
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 323

**The Glasgow Commonwealth Games Act 2008
(Ticket Touting Offence) (Exceptions for Use
of Internet etc.) (Scotland) Regulations 2012**

Information society services: exception for caching

5.—(1) Where an information society service provider provides so much of an information society service as consists in the transmission in a communication network of information provided by a recipient of the service, anything done by the provider in connection with the automatic, intermediate and temporary storage of information so provided is not capable of constituting the touting offence 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 paragraph (2) is satisfied.
- (2) The condition is that the provider—
- (a) does not modify the information;
 - (b) complies with such conditions as are attached to having access to the information; and
 - (c) where paragraph (3) applies, expeditiously removes the information or disables access to it.
- (3) This paragraph applies if the provider obtains actual knowledge that—
- (a) the information at the initial source of the transmission has been removed from the network;
 - (b) access to it has been disabled; or
 - (c) a court or administrative authority has required the removal from the network of, or the disablement of access to, such information.