

SCHEDULES

SCHEDULE 4

Exceptions to the advertising and trading offences for providers of information society services

Exceptions for mere conduits

1.—(1) Sections 13(1) and 16(1) of the Act do not apply to a service provider providing access to a communication network or transmitting, in a communication network, information provided by a recipient of the service, if 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.

(2) For the purposes of sub-paragraph (1)—

- (a) providing access to a communication network, and
- (b) transmitting information in a communication network

include 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.

(3) Sub-paragraph (2) does not apply if the information is stored for longer than is reasonably necessary for the transmission.