

*Status: Point in time view as at 16/02/2009.*

*Changes to legislation: Terrorism Act 2000, Cross Heading: Non-UK service providers: restriction on proceedings is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 8A

#### OFFENCE UNDER SECTION 58A: SUPPLEMENTARY PROVISIONS

##### Textual Amendments

- F1** Sch. 8A inserted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 76(4), 100(5), Sch. 8 (with s. 101(2)); S.I. 2009/58, art. 2(d)

##### *Non-UK service providers: restriction on proceedings*

- 3 (1) This paragraph applies where a service provider is established in an EEA state other than the United Kingdom (a “non-UK service provider”).
- (2) Proceedings for an offence under section 58A must not be brought against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the following conditions are met.
- (3) The conditions are—
- (a) that the bringing of proceedings is necessary for one of the following reasons—
    - (i) public policy,
    - (ii) public security, including the safeguarding of national security and defence;
  - (b) that the proceedings are brought against an information society service that prejudices the objectives referred to in paragraph (a) or presents a serious and grave risk of prejudice to those objectives;
  - (c) that the bringing of the proceedings is proportionate to those objectives.]

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