

Changes to legislation: Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, Cross Heading: Special rules for providers of information society services is up to date with all changes known to be in force on or before 21 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}Schedule 3A

Anonymity of victims of forced marriage

Textual Amendments

F1 Sch. 3A inserted (31.3.2017) by [Policing and Crime Act 2017 \(c. 3\)](#), ss. **174(2)**, 183(6)(d)

Special rules for providers of information society services

F2⁴

Textual Amendments

F2 Sch. 3A para. 4 omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **127(2)**; 2020 c. 1, Sch. 5 para. 1(1)

5.—(1) Proceedings for an offence under paragraph 2 may not be taken against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the derogation condition is met.

(2) The derogation condition is that taking proceedings—

- (a) is necessary for the purposes of the public interest objective,
- (b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to that objective, and
- (c) is proportionate to that objective.

(3) “The public interest objective” means the pursuit of public policy.

6.—(1) A service provider does not commit an offence under paragraph 2 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.

Changes to legislation: Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, Cross Heading: Special rules for providers of information society services is up to date with all changes known to be in force on or before 21 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(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.

7.—(1) A service provider does not commit an offence under paragraph 2 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
- (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.

8.—(1) A service provider does not commit an offence under paragraph 2 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 publication, or
- (b) on obtaining actual knowledge that the information was, or contained, a prohibited publication, 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.]

Changes to legislation:

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, Cross Heading: Special rules for providers of information society services is up to date with all changes known to be in force on or before 21 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(10A) inserted by [2023 c. 37 s. 28\(5\)](#)