



Digital Economy Act 2017

2017 CHAPTER 30

PART 3

ONLINE PORNOGRAPHY

23 Regulator's power to require internet service providers to block access to material

- (1) Where the age-verification regulator considers that a person (“the non-complying person”) is—
- (a) contravening section 14(1), or
 - (b) making extreme pornographic material available on the internet to persons in the United Kingdom,

it may give a notice under this subsection to any internet service provider.

- (2) The notice must—
- (a) identify the non-complying person in such manner as the age-verification regulator considers appropriate;
 - (b) state whether it is subsection (1)(a) that applies or subsection (1)(b) or both;
 - (c) require the internet service provider—
 - (i) to take steps specified in the notice, or
 - (ii) (if no such steps are specified) to put in place arrangements that appear to the provider to be appropriate,so as to prevent persons in the United Kingdom from being able to access the offending material using the service it provides;
 - (d) provide such information as the regulator considers may assist the internet service provider in complying with any requirement imposed by the notice;
 - (e) provide information about the arrangements for appeals to which section 16(6)(d) applies;
 - (f) provide such further particulars as the regulator considers appropriate.

- (3) The steps that may be specified or arrangements that may be put in place under subsection (2)(c) include steps or arrangements that will or may also have the effect

of preventing persons in the United Kingdom from being able to access material other than the offending material using the service provided by the internet service provider.

- (4) The notice may require the internet service provider to provide information specified in the notice, in a manner specified in the notice, to persons in the United Kingdom who—
 - (a) attempt to access the offending material using the service provided by the provider, and
 - (b) are prevented from doing so as a result of steps taken, or arrangements put in place, by the provider pursuant to the notice.
- (5) The notice may specify the time by which the internet service provider must have complied with any requirement imposed by the notice.
- (6) The notice may be varied or revoked by a further notice under subsection (1).
- (7) The age-verification regulator may publish, in whatever way it considers appropriate, a notice given under subsection (1).
- (8) It is the duty of an internet service provider to comply with any requirement imposed on it by a notice under subsection (1).
- (9) That duty is enforceable in civil proceedings by the age-verification regulator—
 - (a) for an injunction;
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988; or
 - (c) for any other appropriate relief or remedy.
- (10) Before giving a notice to an internet service provider under subsection (1), the age-verification regulator must—
 - (a) inform the Secretary of State of its decision to do so, and
 - (b) give notice of that decision to the non-complying person under this subsection.
- (11) A notice under subsection (10) (other than notice of a decision to revoke a notice under subsection (1)) must—
 - (a) where subsection (1)(a) applies—
 - (i) say why the regulator considers that the non-complying person is contravening section 14(1), and
 - (ii) indicate what steps the regulator considers might be taken by the non-complying person to comply with that section;
 - (b) where subsection (1)(b) applies, say why the regulator considers that the offending material is extreme pornographic material;
 - (c) indicate the circumstances in which the regulator may consider revoking the notice it has decided to give under subsection (1) and the manner in which the non-complying person may notify the regulator of steps taken to satisfy the regulator that the notice ought to be revoked;
 - (d) provide information about the arrangements for appeals to which section 16(6)(e) applies.
- (12) In this section “the offending material”, in relation to a non-complying person, means the material which the age-verification regulator considers is—
 - (a) being made available in contravention of section 14(1) by the non-complying person; or

- (b) extreme pornographic material which the non-complying person is making available on the internet to persons in the United Kingdom.