

## SCHEDULES

### SCHEDULE 14

#### SPECIAL RULES RELATING TO PROVIDERS OF INFORMATION SOCIETY SERVICES

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

- 2 (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 63 may not be instituted against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the derogation condition is satisfied.
- (3) The derogation condition is satisfied where the institution of proceedings—
- (a) is necessary for the purposes of the public interest objective;
  - (b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to that objective; and
  - (c) is proportionate to that objective.
- (4) “The public interest objective” means the pursuit of public policy.