



Digital Economy Act 2010

2010 CHAPTER 24

Online infringement of copyright

10 Obligations to limit internet access

After section 124G of the Communications Act 2003 insert—

“124H Obligations to limit internet access

- (1) The Secretary of State may by order impose a technical obligation on internet service providers if—
 - (a) OFCOM have assessed whether one or more technical obligations should be imposed on internet service providers; and
 - (b) taking into account that assessment, reports prepared by OFCOM under section 124F, and any other matter that appears to the Secretary of State to be relevant, the Secretary of State considers it appropriate to make the order.
- (2) No order may be made under this section within the period of 12 months beginning with the first day on which there is an initial obligations code in force.
- (3) An order under this section must specify the date from which the technical obligation is to have effect, or provide for it to be specified.
- (4) The order may also specify—
 - (a) the criteria for taking the technical measure concerned against a subscriber;
 - (b) the steps to be taken as part of the measure and when they are to be taken.
- (5) No order is to be made under this section unless—
 - (a) the Secretary of State has complied with subsections (6) to (10), and
 - (b) a draft of the order has been laid before Parliament and approved by a resolution of each House.

Status: This is the original version (as it was originally enacted).

- (6) If the Secretary of State proposes to make an order under this section, the Secretary of State must lay before Parliament a document that—
 - (a) explains the proposal, and
 - (b) sets it out in the form of a draft order.
- (7) During the period of 60 days beginning with the day on which the document was laid under subsection (6) (“the 60-day period”), the Secretary of State may not lay before Parliament a draft order to give effect to the proposal (with or without modifications).
- (8) In preparing a draft order under this section to give effect to the proposal, the Secretary of State must have regard to any of the following that are made with regard to the draft order during the 60-day period—
 - (a) any representations, and
 - (b) any recommendations of a committee of either House of Parliament charged with reporting on the draft order.
- (9) When laying before Parliament a draft order to give effect to the proposal (with or without modifications), the Secretary of State must also lay a document that explains any changes made to the proposal contained in the document laid before Parliament under subsection (6).
- (10) In calculating the 60-day period, no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than 4 days.”