

*Status: Point in time view as at 06/04/2010.*

*Changes to legislation: Coroners and Justice Act 2009, Paragraph 3 is up to date with all changes known to be in force on or before 03 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

### SCHEDULE 13

#### PROHIBITED IMAGES: PROVIDERS OF INFORMATION SOCIETY SERVICES

##### *Exceptions for mere conduits*

- 3 (1) A service provider is not capable of being guilty of an offence under section 62(1) in respect of anything done 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 condition in sub-paragraph (2) is satisfied.
- (2) The condition is that 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,
- includes 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. 13 para. 3 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 16

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