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STATUTORY INSTRUMENTS

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**2002 No. 2013**

**The Electronic Commerce (EC Directive) Regulations 2002**

**Defence in Criminal Proceedings: burden of proof**

**21.—(1)** This regulation applies where a service provider charged with an offence in criminal proceedings arising out of any transmission, provision of access or storage falling within regulation 17, 18 or 19 relies on a defence under any of regulations 17, 18 and 19.

(2) Where evidence is adduced which is sufficient to raise an issue with respect to that defence, the court or jury shall assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.