

**Changes to legislation:** There are currently no known outstanding effects for the Psychoactive Substances Act 2016, Cross Heading: Protections for service providers of intermediary services. (See end of Document for details)

## SCHEDULES

### SCHEDULE 4

#### PROVIDERS OF INFORMATION SOCIETY SERVICES

##### PART 2

#### PROHIBITION NOTICES AND PROHIBITION ORDERS

##### *Protections for service providers of intermediary services*

- 8 (1) A prohibition notice or prohibition order may not include terms which impose liabilities on service providers of intermediary services so far as the imposition of those liabilities would result in a contravention of Article 12, 13 or 14 of the E-Commerce Directive (various protections for service providers of intermediary services) [<sup>F1</sup>, reading those Articles as if the requirements imposed on a Member State were imposed on the person giving the notice or the court making the order].
- (2) A prohibition notice or prohibition order may not include terms which impose a general obligation on service providers of intermediary services [<sup>F2</sup>falling within the descriptions contained in] Article 12, 13 or 14 of the E-Commerce Directive—
- (a) to monitor the information which they transmit or store when providing those services, or
  - (b) actively to seek facts or circumstances indicating illegal activity when providing those services.

##### **Textual Amendments**

- F1** Words in Sch. 4 para. 8(1) inserted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [17\(3\)\(e\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 4 para. 8(2) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [17\(3\)\(f\)](#); 2020 c. 1, Sch. 5 para. 1(1)

##### **Commencement Information**

- I1** Sch. 4 para. 8 in force at 26.5.2016 by [S.I. 2016/553](#), [reg. 2](#)

- 9 (1) In paragraph 8 “intermediary services” means an information society service which consists in any of the following—
- (a) the provision of access to a communication network or the transmission, in a communication network, of information provided by a recipient of the service;
  - (b) the transmission in a communication network of information which—
    - (i) is provided by a recipient of the service, and

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- (ii) is the subject of automatic, intermediate and temporary storage which is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request;
  - (c) the storage of information provided by a recipient of the service.
- (2) For the purposes of sub-paragraph (1)(a)—
  - (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.

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**Commencement Information**

**I2** [Sch. 4 para. 9](#) in force at 26.5.2016 by [S.I. 2016/553](#), **reg. 2**

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