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**Changes to legislation:** There are currently no known outstanding effects for the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, Cross Heading: Exception for hosting. (See end of Document for details)

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SCHEDULE 1  
SECTION 2: SPECIAL PROVISION IN RELATION TO  
PROVIDERS OF INFORMATION SOCIETY SERVICES

*Exception for hosting*

- 3 (1) A service provider is not capable of being guilty of an offence under section 2 in respect of anything done in the course of providing so much of an information society service as consists of the storage of information provided by a recipient of the service, if sub-paragraph (2) or (3) is satisfied.
- (2) This sub-paragraph is satisfied if the service provider had no actual knowledge when the information was provided that the provision of the information amounted to an offence under section 2.
- (3) This sub-paragraph is satisfied if, on obtaining such knowledge, the service provider expeditiously removed the information or disabled access to it.
- (4) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

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**Commencement Information**

**II** Sch. 1 para. 3 in force at 3.7.2017 by S.S.I. 2017/183, reg. 2(c)

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