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**Changes to legislation:** There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Cross Heading: Exceptions for mere conduits. (See end of Document for details)

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

### INFORMATION SOCIETY SERVICE PROVIDERS

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#### Textual Amendments

- F1** Sch. inserted (28.9.2006) by [Tobacco Advertising and Promotion Act 2002 \(Amendment\) Regulations 2006 \(S.I. 2006/2369\)](#), regs. 1(1), 9

#### *Exceptions for mere conduits*

2. (1) A service provider is not capable of being guilty of a relevant offence in respect of anything done in the course of providing so much of an information society service as consists in—
- (a) the provision of access to a communication network, or
  - (b) the transmission in a communication network of information provided by a recipient of the service,
- if the transmission condition is satisfied.
- (2) The transmission condition is that 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.
- (3) Sub-paragraph (1)(b) does not apply if the information is information to which paragraph 3 applies.
- (4) For the purposes of this paragraph, the provision of access to a communication network and the transmission of information in the network includes automatic, intermediate and transient storage of information for the purpose of carrying out the transmission in the network.
- (5) Sub-paragraph (4) does not apply if the information is stored for longer than is reasonably necessary for the transmission.]

**Changes to legislation:**

There are currently no known outstanding effects for the Tobacco Advertising and Promotion Act 2002, Cross Heading: Exceptions for mere conduits.