



Digital Economy Act 2017

2017 CHAPTER 30

PART 3

ONLINE PORNOGRAPHY

14 Internet pornography: requirement to prevent access by persons under 18

- (1) A person contravenes this subsection if the person makes pornographic material available on the internet to persons in the United Kingdom on a commercial basis other than in a way that secures that, at any given time, the material is not normally accessible by persons under the age of 18.
- (2) The Secretary of State may make regulations specifying, for the purposes of this Part, circumstances in which material is or is not to be regarded as made available on a commercial basis.
- (3) The regulations may, among other things, prescribe circumstances in which material made available free of charge is or is not to be regarded as made available on a commercial basis.
- (4) Regulations under subsection (2) may provide for circumstances to be treated as existing where it is reasonable to assume that they exist.
- (5) Regulations 17 to 20 and 22 of the Electronic Commerce (EC Directive) Regulations 2002 ([S.I. 2002/2013](#)) apply in relation to this Part, despite regulation 3(2) of those Regulations.
- (6) For the purposes of this Part, making material available on the internet does not include making the content of an on-demand programme service available on the internet in the course of providing such a service.
- (7) In subsection (6), “on-demand programme service” has the meaning given by section 368A of the Communications Act 2003.
- (8) Regulations under subsection (2) may make different provision for different purposes.
- (9) Regulations under subsection (2) are to be made by statutory instrument.

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- (10) A statutory instrument containing regulations under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) But a statutory instrument containing the first regulations under that subsection may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

15 Meaning of “pornographic material”

- (1) In this Part “pornographic material” (except in the expression “extreme pornographic material”) means any of the following—
- (a) a video work in respect of which the video works authority has issued an R18 certificate;
 - (b) material that was included in a video work to which paragraph (a) applies, if it is reasonable to assume from its nature that its inclusion was among the reasons why the certificate was an R18 certificate;
 - (c) any other material if it is reasonable to assume from its nature that any classification certificate issued in respect of a video work including it would be an R18 certificate;
 - (d) a video work in respect of which the video works authority has issued an 18 certificate, and that it is reasonable to assume from its nature was produced solely or principally for the purposes of sexual arousal;
 - (e) material that was included in a video work to which paragraph (d) applies, if it is reasonable to assume from the nature of the material—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that its inclusion was among the reasons why the certificate was an 18 certificate;
 - (f) any other material if it is reasonable to assume from its nature—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that any classification certificate issued in respect of a video work including it would be an 18 certificate;
 - (g) a video work that the video works authority has determined not to be suitable for a classification certificate to be issued in respect of it, if—
 - (i) it includes material (other than extreme pornographic material) that it is reasonable to assume from its nature was produced solely or principally for the purposes of sexual arousal, and
 - (ii) it is reasonable to assume from the nature of that material that its inclusion was among the reasons why the video works authority made that determination;
 - (h) material (other than extreme pornographic material) that was included in a video work that the video works authority has determined not to be suitable for a classification certificate to be issued in respect of it, if it is reasonable to assume from the nature of the material—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that its inclusion was among the reasons why the video works authority made that determination;

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- (i) any other material (other than extreme pornographic material) if it is reasonable to assume from the nature of the material—
 - (i) that it was produced solely or principally for the purposes of sexual arousal, and
 - (ii) that the video works authority would determine that a video work including it was not suitable for a classification certificate to be issued in respect of it.

(2) In this section—

“18 certificate” means a classification certificate which—

- (a) contains, pursuant to section 7(2)(b) of the Video Recordings Act 1984, a statement that the video work is suitable for viewing only by persons who have attained the age of 18 and that no video recording containing that work is to be supplied to any person who has not attained that age, and
- (b) does not contain the statement mentioned in section 7(2)(c) of that Act that no video recording containing the video work is to be supplied other than in a licensed sex shop;

“classification certificate” has the same meaning as in the Video Recordings Act 1984 (see section 7 of that Act);

“material” means—

- (a) a series of visual images shown as a moving picture, with or without sound;
- (b) a still image or series of still images, with or without sound; or
- (c) sound;

“R18 certificate” means a classification certificate which contains the statement mentioned in section 7(2)(c) of the Video Recordings Act 1984 that no video recording containing the video work is to be supplied other than in a licensed sex shop;

“the video works authority” means the person or persons designated under section 4(1) of the Video Recordings Act 1984 as the authority responsible for making arrangements in respect of video works other than video games;

“video work” means a video work within the meaning of the Video Recordings Act 1984, other than a video game within the meaning of that Act.

16 The age-verification regulator: designation and funding

- (1) The Secretary of State may by notice designate any person, or any two or more persons jointly, as the age-verification regulator for the purposes of—
 - (a) all of the functions of the age-verification regulator under this Part, or
 - (b) any of those functions specified in the notice by which the designation is made.
- (2) Different persons may be designated for the purposes of different functions.
- (3) The Secretary of State may at any time by notice—
 - (a) revoke a designation under this section;
 - (b) designate one or more other persons in place of any person or persons designated under this section.

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- (4) The Secretary of State's power to designate a person under this section includes a power to designate the holder for the time being of any office or employment specified in the notice by which the designation is made.
- (5) The Secretary of State must not make a designation under this section unless satisfied that—
 - (a) arrangements will be maintained by the age-verification regulator for appeals to which subsection (6) applies, and
 - (b) any person hearing an appeal under those arrangements will be sufficiently independent of the age-verification regulator.
- (6) This subsection applies to appeals—
 - (a) by a person on whom a financial penalty has been imposed under section 19(1) or (10), against the imposition of that penalty;
 - (b) by a person to whom an enforcement notice has been given under section 19(2), against the giving of that notice;
 - (c) by a person identified as the non-complying person in a notice given under section 21, against the giving of that notice;
 - (d) by an internet service provider to whom a notice has been given under section 23(1), against the giving of that notice;
 - (e) by a person identified as the non-complying person in a notice given to an internet service provider under section 23(1), against the giving of that notice.
- (7) A notice under subsection (1) or (3) must be published in the London, Edinburgh and Belfast Gazettes.
- (8) The Secretary of State may pay grants or make loans to the age-verification regulator to cover expenditure incurred in the carrying out of its functions.
- (9) Grants may be paid and loans made under subsection (8) subject to any conditions the Secretary of State thinks appropriate (including conditions as to repayment).

17 Parliamentary procedure for designation of age-verification regulator

- (1) Where the Secretary of State proposes to make a designation under section 16, the Secretary of State must lay before both Houses of Parliament—
 - (a) particulars of that proposed designation, and
 - (b) a statement of the reasons why the Secretary of State is satisfied about the matters mentioned in section 16(5).
- (2) The Secretary of State must not make the proposed designation until after the end of the period of 40 days beginning with the day on which the particulars of it were laid.
- (3) If either House resolves within that period that the Secretary of State should not make the proposed designation, the Secretary of State must not make it.
- (4) But subsection (5) applies, instead of subsections (2) and (3), where the proposed designation would be—
 - (a) the first to be made under section 16, or
 - (b) the first to be made under that section for the purposes of a particular function.
- (5) The Secretary of State may not make the designation unless it has been approved by a resolution of each House of Parliament.

- (6) But subsections (3) and (5) are without prejudice to the Secretary of State’s power to lay before Parliament particulars of further proposed designations in accordance with this section.
- (7) For the purposes of subsection (2)—
 - (a) where particulars of a proposed designation are laid before each House of Parliament on different days, the later day is to be taken as the day on which the particulars were laid before both Houses, and
 - (b) in reckoning any period of 40 days, no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

18 Regulator’s power to require information

- (1) The age-verification regulator may by notice require a relevant person to provide it with any information which it requires for the purpose of exercising, or deciding whether to exercise, any function under this Part.
- (2) The power in subsection (1) may only be exercised to require a relevant person to provide information which the age-verification regulator believes the relevant person has.
- (3) A “relevant person” is—
 - (a) an internet service provider, or
 - (b) any other person who the age-verification regulator believes to be involved, or to have been involved, in making pornographic material available on the internet on a commercial basis to persons in the United Kingdom.
- (4) A notice under subsection (1) must specify—
 - (a) the form and manner in which the information must be provided; and
 - (b) the time at which, or period within which, the information must be provided.
- (5) The power in subsection (1) is not exercisable in relation to information in respect of which a claim to legal professional privilege (or, in Scotland, confidentiality of communications) could be maintained in legal proceedings.

19 Enforcement by regulator of sections 14 and 18

- (1) The age-verification regulator may impose a financial penalty on a person where it determines that the person—
 - (a) is contravening or has contravened section 14(1); or
 - (b) has failed to comply with a requirement to provide information under section 18.
- (2) The age-verification regulator may give a person an enforcement notice where it determines that the person is contravening section 14(1).
- (3) The age-verification regulator must not make a determination under subsection (1) or (2) in relation to a person unless it has allowed that person an opportunity to make representations about why that determination should not be made.
- (4) The age-verification regulator may—

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- (a) impose a financial penalty under subsection (1) without also giving an enforcement notice under subsection (2);
 - (b) give an enforcement notice under subsection (2) without also imposing a financial penalty under subsection (1).
- (5) No financial penalty may be imposed under subsection (1) in respect of a contravention of section 14(1) if—
 - (a) the contravention has ceased, and
 - (b) the limitation period in respect of the contravention has expired.
- (6) For the purposes of subsection (5) the limitation period in respect of a contravention expires—
 - (a) at the end of the period of three years beginning with the day on which the contravention began; or
 - (b) if sooner, at the end of the period of one year beginning with the day on which the age-verification regulator became aware of the contravention.
- (7) An “enforcement notice” is a notice which—
 - (a) specifies the determination made by the age-verification regulator under subsection (2); and
 - (b) requires the person to whom it is given to end the contravention of section 14(1).
- (8) An enforcement notice must—
 - (a) include reasons for the age-verification regulator’s decision to give the notice; and
 - (b) fix a reasonable period for ending the contravention of section 14(1).
- (9) A person to whom an enforcement notice has been given must comply with it.
- (10) If a person contravenes subsection (9), the age-verification regulator may impose a financial penalty on that person.
- (11) The obligation under subsection (9) is also enforceable by the age-verification regulator in civil proceedings—
 - (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 remedy or relief.
- (12) The imposition of a financial penalty (“the first penalty”) on a person in respect of a contravention of section 14(1) or subsection (9) does not prevent the imposition of another financial penalty on that person under subsection (1) or (10) (as the case may be) in respect of any continuation of that contravention after the first penalty is imposed.
- (13) For further provision about financial penalties under this section, see section 20.

20 Financial penalties imposed by regulator

- (1) The age-verification regulator may impose a financial penalty on a person under section 19(1) or (10) of such amount as the age-verification regulator considers

appropriate and proportionate to the contravention, or failure to comply, in respect of which it is imposed.

- (2) But the amount must not exceed whichever of the following is greater—
 - (a) £250,000;
 - (b) 5% of that person’s qualifying turnover (if any).
- (3) For the purposes of subsection (2), a person’s “qualifying turnover” is—
 - (a) the amount of that person’s turnover for that person’s most recent complete accounting period; or
 - (b) where the age-verification regulator is deciding the amount of the penalty at a time when that person’s first accounting period has not yet ended, the amount that the age-verification regulator estimates to be that person’s likely turnover for that period.
- (4) For the purposes of subsection (3), the amount of a person’s turnover for an accounting period is, in the event of a disagreement between that person and the age-verification regulator, the amount determined by the age-verification regulator.
- (5) In deciding the amount of the financial penalty, the age-verification regulator must have regard to the guidelines or revised guidelines in force under this section.
- (6) A financial penalty under section 19(1) or (10) must be imposed by notice given to the person on whom the penalty is imposed.
- (7) The notice must—
 - (a) fix a time by which the penalty must be paid by that person to the age-verification regulator; and
 - (b) in the case of a financial penalty under subsection (1) of section 19, specify the determination made by the age-verification regulator under that subsection.
- (8) A financial penalty received by the age-verification regulator must be paid into the Consolidated Fund.
- (9) The age-verification regulator must publish the guidelines it proposes to follow in deciding the amount of a financial penalty under section 19(1) or (10).
- (10) The age-verification regulator may revise the guidelines from time to time and must publish any revised guidelines.
- (11) The guidelines and any revised guidelines must be published in whatever way the age-verification regulator considers appropriate for bringing them to the attention of the persons who, in its opinion, are likely to be affected by them.
- (12) The Secretary of State must lay before both Houses of Parliament the guidelines, and any revised guidelines, published under this section.
- (13) Before publishing the guidelines or any revised guidelines, the age-verification regulator must consult—
 - (a) the Secretary of State; and
 - (b) such other persons as it considers appropriate.
- (14) Before deciding how to publish the guidelines or any revised guidelines, the age-verification regulator must consult the Secretary of State.
- (15) In subsection (3)—

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“accounting period”, in relation to a person, means a period in respect of which accounts are prepared in relation to that person or, where that person is an individual, in respect of that person’s principal business;

“turnover”, in relation to a person, means the amounts derived from the provision of goods and services by that person, after deduction of trade discounts, value added tax and any other taxes based on the amounts so derived.

21 Notice by regulator to payment-services providers and ancillary service providers

(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 notice of that fact to any payment-services provider or ancillary service provider.

(2) A notice under subsection (1) 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) provide such further particulars as the age-verification regulator considers appropriate.

(3) When the age-verification regulator gives notice under this section, it must inform the non-complying person, by notice, that it has done so.

(4) In this section a “payment-services provider” means a person who appears to the age-verification regulator to provide services, in the course of a business, which enable funds to be transferred in connection with the payment by any person for access to pornographic material or extreme pornographic material made available on the internet by the non-complying person.

(5) In this section an “ancillary service provider” means a person, other than a payment-services provider, who appears to the age-verification regulator to—

- (a) provide, in the course of a business, services which enable or facilitate the making available of pornographic material or extreme pornographic material on the internet by the non-complying person; or
- (b) advertise, on or via any internet site operated by the non-complying person or via any other means of accessing the internet operated or provided by that person, any goods or services provided in the course of a business.

(6) For the purposes of subsection (5)(b), a means of accessing the internet does not include a device or other equipment for doing so.

22 Meaning of “extreme pornographic material”

(1) In this Part “extreme pornographic material” means (subject to subsection (3)) material—

- (a) whose nature is such that it is reasonable to assume that it was produced solely or principally for the purposes of sexual arousal, and
 - (b) which is extreme.
- (2) For the purposes of subsection (1)(b), material is extreme if—
- (a) its content is as described in section 63(7) or (7A) of the Criminal Justice and Immigration Act 2008, and
 - (b) it is grossly offensive, disgusting or otherwise of an obscene character.
- (3) Material to which paragraphs (a) and (b) of subsection (1) apply is not “extreme pornographic material” if it is or was included in a classified video work, unless it is material to which subsection (4) applies.
- (4) This subsection applies to material—
- (a) which has been extracted from a classified video work, and
 - (b) whose nature is such that it is reasonable to assume that it was extracted (with or without other material) solely or principally for the purposes of sexual arousal.
- (5) In this section—
- (a) “classified video work” means a video work in respect of which a video works authority has issued a classification certificate;
 - (b) “video work” means a video work within the meaning of the Video Recordings Act 1984;
 - (c) “video works authority” means a person designated under section 4(1) of the Video Recordings Act 1984;
 - (d) “classification certificate” has the same meaning as in the Video Recordings Act 1984 (see section 7 of that Act);
 - (e) “material” means—
 - (i) a still image or series of still images, with or without sound; or
 - (ii) a series of visual images shown as a moving picture, with or without sound.

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,

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- 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.

24 No power to give notice under section 23(1) where detrimental to national security etc

- (1) Before giving a notice under section 23(1) requiring an internet service provider to—
- (a) take steps referred to in section 23(2)(c)(i), or
 - (b) put in place arrangements referred to in section 23(2)(c)(ii),
- the regulator must consider whether the steps or arrangements would be likely to be detrimental to a matter mentioned in subsection (3).
- (2) The regulator may not give a notice under section 23(1) where it appears to the regulator that the steps or arrangements would be likely to be detrimental to any of those matters.
- (3) The matters are—
- (a) national security;
 - (b) the prevention or detection of serious crime, within the meaning given in section 263(1) of the Investigatory Powers Act 2016;
 - (c) the prevention or detection of an offence listed in Schedule 3 to the Sexual Offences Act 2003.

25 Guidance to be published by regulator

- (1) Subject to the following provisions of this section, the age-verification regulator must publish, and revise from time to time—
- (a) guidance about the types of arrangements for making pornographic material available that the regulator will treat as complying with section 14(1); and
 - (b) guidance for the purposes of section 21(1) and (5) about the circumstances in which it will treat services provided in the course of a business as enabling or facilitating the making available of pornographic material or extreme pornographic material.
- (2) Once the regulator has prepared a draft of guidance it proposes to publish under subsection (1)(a), it must submit the draft to the Secretary of State.
- (3) When draft guidance is submitted to the Secretary of State under subsection (2), the Secretary of State must lay that draft guidance before both Houses of Parliament.

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- (4) Once the regulator has prepared a draft of guidance it proposes to publish under subsection (1)(b), it must submit the draft to the Secretary of State for approval.
- (5) When draft guidance is submitted to the Secretary of State under subsection (4), the Secretary of State may approve it either without modification or with such modifications as the Secretary of State decides should be made to it.
- (6) Once the Secretary of State has approved draft guidance under subsection (5), the Secretary of State must lay the following before both Houses of Parliament—
 - (a) the draft guidance, incorporating any modifications the Secretary of State has decided should be made to it under that subsection, and
 - (b) if the draft incorporates such modifications, a statement of the Secretary of State’s reasons for deciding that those modifications should be made.
- (7) If, within the period of 40 days beginning with the day on which draft guidance is laid before Parliament under subsection (3) or (6), either House resolves not to approve that draft guidance, the age-verification regulator must not publish guidance in the form of that draft.
- (8) If no such resolution is made within that period, the age-verification regulator must publish the guidance in the form of the draft laid before Parliament.
- (9) But subsection (11) applies, instead of subsections (7) and (8), in a case falling within subsection (10).
- (10) The cases falling within this subsection are—
 - (a) the case where draft guidance is laid before Parliament under subsection (3) and no previous guidance has been published under subsection (1)(a) by the age-verification regulator; and
 - (b) the case where draft guidance is laid before Parliament under subsection (6) and no previous guidance has been published under subsection (1)(b) by the age-verification regulator.
- (11) The regulator must not publish guidance in the form of the draft laid before Parliament unless the draft has been approved by a resolution of each House of Parliament.
- (12) Subsections (7) and (11) do not prevent new draft guidance from being laid before Parliament.
- (13) For the purposes of subsection (7)—
 - (a) where draft guidance is laid before each House of Parliament on different days, the later day is to be taken as the day on which it was laid before both Houses, and
 - (b) in reckoning any period of 40 days, no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.
- (14) References in this section to guidance and draft guidance include references to revised guidance and draft revised guidance.

26 Exercise of functions by regulator

- (1) The age-verification regulator may, if it thinks fit, choose to exercise its powers under sections 19, 21 and 23 principally in relation to persons who, in the age-verification regulator's opinion—
 - (a) make pornographic material or extreme pornographic material available on the internet on a commercial basis to a large number of persons, or a large number of persons under the age of 18, in the United Kingdom; or
 - (b) generate a large amount of turnover by doing so.
- (2) The age-verification regulator may—
 - (a) carry out such consultation with any person as it considers appropriate for the purposes of exercising, or considering whether to exercise, any function under this Part;
 - (b) carry out, commission or support (financially or otherwise) any research which it considers appropriate for the purposes of exercising, or considering whether to exercise, any function under this Part;
 - (c) publish the results of that research.

27 Guidance by Secretary of State to regulator

- (1) The Secretary of State may issue guidance to the age-verification regulator in relation to the exercise of the regulator's functions, and may from time to time revise that guidance.
- (2) The guidance may cover (among other things) the following matters—
 - (a) considerations to be applied in determining—
 - (i) whether arrangements for making pornographic material available comply with section 14(1);
 - (ii) whether a person is an ancillary service provider, for the purposes of section 21;
 - (b) the approach to be taken by the regulator to the exercise of its powers to give notices under sections 19, 21 and 23;
 - (c) the preparation and publication of guidance and reports by the regulator and the content of such guidance and reports;
 - (d) the maintenance by the regulator of arrangements meeting the requirements of section 16(5)(a) and (b).
- (3) The regulator must have regard to the guidance.
- (4) The Secretary of State must lay before both Houses of Parliament the guidance, and any revised guidance, issued under this section.

28 Requirements for notices given by regulator under this Part

- (1) The age-verification regulator may give notice to a person under section 18, 19, 20, 21 or 23 by sending the notice to that person—
 - (a) by post to that person's proper address; or
 - (b) by email to that person's email address.

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- (2) In the case of a notice given under section 18, 21(1) or 23(1), a person’s proper address for the purposes of subsection (1)(a), and section 7 of the Interpretation Act 1978 in its application to that subsection, is—
- (a) where that person is a body corporate, the address of its registered office or principal office;
 - (b) where that person is a partnership or an unincorporated association or body, the address of its principal office;
 - (c) in any other case, that person’s last known address.
- (3) In the case of a notice given under section 19, 20, 21(3) or 23(10), a person’s proper address for the purposes of subsection (1)(a), and section 7 of the Interpretation Act 1978 in its application to that subsection, is any address at which the age-verification regulator believes, on reasonable grounds, that the notice will come to the attention of that person or (where that person is a body corporate) any director or other officer of that body corporate.
- (4) For the purposes of subsection (1)(b), a person’s email address is—
- (a) any email address published for the time being by that person as an address for contacting that person; or
 - (b) if there is no such published address, any email address by means of which the age-verification regulator believes, on reasonable grounds, that the notice will come to the attention of that person or (where that person is a body corporate) any director or other officer of that body corporate.
- (5) A notice under section 18, 19, 20, 21 or 23 sent to a person by email is to be taken to have been given to that person 48 hours after it is sent.
- (6) In the case of—
- (a) a body corporate registered outside the United Kingdom;
 - (b) a partnership carrying on business outside the United Kingdom; or
 - (c) an unincorporated association or body with offices outside the United Kingdom,
- the references in subsection (2) to its principal office include references to its principal office in the United Kingdom (if any).
- (7) In this section—
- “director” includes any person occupying the position of a director, by whatever name called;
- “officer”, in relation to a body corporate, includes a director, a manager, a secretary or, where the affairs of the body corporate are managed by its members, a member.

29 Report on this Part

- (1) Within 18 months, but not before 12 months, of the coming into force of this Part, the Secretary of State must produce a report on the impact and effectiveness of the regulatory framework provided for in this Part.
- (2) Before publishing this report, the Secretary of State must consult on the definitions used within this Part.
- (3) The report must be laid before each House of Parliament.

30 Interpretation and general provisions relating to this Part

(1) In this Part—

“the age-verification regulator” means the person or persons designated as the age-verification regulator under section 16;

“extreme pornographic material” has the meaning given in section 22;

“internet service provider” means a provider of an internet access service within the meaning given in Article 2 of [Regulation \(EU\) 2015/2120](#) of the European Parliament and of the Council of 25 November 2015;

“pornographic material” has the meaning given in section 15;

“turnover” has the meaning given in section 20(15).

(2) Section 22(3) of the Video Recordings Act 1984 (effect of alterations) applies for the purposes of this Part as it applies for the purposes of that Act.

(3) Nothing in this Part affects any prohibition or restriction in relation to pornographic material or extreme pornographic material, or powers in relation to such material, under another enactment or a rule of law.