

STATUTORY INSTRUMENTS

2002 No. 2013

The Electronic Commerce (EC Directive) Regulations 2002

Derogations from Regulation 4

5.—(1) Notwithstanding regulation 4(3), an enforcement authority may take measures, including applying any requirement which would otherwise not apply by virtue of regulation 4(3) in respect of a given information society service, where those measures are necessary for reasons of—

- (a) public policy, in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violations of human dignity concerning individual persons;
- (b) the protection of public health;
- (c) public security, including the safeguarding of national security and defence, or
- (d) the protection of consumers, including investors,

and proportionate to those objectives.

(2) Notwithstanding regulation 4(3), in any case where an enforcement authority with responsibility in relation to the requirement in question is not party to the proceedings, a court may, on the application of any person or of its own motion, apply any requirement which would otherwise not apply by virtue of regulation 4(3) in respect of a given information society service, if the application of that enactment or requirement is necessary for and proportionate to any of the objectives set out in paragraph (1) above.

(3) Paragraphs (1) and (2) shall only apply where the information society service prejudices or presents a serious and grave risk of prejudice to an objective in paragraph (1)(a) to (d).

^{F1}(4)

^{F1}(5)

^{F1}(6)

^{F1}(7)

(8) In paragraph (2), “court” means any court or tribunal.

Textual Amendments

F1 Reg. 5(4)-(7) omitted (31.12.2020) by virtue of [The Electronic Commerce \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/87\)](#), regs. 1, 3(5); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Electronic Commerce (EC Directive) Regulations 2002, Section 5.