

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Terrorism Act 2000, Paragraph 7 is up to date with all changes known to be in force on or before 27 May 2024. 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)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 8A

#### OFFENCE UNDER SECTION 58A: SUPPLEMENTARY PROVISIONS

##### Textual Amendments

- F1** Sch. 8A inserted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 76(4), 100(5), **Sch. 8** (with s. 101(2)); S.I. 2009/58, **art. 2(d)**

##### *Interpretation*

7 (1) In this Schedule—

[<sup>F2</sup>“ the E-Commerce Directive ” means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce in the Internal Market ;]

“ information society services ”—

(a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and

(b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;

“ recipient ”, in relation to a service, means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

“ service provider ” means a person providing an information society service.

(2) For the purposes of this Schedule whether a service provider is established in [<sup>F3</sup>an EEA state] shall be determined in accordance with the following provisions—

(a) a service provider is established in [<sup>F4</sup>a particular EEA state] if the service provider—

(i) effectively pursues an economic activity using a fixed establishment in [<sup>F5</sup>that EEA state] for an indefinite period, and

(ii) is a national of an EEA state or a company or firm mentioned in [<sup>F6</sup>Article 54 of the Treaty on the Functioning of the European Union] ;

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- (b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;
- (c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment at the centre of the service provider's activities relating to that service.]

#### Textual Amendments

- F2** Words in Sch. 8A para. 7(1) inserted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **5(8)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Sch. 8A para. 7(2) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **5(8)(d)(ii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Sch. 8A para. 7(2)(a) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **5(8)(d)(ii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Sch. 8A para. 7(2)(a)(i) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **5(8)(d)(ii)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Sch. 8A para. 7(2)(a)(ii) substituted (1.8.2012) by [The Treaty of Lisbon \(Changes in Terminology or Numbering\) Order 2012 \(S.I. 2012/1809\)](#), art. 2(1), **Sch. Pt. 1** (with art. 2(2))

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