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STATUTORY INSTRUMENTS

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**2005 No. 3222**

**The Electronic Commerce Directive (Adoption  
and Children Act 2002) Regulations 2005**

**Defence to section 124 for hosting**

**11.**—(1) Notwithstanding section 124(2) of the Act and unless paragraph (2) applies, a person providing an information society service which consists of the storage of information provided by a recipient of the service shall not be guilty of an offence under section 124 of the Act as a result of that storage unless—

- (a) it is proved that he knew that section 123 applied to the information; or
- (b) upon becoming aware that section 123 applied to the information, that person failed to act expeditiously to remove or to disable access to the information.

(2) This paragraph applies where the recipient of the service was acting under the authority or the control of the service provider.

**Changes to legislation:**

There are currently no known outstanding effects for the The Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005, Section 11.