
Changes to legislation: There are currently no known outstanding effects for the Hate Crime and Public Order (Scotland) Act 2021, Paragraph 3. (See end of Document for details)

SCHEDULE 1
OFFENCES UNDER SECTIONS 3 AND 4: INFORMATION SOCIETY SERVICES

Exception for hosting

- 3 (1) A service provider does not commit an offence under section 3 or 4 in respect of information stored in the course of providing so much of an information society service as consists of the storage of information provided by a recipient of the service, if sub-paragraph (2) or (3) is satisfied.
- (2) This sub-paragraph is satisfied if the service provider had no actual knowledge when the information was provided that the storage of the information by the service provider constituted an offence under section 3 or 4 (as the case may be).
- (3) This sub-paragraph is satisfied if, on obtaining such knowledge, the service provider expeditiously removed the information or disabled access to it.
- (4) 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

II Sch. 1 para. 3 in force at 1.4.2024 by S.S.I. 2024/82, reg. 2 (with reg. 3)

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