

*These notes refer to the Coroners and Justice Act 2009  
(c.25) which received Royal Assent on 12 November 2009*

# CORONERS AND JUSTICE ACT 2009

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Part 2 - Criminal offences**

#### *Chapter 2: Images of children*

#### *Section 68 and Schedule 13: Special rules relating to providers of information society services*

391. **Section 68** and Schedule 13 ensure that the provisions outlined above which make it an offence to possess prohibited images of children are consistent with the UK's obligations under the E-Commerce Directive.
392. Under Schedule 13 providers of information society services who are established in England, Wales or Northern Ireland are covered by the new offence even when they are operating in other European Economic Area states. Paragraphs 3 to 5 of the Schedule provide exemptions for internet service providers from the offence of possession of prohibited images of children in limited circumstances, such as where they are acting as mere conduits for such material or are storing it as caches or hosts.