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**Changes to legislation:** There are currently no known outstanding effects for the Hate Crime and Public Order (Scotland) Act 2021, Paragraph 2. (See end of Document for details)

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

*Exception for caching*

- 2 (1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.
- (2) The service provider does not commit an offence under section 3 or 4 in respect of the automatic, intermediate and temporary storage of information so provided, if—
- (a) the storage of the information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and
  - (b) the condition in sub-paragraph (3) is satisfied.
- (3) The condition is that the service provider—
- (a) does not modify the information,
  - (b) complies with any conditions attached to having access to the information, and
  - (c) where sub-paragraph (4) applies, expeditiously removes the information or disables access to it.
- (4) This sub-paragraph applies if the service provider obtains actual knowledge that—
- (a) the information at the initial source of transmission has been removed from the network,
  - (b) access to it has been disabled, or
  - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

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**Commencement Information**

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

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