

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3 E+W+N.I.

Section 69

PAEDOPHILE MANUALS: PROVIDERS OF INFORMATION SOCIETY SERVICES

Interpretation of this Schedule

- 1 (1) “Prohibited item” means an item within section 69(1).
- (2) “Information society services”—
- (a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive [98/34/EC](#) of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and
 - (b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”.
- (3) “The E-Commerce Directive” means Directive [2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce).
- (4) “Recipient”, in relation to a service, means a person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible.
- (5) “Service provider” means a person providing an information society service.
- ^{F1}(6)
- ^{F2}(7)
- ^{F3}(8)

Textual Amendments

- F1** Sch. 3 para. 1(6) omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, [9\(a\)\(i\)](#)
- F2** Sch. 3 para. 1(7) omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, [9\(a\)\(ii\)](#)
- F3** Sch. 3 para. 1(8) omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, [9\(a\)\(iii\)](#)

Commencement Information

- I1** Sch. 3 para. 1 in force at 3.5.2015 by [S.I. 2015/820](#), [reg. 2\(q\)](#)

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Domestic service providers: extension of liability

F42

Textual Amendments

- F4** Sch. 3 para. 2 omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, **9(b)**

Non-UK service providers: restriction on institution of proceedings

F53

Textual Amendments

- F5** Sch. 3 para. 3 omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, **9(c)**

Exception for mere conduits

- 4 (1) A service provider does not commit an offence under section 69(1) by providing access to a communication network or by transmitting, in a communication network, information provided by a recipient of the service, if the service provider does not—
- (a) initiate the transmission,
 - (b) select the recipient of the transmission, or
 - (c) select or modify the information contained in the transmission.
- (2) For the purposes of sub-paragraph (1)—
- (a) providing access to a communication network, and
 - (b) transmitting information in a communication network,
- include the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.
- (3) Sub-paragraph (2) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

Commencement Information

- I2** Sch. 3 para. 4 in force at 3.5.2015 by [S.I. 2015/820](#), **reg. 2(q)**

Exception for caching

- 5 (1) A service provider does not commit an offence under section 69(1) by storing information provided by a recipient of the service for transmission in a communication network if the first and second conditions are met.
- (2) The first condition is that the storage of the information—
- (a) is automatic, intermediate and temporary, and

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- (b) is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request.
- (3) The second condition is that the service provider—
- (a) does not modify the information,
 - (b) complies with any conditions attached to having access to the information, and
 - (c) if sub-paragraph (4) applies, promptly removes the information or disables access to it.
- (4) This sub-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 it has been disabled, or
 - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

Commencement Information

I3 Sch. 3 para. 5 in force at 3.5.2015 by S.I. 2015/820, reg. 2(q)

Exception for hosting

- 6 (1) A service provider does not commit an offence under section 69(1) by storing information provided by a recipient of the service if—
- (a) the service provider had no actual knowledge when the information was provided that it was, or contained, a prohibited item, or
 - (b) on obtaining actual knowledge that the information was, or contained, a prohibited item, the service provider promptly removed the information or disabled access to it.
- (2) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

Commencement Information

I4 Sch. 3 para. 6 in force at 3.5.2015 by S.I. 2015/820, reg. 2(q)

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