

Changes to legislation: There are currently no known outstanding effects for the Psychoactive Substances Act 2016, PART 3. (See end of Document for details)

SCHEDULES

SCHEDULE 4

PROVIDERS OF INFORMATION SOCIETY SERVICES

PART 3

INTERPRETATION

10 In this Schedule—

“established”, in relation to a service provider, is to be read in accordance with paragraph 11;

“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 a 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;

“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 (Directive on electronic commerce).

Commencement Information

II [Sch. 4 para. 10](#) in force at 26.5.2016 by [S.I. 2016/553](#), [reg. 2](#)

11 (1) A service provider is “established” [^{F1}in a particular EEA state] if the service provider—

(a) effectively pursues an economic activity using a fixed establishment in [^{F2}that EEA state] for an indefinite period, and

(b) is a national of an EEA state or a company or firm mentioned in Article 54 of the Treaty on the Functioning of the European Union.

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- (2) 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.
- (3) 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

- F1** Words in Sch. 4 para. 11(1) substituted (31.12.2020) by The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, 17(3)(g)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 4 para. 11(1)(a) substituted (31.12.2020) by The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, 17(3)(g)(ii); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I2** Sch. 4 para. 11 in force at 26.5.2016 by S.I. 2016/553, reg. 2

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