
STATUTORY INSTRUMENTS

2005 No. 3222

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

Defence to section 124 for mere conduits

9.—(1) A person providing an information society service which consists of the transmission in a communication network of information provided by a recipient of the service or the provision of access to a communication network shall not be guilty of an offence under section 124 of the Act (*offence of breaching restriction under section 123*) as a result of that transmission where that person—

- (a) did not initiate the transmission;
- (b) did not select the receiver of the transmission; and
- (c) did not select or modify the information contained in the transmission.

(2) For the purposes of paragraph (1) above, the acts of transmission and of provision of access include the automatic, intermediate and transient storage of the information transmitted where—

- (a) this takes place for the sole purpose of carrying out the transmission in the communication network; and
- (b) the information is not stored for any period longer than is reasonably necessary for the transmission.

Changes to legislation:

There are currently no known outstanding effects for the The Electronic Commerce Directive (Adoption and Children Act 2002) Regulations 2005, Section 9.