
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 137

The Extreme Pornography (Electronic Commerce Directive) (Scotland) Regulations 2011

Exception for caching

5.—(1) This regulation applies to information which—

- (a) is provided by a recipient of the service; and
- (b) is the subject of automatic, intermediate and temporary storage which is solely for the purpose of making the onward transmission of the information to other recipients of the service at their request more efficient.

(2) A service provider is not capable of being guilty of a relevant offence in respect of anything done in the course of providing so much of an information society service as consists in the transmission in a communication network of information to which this regulation applies if—

- (a) the service provider does not modify the information;
- (b) the service provider complies with any conditions attached to having access to the information;
- (c) in a case to which paragraph (3) applies, the service provider expeditiously removes the information or disables access to it.

(3) This paragraph applies if the service provider obtains actual knowledge that—

- (a) the information at the initial source of the transmission has been removed from the network;
- (b) access to such information has been disabled; or
- (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, such information.