



Compass Chambers

s 127 Communications Act 2003

and

Article 7 ECHR

Cameron Smith, Advocate

Compass Chambers

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Usage of social media

- As of 2021 there are 3.78 billion social media users.
- By the end of 2025, that number is expected to increase to 4.41 billion
- Within the United Kingdom, there are 48 million active social media users – 67% of the population.



S 127(1) Communications Act 2003

- **127 - Improper use of public electronic communications network**
- (1) A person is guilty of an offence if he—
- (a) sends by means of a public electronic communications network a message or other matter that is **grossly offensive** or of an indecent, obscene or menacing character; or
- (b) causes any such message or matter to be so sent.



Article 7 ECHR

- ARTICLE 7 No punishment without law
 1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.
 2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations

DPP v Collins

[2006] UKHL 40; [2006] 1 WLR 2223;

- “in making this determination the Justices [i.e trial court] must apply the standards of an open and just multi-racial society, and that the words must be judged taking account of their context and all relevant circumstances. I would agree also. Usages and sensitivities may change over time. Language otherwise insulting may be used in an unpejorative, even affectionate, way, or may be adopted as a badge of honour (‘Old Contemptibles’). There can be no yardstick of gross offensiveness otherwise than by the application of reasonably enlightened, but not perfectionist, contemporary standards to the particular message sent in its particular context. The test is whether a message is couched in terms liable to cause gross offence to those to whom it relates.”



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Contact

**Compass Chambers
Parliament House
Edinburgh
EH1 1RF**

DX 549302, Edinburgh 36

LP 3, Edinburgh 10

www.compasschambers.com

**Cameron Smith,
Advocate**

Mobile: 07400 438 991

Cameron.smith@compasschambers.com

Gavin Herd

Practice Manager

Phone: 0131 260 5648

Fax: 0131 225 3642

gavin.herd@compasschambers.com