
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 137

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

Exception for hosting

6.—(1) 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 storage of information provided by a recipient of the service if—

- (a) the service provider had no actual knowledge when the information was provided that it contained offending material; or
- (b) on obtaining actual knowledge that the information contained offending material, the service provider expeditiously removed the information or disabled access to it.

(2) “Offending material” means material the possession of which constitutes a relevant offence.

(3) Paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.