
STATUTORY INSTRUMENTS

2007 No. 2497

The Electronic Commerce Directive (Racial and Religious Hatred Act 2006) Regulations 2007

Interpretation

2.—(1) In these Regulations—

“the 1986 Act” means the Public Order Act 1986(1);

“the Directive” means Directive 2000/31/EC of the European Parliament and of the Council of 8th June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce)(2);

“information society services”—

(a) has the meaning given in Article 2(a) of the Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations(3)); and

(b) is summarised in recital 17 of the Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;

“recipient of the service” means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

“relevant offence” means an offence under Part 3A of the 1986 Act (hatred against persons on religious grounds);

“religious hatred” has the meaning given by section 29A of the 1986 Act (meaning of “religious hatred”); and

“service provider” means a person providing an information society service.

(2) For the purposes of these Regulations—

(a) a service provider is established in a particular EEA state if he effectively pursues an economic activity using a fixed establishment in that EEA state for an indefinite period and he is a national of an EEA state or a company or firm as mentioned in Article 48 of the EEC Treaty;

(b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;

(1) 1986 c. 64. Part 3A of the 1986 Act was inserted by section 1 of, and the Schedule to, the Racial and Religious Hatred Act 2006 (c. 1).

(2) O.J. No. L 178, 17.7.2000, p.1. The Directive has been incorporated into the EEA agreement by Decision 91/2000 of the EEA Joint Committee (O.J. L 7, 11.1.2001, p.13).

(3) O.J. No. L 204, 21.7.1998, p.37, as amended by Directive 98/48/EC (O.J. L 217, 5.8.1998, p.18); there are other amendments but none is relevant.

- (c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment where the service provider has the centre of his activities relating to the service,

and references to a person being established in any place must be construed accordingly.