



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.

Status: This is the original version (as it was originally enacted).

- (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.