



An Bille um Líonraí Cumarsáide Leictreonaí Poiblí (Úsáid Mhíchuí), 2015
Public Electronic Communications Networks (Improper Use) Bill 2015

Mar a tionscnaíodh

As initiated



**AN BILLE UM LÍONRAÍ CUMARSÁIDE LEICTREONÁÍ POIBLÍ (ÚSÁID
MHÍCHUÍ), 2015**
**PUBLIC ELECTRONIC COMMUNICATIONS NETWORKS (IMPROPER USE) BILL
2015**

Mar a tionscnaíodh

As initiated

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Section

1. Amendment of section 13 of Post Office (Amendment) Act 1951
2. Short title

ACTS REFERRED TO

Broadcasting Act 2009 (No. 18)

Communications Regulation (Amendment) Act 2007 (No. 22)

Post Office (Amendment) Act 1951 (No. 17)

Post Office Act 1908 (8 Edw. 8, c. 48)



**AN BILLE UM LÍONRAÍ CUMARSÁIDE LEICTREONÁÍ POIBLÍ (ÚSÁID
MHÍCHUÍ), 2015**
PUBLIC ELECTRONIC COMMUNICATIONS NETWORKS (IMPROPER USE) BILL
2015

Bill

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entitled

An Act to provide for certain offences in connection with the improper use of public electronic communications networks; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Amendment of section 13 of Post Office (Amendment) Act 1951

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1. The Post Office (Amendment) Act 1951 is amended in section 13, as substituted by section 4 of and Schedule 1 to the Communications Regulation (Amendment) Act 2007, by the substitution of the following section:

“Offences in connection with public electronic communications networks

13. (1) A person who—

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(a) sends or causes to be sent, by means of a public electronic communications network, a message or other matter that is grossly offensive or is indecent, obscene or menacing, or

(b) for the purpose of causing annoyance, inconvenience or needless anxiety to another—

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(i) sends or causes to be sent, by means of a public electronic communications network, a message that the sender knows to be false, or

(ii) persistently and without reasonable cause makes use of a public electronic communications network,

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is guilty of an offence.

- (2) In subsection (1), ‘public electronic communications network’ means an electronic communications network (within the meaning of the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (S.I. No. 333 of 2011)), that is provided wholly or mainly for the purpose of making available to members of the public, whether on payment or otherwise, electronic communications services (within the meaning of those Regulations).

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- (3) Subsection (1) does not apply to the transmission, distribution or relay of a broadcasting service, within the meaning of the Broadcasting Act 2009.
- (4) A person guilty of an offence under subsection (1) is liable—
 - (a) on summary conviction, to a Class A fine or to imprisonment for a term not exceeding 12 months, or to both, 5
 - (b) on conviction on indictment, to a fine not exceeding €75,000 or to imprisonment for a term not exceeding 5 years, or to both.
- (5) An offence under subsection (1) is an offence under the Post Office Act 1908. 10
- (6) On convicting a person for an offence under subsection (1), the court may, in addition to any other penalty imposed for the offence, order any apparatus, equipment or other thing used in the course of committing the offence to be forfeited to the State.”.

Short title 15

- 2. This Act may be cited as the Public Electronic Communications Networks (Improper Use) Act 2015.

An Bille um Líonraí Cumarsáide Leictreonaí
Poiblí (Úsáid Mhíchuí), 2015

Public Electronic Communications Networks
(Improper Use) Bill 2015

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le cionta áirithe i dtaca le húsáid mhíchuí líonraí cumarsáide leictreonaí poiblí; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An Teachta Pádraic Ó Coinín a thug isteach,

16 Aibreán, 2015

BILL

(as initiated)

entitled

An Act to provide for certain offences in connection with the improper use of public electronic communications networks; and to provide for related matters.

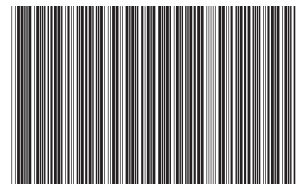
Introduced by Deputy Pat Rabbitte,

16th April, 2015

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