
Changes to legislation: There are currently no known outstanding effects for the Hate Crime and Public Order (Scotland) Act 2021, Cross Heading: Exceptions for mere conduits. (See end of Document for details)

SCHEDULE 1
OFFENCES UNDER SECTIONS 3 AND 4: INFORMATION SOCIETY SERVICES

Exceptions for mere conduits

- 1 (1) A service provider does not commit an offence under section 3 or 4 in respect of the information transmitted 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 satisfied if 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) For the purposes of sub-paragraph (1)—
- (a) the provision of access to a communication network, and
 - (b) the transmission of 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.
- (4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

Commencement Information

II Sch. 1 para. 1 in force at 1.4.2024 by S.S.I. 2024/82, reg. 2 (with reg. 3)

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