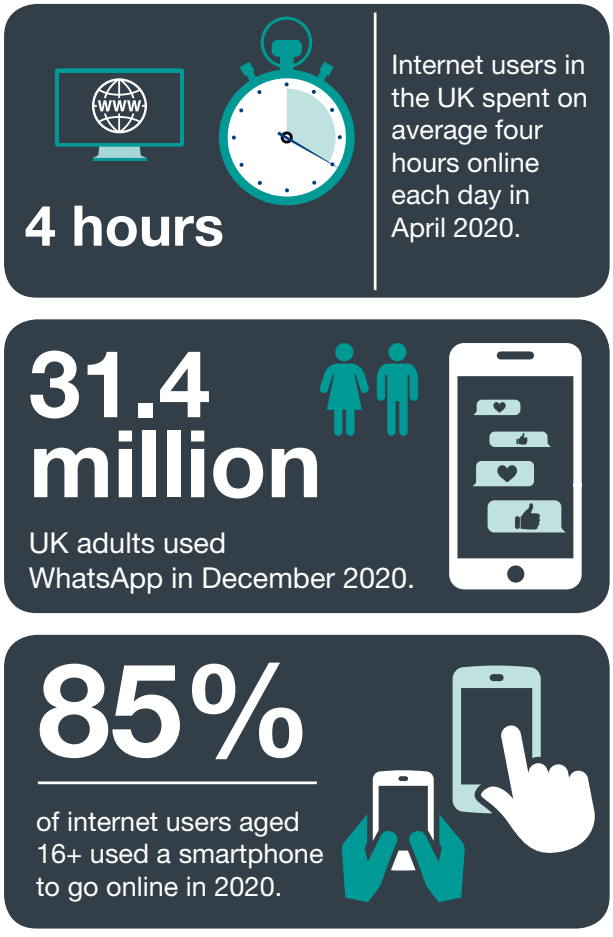
The last two decades have seen a revolution in communications technology. The rise of smartphones, the internet and social media has offered extraordinary new opportunities to engage with one another – to share ideas, to learn, and to debate – and on an unprecedented scale. However, there is also increased scope for harm. The physical boundaries of the home no longer provide a safe haven for those who are bullied, domestic abusers can exert ever greater control over the lives of those they abuse, thousands of people can now abuse a single person at once and from anywhere in the world. **The criminal law has not kept pace with these changes.**

A particular challenge for the criminal law is the enormous scale of online communications. In 2020, over 70% of UK adults had a social media profile, with the figure rising to 95% for 16-24-year olds.[1] The vast majority of people use the internet daily or almost every day.[2] The COVID-19 pandemic and associated restrictions has led to an increase in time spent online, with internet users in the UK spending an average of four hours and two minutes online each day in April 2020 – a record figure.[3] This leads to an increased risk of harm: it is thought that around a third of people have been exposed to online abuse.[4]

In light of these developments, the Government commissioned us to consider reform of the criminal law in this area; chiefly, the "communications offences" found in section 1 of the Malicious Communications Act 1988 ("MCA 1988") and section 127 of the Communications Act 2003 ("CA 2003").

After publishing a scoping report in November 2018 and a consultation paper in September 2020, we are now publishing our final report and recommendations, which have been developed in response to detailed input from consultees. The recommendations aim both to better protect freedom of expression, and address the harms arising from online abuse. The report sets out the ways in which the law could be modernised to address online and offline communications in a proportionate and efficient way.

Scale of online communications



Ofcom, "Online Nation" 2021

1 Ofcom, 2020.
2 Office for National Statistics, 2020.
3 Ofcom, 2021.
4 Alan Turing Institute, 2019.

Freedom of expression

The courts have long recognised the importance of the right to freedom of expression in a democratic society. It has been held to include the right to speak offensively. Despite that, the breadth and vagueness of the existing communications offences give rise to concerns about the extent of the law's interference in freedom of expression. We set out these concerns in our consultation paper and many consultees agreed with the importance of striking the appropriate balance between addressing harmful communications and protecting freedom of expression. We expand on this in the report.

"Freedom only to speak inoffensively is not worth having."[5]

Article 10 of the European Convention on Human Rights ("ECHR") requires that any interference by the State in the right to freedom of expression – up to and including criminal sanctions – must meet certain conditions. This means Article 10 is a qualified right. Briefly stated, the interference must be adequately "prescribed by law", meaning the relevant criminal offences cannot be too vague or ambiguous. The interference must also be a proportionate pursuit of a legitimate aim, such as the prevention of crime or protection of others' rights. An interference will be easier to justify if it protects people from harm. We have been careful to recommend an offence based on the potential for harm in line with the qualifications contained in Article 10(2) ECHR.

5 Sedley LJ, *Redmond-Bate v DPP* [1999] Crim LR 998.

Harm arising from online abuse

In line with our proposals in the consultation paper, we recommend reforming the communications offences to focus on harm, rather than on the proscribed categories of content used in the current offences, such as grossly offensive or indecent. This shift seeks to modernise the framework of criminal offences that target communications and ensure only sufficiently harmful communications are criminalised.

Our recommended harm-based offence targets communications likely to cause serious distress. Evidence from stakeholders suggests that psychological harm is the "common denominator". It is a widespread effect of online abuse.

For example, the UK's National Centre for Cyberstalking Research found that the most common reactions to cyber-harassment were "distress" (94.1%) and "fear" (80.9%).[6] Ditch the Label's Annual Bullying Survey 2020 found that of those participants who had been bullied within the last 12 months, 63% experienced a moderate to extreme impact on their mental health and 67% experienced a moderate to extreme impact on their optimism and positivity.[7]

Another consideration we have borne in mind throughout the project is the need for targeted, proportionate offences. We have taken care to ensure our recommendations do not extend inappropriately the reach of the existing communications offences or overlap significantly with other crimes, such as fraud.

The need for reform

In the report, we explain that the broad nature of the offences in the MCA 1988 and CA 2003 allows for their use across a wide range of online communications. But the threshold of criminality, especially when applied to the online space, is often set too low. The offences do not target the harms arising from online abuse. The result is that they over-criminalise in some situations and under-criminalise in others. Alongside the need to refocus the communications offences, we set out a range of harmful communications that can appropriately be addressed by specific offences, including cyberflashing and encouragement of serious self-harm.

It is not only changing harmful behaviours that generate a need for new law in this area. The existing patchwork of criminal law is unclear and has an unduly broad scope. This presents a real risk to freedom of expression, which has long been protected under English common law, as well as under the ECHR. As we noted above, we are concerned that the current offences are sufficiently broad that they could, in certain circumstances, constitute a disproportionate interference with the right to freedom of expression protected under Article 10 of the ECHR.

The recommendations in our report aim to address both of these problems: to target the harms arising from online abuse, while at the same time protecting more effectively the right to freedom of expression.

6 National Centre for Cyberstalking Research, 2011.
7 Ditch the Label, 2020 (representing a 25% increase from 2019).

In making recommendations for reform, we acknowledge that the criminal law can be only a limited part of the solution to online abuse – this is due in part to the enormous volume of online communications and the enforcement and policing challenges that presents. At the heart of our recommendations is a shift away from assessing categories of content to an assessment of the consequences of communications.

The *Online Harms White Paper*, published by the Department for Digital, Culture, Media and Sport and the Home Office in 2019, focusses on the regulation of platforms (such as Twitter and Facebook). The full Government response to the consultation on the White Paper, published in December 2020, provides a detailed analysis of the various ways in which the law can respond to online harms beyond the criminal law. Much of this work is reflected in the draft Online Safety Bill published in 2021. Further, tackling online abuse will require not just criminal law and regulatory reform, but also education and cultural change.

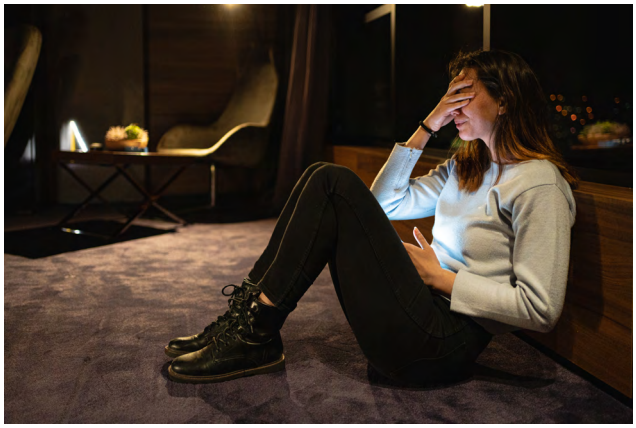
"At the heart of our recommendations is a shift away from assessing categories of content to an assessment of the consequences of communications."

The consultation

After publishing our consultation paper in September 2020, we conducted a three-month consultation period. We received 124 written responses and held over 30 meetings and round-table events with stakeholders during that period. The consultation was open to the public, and we met with a broad range of consultees including free speech organisations, victims' charities, regulators and police. We received many lengthy, considered and well-evidenced written responses.

On the whole, consultees were supportive of both the rationale for reform and the proposals we made. In particular, across the spectrum of responses, our analysis of the existing communications offences received strong support.

However, the consultation gave us cause to reflect on a number of aspects of our provisional proposals, in particular, the scope of the harm-based offence and the offences of cyberflashing and encouragement or assistance of self-harm. In each instance, we have taken on a number of suggestions from consultees in formulating our final recommendations. We believe these changes ensure that the recommended offences will provide robust protection for freedom of expression while targeting harmful communications more effectively and appropriately.



The report

The structure of the report is as follows: in Chapter 2, we outline our recommendation for a general harm-based communications offence to replace section 1 of the MCA 1988 and section 127(1) of the CA 2003.

In Chapter 3, we make recommendations for specific offences to address hoax calls to the emergency services, threatening communications, knowingly false harmful communications and the intentional sending of flashing images to a person with epilepsy with the intention of causing that person to have a seizure.

In Chapter 4 we recommend an exemption for the press in relation to the harm-based communications offence and knowingly false communications offence.

In Chapter 5 we consider two issues: group harassment online; and the glorification of violence and violent crime. We outline why we do not think specific criminal offences are appropriate responses to these behaviours.

In Chapter 6 we recommend a specific sexual offence to target cyberflashing.

We conclude in Chapter 7 with recommendations for a new offence to address the encouragement or assistance of serious self-harm.

The existing law

In Chapters 2 and 3, we explain the strengths and weaknesses of the existing law, and particularly the problems with section 1 of the MCA 1988 and section 127 of the CA 2003. These offences are commonly relied upon in the context of online abuse, especially one-off abusive communications.

Section 1 of the MCA 1988 criminalises the sending of certain types of communication to another person, where one of the sender's purposes is to cause "distress or anxiety" to the recipient or another person. The relevant types of communication are those which convey a message which is indecent or grossly offensive, a threat, or false. Section 127(1) of the CA 2003 criminalises the sending, via a "public electronic communications network", of a message which is "grossly offensive or of an indecent, obscene or menacing character". Section 127(2) of the CA 2003 criminalises sending a message which is known to be false for the purpose of causing "annoyance, inconvenience, or needless anxiety" to another.

The breadth of these offences means they can be useful in addressing online abuse, but they also suffer from serious problems. Reliance on vague terms like "grossly offensive" and "indecent" raises concerns that the offences criminalise some forms of free expression that ought to be protected. Simply put, these adjectives do not always correspond to harm. For example, consensual sexting between adults could be "indecent", but is not obviously worthy of criminalisation.

Further, in the widely criticised case of *Chambers*, a prosecution was brought under the CA 2003 following a joke made on Twitter about "blowing Robin Hood airport sky high".[8] This is a prime example of the potential for over-criminalisation inherent in the existing offences.

However, there are other contexts in which the offences do not adequately criminalise certain conduct – such as communications that are seriously harmful as a result of the context they are sent in, including potentially a deliberate exploitation of a recipient's vulnerabilities.

The recommended harm-based offence

1. The defendant sends or posts a communication that is **likely to cause harm** to a likely audience;
2. in sending or posting the communication, the defendant **intends to cause harm to** a likely audience; and
3. the defendant sends or posts the communication **without reasonable excuse**.

For the purposes of this offence:

   a. a communication is a letter, article, or electronic communication.
   b. a likely audience is someone who, at the point at which the communication was sent or posted by the defendant, was likely to see, hear, or otherwise encounter it.
   c. harm is psychological harm, amounting at least to **serious distress**.

4. When deciding whether the communication was likely to cause harm to a likely audience, the court must have regard to the **context in which the communication was sent, including the characteristics of a likely audience**.
5. When deciding whether the defendant lacked a reasonable excuse, the court must have regard to whether the communication was or was meant as **a contribution to a matter of public interest**.

Like section 1 of the MCA 1988, the offence would be triable either-way: it could be tried in the magistrates' court or the Crown Court, and would have a maximum penalty of imprisonment for two years.

8 *Chambers v DPP* [2012] EWHC 2157 (Admin).

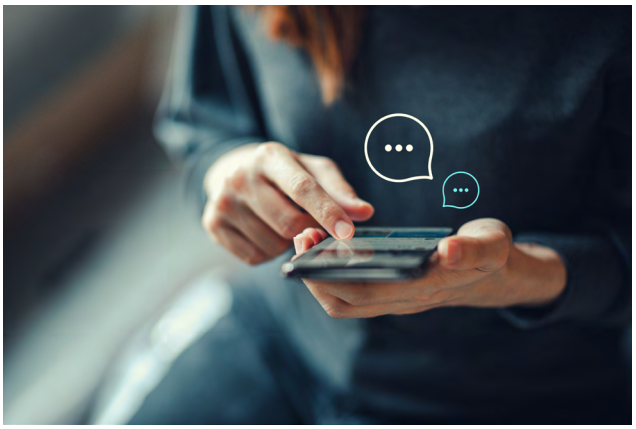
Technological neutrality

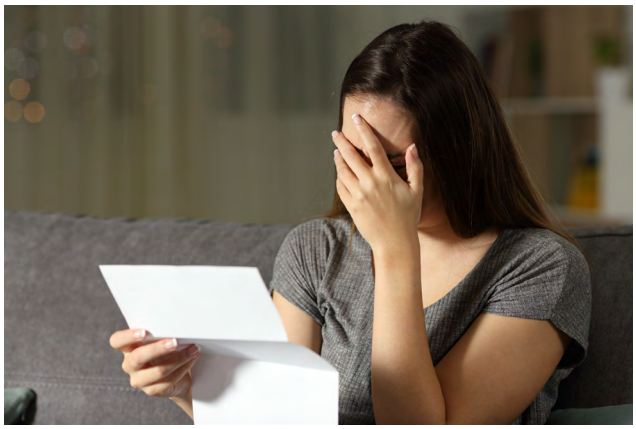
An important impetus for reform of the communications offences is to address the harm arising from abuse that takes place online. Online abuse presents one of the biggest challenges for the current law.

However, we have tried not to constrain the offences to particular forms of communication. Instead, the recommended new offences cover much the same forms of communication as the MCA 1988: sending "electronic communications" (such as internet-based communications), "letters", and "articles" (meaning items such as faeces or used tampons).

The recommended new offences would likewise cover both online and some offline communications.

One reason for recommending technologically neutral offences is to mitigate the risk that the law will become redundant or unhelpful in the face of technological change. It will also ensure that we do not arbitrarily criminalise communications differently based on the mode of communication. Given that the CA 2003 covers only communications sent via a "public electronic communications network", it is ill-equipped to deal with technologies like Bluetooth or Apple's AirDrop function. The new offences are designed to mitigate this kind of problem – as well as strike the right balance between freedom of expression and the need to protect people from harm.





The new harm-based offence

We recommend a new offence based on likely psychological harm, to replace the offences in section 1 of the MCA 1988 and section 127(1) of the CA 2003. At its heart, this approach seeks to shift the focus away from the content of a communication toward its potentially harmful effects. We believe this will more effectively protect freedom of expression and avoid over-criminalisation while better targeting the myriad types of harmful communications.

The new offence has been designed so that its different elements work coherently together. We go on to summarise each individual element below and set them out in detail in the report. However, when considering each element, it is important to keep in mind that any concerns relating to a single element must be considered in the context of the offence as a whole. The parts of the offence are deliberately designed to counterbalance each other. For example, the threshold of "likely to cause harm" must be considered alongside the need to prove both intention to cause that harm and lack of reasonable excuse. In summary form, the elements of the recommended new offence are as follows:

- The new offence requires that the defendant sends or posts a communication that was likely to cause harm to a likely audience.
  - "Likely to cause harm" here means more than merely a risk of causing harm.
  - The offence does not also require proof of actual harm. We think this would unjustifiably limit the scope of the offence. The mere fact that someone was harmed says nothing about the culpability of the sender, which rests on their having sent a message that was likely to cause harm.
  - If someone was actually harmed, this can be taken into account at sentencing.
- A likely audience is someone who, at the point at which the communication was sent or posted by the defendant, was likely to see, hear, or otherwise encounter it.
  - A likely audience would include, for example, a direct recipient of a message or the defendant's social media followers, but it could also include various other people.
  - Depending on the circumstances, it may include people who are likely to be shown the communication by a third party.
- Harm means psychological harm, amounting at least to serious distress.
  - Serious distress is a high threshold. "Serious" does not simply mean "more than trivial". It means a big, sizeable harm.
- The defendant must intend to cause harm to someone likely to see, hear, or otherwise encounter the communication.
- When deciding whether the communication was likely to cause harm to a likely audience, the court must have regard to the context in which the communication was sent, including the characteristics of those likely to see, hear, or otherwise encounter it.
  - Characteristics might include, for example, age or gender, as well as race, religion, disability, or sexual orientation. They are not limited to "protected characteristics" under hate crime legislation.

- The defendant must send or post the communication without reasonable excuse.
  - This is not a defence. It is part of the offence. It is for the prosecution, not the defence, to prove beyond reasonable doubt.
- When deciding whether the defendant lacked a reasonable excuse for sending the communication, the court must have regard to whether the communication was or was meant as a contribution to a matter of public interest.
  - The jury or magistrates will decide whether the defendant acted without reasonable excuse, but this factor must be considered.
  - This requirement helps to ensure that freedom of expression is well-protected.

The recommended offence has changed in some respects to the one provisionally proposed in the consultation paper. These changes have arisen from our consultation and engagement with stakeholders. The most meaningful shift is that we recommend requiring a defendant intend to cause harm, rather than simply be aware of a risk of causing harm, in sending or posting the communication. As we set out in the report, we think this shift will ensure that while harmful communications will be appropriately addressed, the offence will provide robust protection for freedom of expression.

Relationship with hate crime

A proportion of online abuse can be, and often is, described as "online hate". Indeed, a significant subset of online abuse is targeted at people on the basis of their race, religion, sexual orientation, transgender status, or disability. Under the laws against hate crime, these are "protected characteristics".

In view of this, it may be appropriate to include the recommended new communications offence as an "aggravated offence" under hate crime legislation. This possibility is considered in the Law Commission's separate project on hate crime.[9]

However, not all abusive online communications amount to online hate. Equally, hate crime can encompass a wide range of behaviour – including, for example, acts of physical violence against people because of their race or sexual orientation, or criminal damage to businesses or places of worship involving hostility on the basis of religion – as well as hate speech.

9 The Law Commission's Consultation Paper on hate crime is available at **www.lawcom.gov.uk**.

Questions and answers

Q: Does the recommended offence cover private communications, such as WhatsApp messages?

A: Yes. The recommended offence does not make a distinction between public and private messages. However, the private nature of the communication might affect the practical application of the offence. A private joke between friends, even a joke in very bad taste, will not be covered unless it was likely to cause harm to someone likely to see, hear, or otherwise encounter it.

Q: What if the communication is offensive, but not harmful?

A: This will not be covered. Many communications will be both offensive and harmful, and these will be covered, but communications that are merely offensive will not.

Q: Does the recommended offence cover online newspaper articles?

A: No. The forms of communication covered include, for example, public posts on social media sites like Twitter or Facebook, individual comments on such posts or below an online newspaper article, and one-to-one messages. Press publications (whether hard-copy or online) would not be covered: we explain this in the chapter of the report that discusses the press exemption.

Q: What happens if someone posts nasty comments or personal information about me on their private social media page, but I do not follow that person? Could that be covered by the recommended offence?

A: Yes, it could be covered. This would depend on the circumstances. If, at the time the defendant posted the information, you were likely to see it (because, say, a mutual friend was likely to show it to you), this could be covered. Of course, all the other elements of the offence would have to be made out, too. Note, however, that the sharing of intimate images of a person without their consent is covered by a separate Law Commission project.

Q: What if the likely audience was especially vulnerable or prone to distress? Would this be a defence?

A: No, it would not be a defence. However, it may affect determining whether the defendant intended harm. If the defendant is not aware of the vulnerabilities of a likely audience, then it may be more difficult to prove an intention to cause harm.

Q: Does the recommended offence mean that I need to prove that I have a "reasonable excuse" to send or post communications?

A: No. That a communication was sent or posted without reasonable excuse is an element of the offence, not a defence. This means that the prosecution would have to prove beyond reasonable doubt that you did not have a "reasonable excuse" to send or post the communication.

False communications

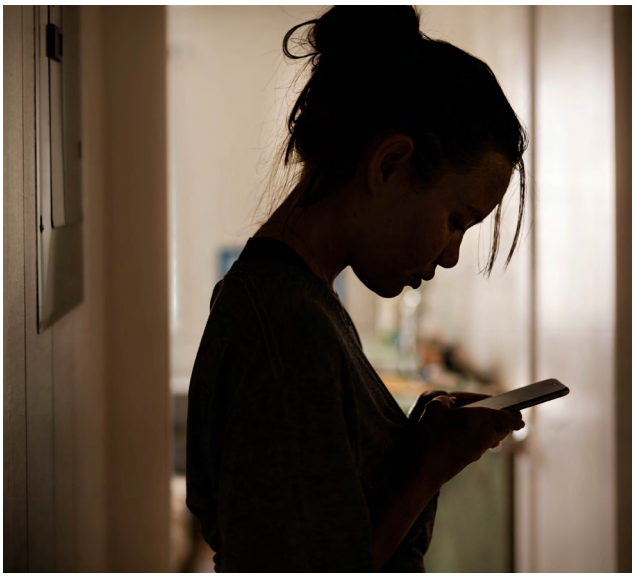
The offence recommended in Chapter 2 is designed to replace section 127(1) of the CA 2003, but not section 127(2) which addresses false communications. In Chapter 3, we start by setting out recommendations for reform of section 127(2) of the CA 2003.

Under the existing offence, it is a crime to send a knowingly false communication for the purpose of causing "annoyance, inconvenience or needless anxiety" to another. This is a low threshold. In our view, it is too low. We therefore recommend raising the threshold.

Under our recommended offence, the defendant would be liable if:

- The defendant sends or posts a communication that they know to be false;
- in sending or posting the communication, they intend to cause non-trivial psychological or physical harm to a likely audience; and
- the defendant sends or posts the communication without reasonable excuse.

As in the case of the harm-based offence, a communication is a letter, article, or electronic communication, and a likely audience is someone who, at the point at which the communication was sent or posted by the defendant, was likely to see, hear, or otherwise encounter it.



We mean for "non-trivial psychological or physical harm" to include distress and anxiety, but not annoyance or inconvenience. It is a higher threshold of intended harm than under the existing offence, which we consider to be too low a threshold to justify the imposition of a criminal sanction. Even so, this offence would, like the current offence under section 127(2) of the CA 2003, be summary-only (triable only in the magistrates' court).

We do not propose to cover communications that the defendant believes to be true – no matter how dangerous those communications may be. We recognise that misinformation and "fake news" are serious social problems, but they lie beyond our Terms of Reference. We also note the measures proposed in the Government's Draft Online Safety Bill to address these problems other than by the criminal law.

Hoax calls to emergency services

Another recommendation we make related to the repeal of section 127(2) CA 2003 is an offence addressing hoax calls to the emergency services.

As we noted in the consultation paper, hoax calling the emergency services is a distinctly harmful form of communication currently covered by section 127(2) CA 2003. We provisionally proposed that it should be a specific offence. In the report we set out the support consultees expressed for the proposal and outline our recommendation for a specific offence.

Threatening communications

We recommend a specific offence targeting communications that contain threats of serious harm in Chapter 3.

In the consultation paper we sought consultees' views on whether a specific offence addressing threatening communications was warranted. We received a strong response in favour of an offence that targets the most serious threatening communications, given the particularly pernicious harm that those communications inflict.

The offence we recommend is designed to be able to deal with the most serious threatening communications, where the general harm-based offence may not reflect the defendant's culpability.

Under our recommended offence, the defendant would be liable if:

- The defendant sends or posts a communication that conveys a threat of serious harm; and
- In conveying the threat, the defendant intended the object of the threat to fear that the threat would be carried out, or was reckless as to whether they would fear that the threat would be carried out.
- For the purposes of the offence, serious harm includes serious injury (amounting to grievous bodily harm as understood under the Offences Against the Person Act 1861), rape and serious financial harm.

Flashing images

We also recommend another specific offence in Chapter 3 to address the phenomenon of sending flashing images to people with epilepsy with the intention of inducing seizures.

In the consultation paper we set out other existing offences that we hoped could be used to criminalise this extremely harmful behaviour. However, reflecting on responses to the consultation, we are now of the view that a specific offence is the most direct and appropriate way to do this.

Pile-on harassment

Pile-on harassment happens when a number of different individuals send harassing communications to a victim. For example, hundreds of individuals sent messages to Jess Phillips MP along the lines of "I would not rape you". Stakeholders have told us that this type of online abuse can have a very serious impact.

The law in this area is complicated. As we explain in Chapter 5, coordinated pile-on harassment is in some cases covered by section 7(3A) of the Protection from Harassment Act 1997 or by the so-called "inchoate" offences under the Accessories and Abettors Act 1861 and Serious Crime Act 2007. However, pile-on harassment seems rarely to be prosecuted, despite its harmful effects.

The recommended harm-based offence would help to address pile-on harassment, especially when it is not coordinated. For example, the conduct of someone who observes that a pile-on is happening and decides to join in could be caught by the recommended harm-based offence. In the context of a pile-on, their communication

would be likely to cause harm, and the defendant may well be intending to cause harm.

To the extent that pile-on harassment is caught by the recommended new offence, there would also be the possibility of prosecuting acts of encouraging or assisting a pile-on under the Serious Crime Act 2007. We give a full explanation of how this could work in Chapter 5.

In one sense, the prevalence of pile-on harassment, combined with its harmful impacts, speaks in favour of a targeted offence.

Yet, at the same time, the sheer scale of pile-on harassment, sometimes involving thousands of messages per minute, would present significant difficulties in terms of policing and enforcement.

Reflecting on the detailed responses we received on this topic during consultation has led us to conclude that specific offences would not be proportionate or appropriate in addressing pile-on harassment. As we set out in the report, the complexities of pile-on harassment coupled with the scale of the problem mean that it is not amenable to a specific offence or set of offences to address it.

Instead we set out in detail how the various existing provisions, coupled with our recommended harm-based offence, may address the behaviour.

Cyberflashing

Reports of cyberflashing – that is, the unsolicited sending of sexual images using digital technology – have dramatically increased in recent years. In 2019, the British Transport Police recorded 66 reports of cyberflashing, compared to 34 reports in 2018, and just 3 reports in 2016. However, research done by Professor Clare McGlynn and Dr Kelly Johnson suggests that this is only the tip of the iceberg.[10]

Cyberflashing can cause serious harm. It is often experienced as a form of sexual harassment, involving coercive sexual intrusion by men into women's everyday lives.[11]

The consultation responses we received set out a powerful case for making cyberflashing a sexual offence, and not just a communications offence. One reason for this is a matter of fair labelling: the conduct is sexual in nature, and those who have been subjected to cyberflashing compare its impact to that of other sexual offences. Moreover, if cyberflashing is a sexual offence, this also means that additional protections, such as Sexual Harm Prevention Orders, could be available.

Under section 66 of the Sexual Offences Act 2003 ("SOA 2003") there is an offence criminalising exposure of one's genitals. In Chapter 6, we explain that this can cover some digital forms of exposure. However, it is not clear that it covers, for example, "dick pics" sent via AirDrop.

Therefore, in Chapter 6, we recommend that the SOA 2003 should be amended to include a specific offence targeting the sending of images or video recordings of genitals.

Our recommended offence requires the defendant either intend the victim be caused alarm, distress or humiliation, or, if the defendant is acting for a sexual purpose, is reckless as to whether the victim is caused alarm, distress or humiliation.

10 C McGlynn, K Johnson, *Cyberflashing: recognising harm, reforming laws* (2021, Bristol University Press).
11 See for example S Gallagher, "Cyber flashing" available at: **https://www.sophiegallagher.co.uk/cyber-flashing**.

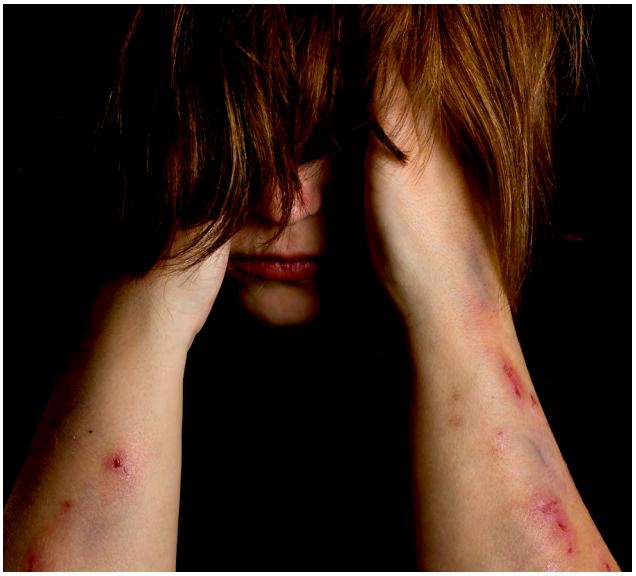
This approach is designed to ensure that the central harm of cyberflashing – the violation of a victim's sexual autonomy without their consent – is recognised. At the same time, it is designed to ensure that the recommended offence does not have a disproportionately broad scope.

Glorification of violent crime

In Chapter 5, we also consider whether there is sufficient justification for a specific offence criminalising the "glorification" of violence or violent crime.

Consultees agreed with the position we set out in the consultation paper, including that there are already various laws criminalising the encouragement or assistance of the commission of violent offences. Further, that a broad offence based on a vague term like "glorification" may be incompatible with Article 10 of the ECHR.

As we explain further in the report, we are not convinced that a new criminal offence directed toward the glorification of violence or violent crime is necessary or would be proportionate.



Encouragement or assistance of serious self-harm

In Chapter 7 we recommend an offence of encouragement or assistance of serious self-harm.

In the consultation paper we set out our view that there may be a case for a narrow offence of encouragement (or incitement) of self-harm. We received evidence of deeply troubling behaviour where vulnerable people were deliberately targeted and encouraged to seriously harm themselves.

However, we were anxious to ensure that vulnerable people who share "non-suicide self-harm" content would not be caught by such an offence. We also acknowledge that the recommended harm-based offence, set out in Chapter 2, may present a risk in this respect.

We received a wide range of responses that set out various ways we could craft an appropriately constrained and directed offence to target the most serious examples of encouragement and assistance of self-harm.

We recommend an offence that has a high threshold of harm intended to be inflicted or encouraged (grievous bodily harm), that the defendant intended to encourage or assist that same level of harm, and requires (non-personal) consent of the Director of Public Prosecutions to prosecute. As we set out in detail in the report, we believe these safeguards will ensure that the offence can target the most serious examples of encouragement or assistance of self-harm without unduly criminalising vulnerable people.

Conclusion

To summarise: the recommendations in the report aim to modernise the existing communications offences, ensuring that the law is clearer and that it more effectively targets serious harm and criminality.

We recommend four complementary offences to replace section 1 of the MCA 1988 and section 127 of the CA 2003: a harm-based offence; an offence addressing knowingly false communications; an offence targeting genuinely threatening communications; and an offence that targets hoax-calling the emergency services.

The harm-based offence and the provisions in the Protection from Harassment Act 1997 and Serious Crime Act 2007 would, we think, provide the most effective ways to address pile-on harassment.

We also recommend specific offences to address the encouragement or assistance of serious self-harm, cyberflashing and the deliberate sending of flashing images to induce seizures.

The full report can be found at **www.lawcom.gov.uk**