Draft Regulations laid before Parliament under paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No.

EXITING THE EUROPEAN UNION

CRIMINAL LAW

CRIMINAL PROCEDURE

ELECTRONIC COMMUNICATIONS

The Criminal Justice (Electronic Commerce) (Amendment) (EU Exit) Regulations 2021

Made - - - -	***
Coming into force - -	***

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018(**a**).

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Criminal Justice (Electronic Commerce) (Amendment) (EU Exit) Regulations 2021 and come into force 21 days after the day on which they are made.

Extent

2.—(1) Except as provided in paragraph (2), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(2) Any amendment made by these Regulations has the same extent as the provision amended.

(**a**) 2018 c. 16.

PART 2

Amendment of primary legislation

Amendment of the Children and Young Persons Act 1933

3. In Schedule 1A (prohibition on publication of certain matters: providers of information society services) to the Children and Young Persons Act 1933(**a**), omit—

(a) paragraph 1 (domestic service providers: extension of liability);

(b) paragraph 2 (non-UK service providers: restriction on institution of proceedings);

(c) in paragraph 6 (interpretation), sub-paragraph (6).

Amendment of the Youth Justice and Criminal Evidence Act 1999

4. In Schedule 2A (restriction of reporting of criminal proceedings for lifetime of witnesses and victims under 18: providers of information society services) to the Youth Justice and Criminal Evidence Act 1999(**b**), omit—

(a) paragraph 1 (domestic service providers: extension of liability);

(b) paragraph 2 (non-UK service providers: restriction on institution of proceedings);

(c) in paragraph 6 (interpretation), sub-paragraph (5).

Amendment of the Female Genital Mutilation Act 2003

5. In Schedule 1 (anonymity of victims) to the Female Genital Mutilation Act 2003(**c**), omit—

(a) paragraph 4 (special rules for providers of information society services);

(b) paragraph 5 (special rules for providers of information society services);

(c) in paragraph 9 (interpretation), in sub-paragraph (1)—

(i) the definition of "domestic service provider";

(ii) the definition of "non-UK service provider";

(d) in paragraph 9 (interpretation), sub-paragraph (3).

Amendment of the Criminal Justice and Immigration Act 2008

6. In Schedule 14 (special rules relating to providers of information society services) to the Criminal Justice and Immigration Act 2008(**d**), omit—

(a) paragraph 1 (domestic service providers: extension of liability)(**e**);

(b) paragraph 2 (non-UK service providers: restriction on institution of proceedings); and

(c) in paragraph 6 (interpretation)(**f**), sub-paragraph (6).

(**a**) 1933 c. 12; Schedule 1A was inserted by paragraph 1 of Schedule 15 to the Criminal Justice and Courts Act 2015 (c. 2).
(**b**) 1999 c. 23; Schedule 2A was inserted by paragraph 2 of Schedule 15 to the Criminal Justice and Courts Act 2015 (c. 2).
(**c**) 2003 c. 31; Schedule 1 was inserted by section 71(2) of the Serious Crime Act 2015 (c. 9).
(**d**) 2008 c. 4.
(**e**) 2008 c. 4; paragraph 1 to Schedule 14 was amended by section 37(5)(a) of the Criminal Justice and Courts Act 2015 (c.2).
(**f**) 2008 c. 4; paragraph 6 to Schedule 14 was amended by paragraph 1 of Schedule 1(1) to S.I. 2012/1809

Amendment of the Coroners and Justice Act 2009

7.—(1) Schedule 12 (encouraging or assisting suicide: providers of information society services) to the Coroners and Justice Act 2009(**a**), is amended as follows—

(a) omit paragraph 1 (domestic service providers: extension of liability);

(b) omit paragraph 2 (domestic service providers: extension of liability);

(c) omit paragraph 3 (non-UK service providers: restriction on institution of proceedings);

(d) in paragraph 7 (interpretation), for sub-paragraph (2) substitute—

"(2) "Relevant offence" means an offence under—

(a) section 2 of the Suicide Act 1961 (c.60) (criminal liability for complicity in another's suicide), or

(b) section 13 of the Criminal Justice Act (Northern Ireland) 1966 (c. 20 (N.I.)) (criminal liability for complicity in another's suicide).";

(e) in paragraph 7 (interpretation), omit sub-paragraph (6).

(2) In Schedule 13 (prohibited images: providers of information society services) to the Coroners and Justice Act 2009, omit—

(a) paragraph 1 (domestic service providers: extension of liability);

(b) paragraph 2 (non-UK service providers: restriction on institution of proceedings);

(c) in paragraph 6 (interpretation), sub-paragraph (6).

Amendment of the Criminal Justice and Courts Act 2015

8. In Schedule 8 (disclosing private sexual photographs or films: providers of information society services) to the Criminal Justice and Courts Act 2015(**b**), omit—

(a) paragraph 1 (England and Wales service providers: extension of liability);

(b) paragraph 2 (non-UK service providers: restriction on institution of proceedings);

(c) in paragraph 6 (interpretation), sub-paragraph (6).

Amendment of the Serious Crime Act 2015

9. In Schedule 3 (paedophile manuals: providers of information society services) to the Serious Crime Act 2015(**c**), omit—

(a) in paragraph 1 (interpretation)—

(i) sub-paragraph (6);

(ii) sub-paragraph (7);

(iii) sub-paragraph (8);

(b) paragraph 2 (domestic service providers: extension of liability);

(c) paragraph 3 (non-UK service providers: restriction on institution of proceedings).

(**a**) 2009 c. 25.
(**b**) 2015 c. 2.
(**c**) 2015 c. 9.

PART 3

Amendment of subordinate legislation

Amendment of the Electronic Commerce Directive (Hatred against Persons on Religious Grounds or the Grounds of Sexual Orientation) Regulations 2010

10. In the Electronic Commerce Directive (Hatred against Persons on Religious Grounds or the Grounds of Sexual Orientation) Regulations 2010(**a**), omit—

(a) in regulation 2 (interpretation), paragraph (2);

(b) regulation 3 (internal market: England and Wales service providers);

(c) regulation 4 (internal market: non-UK service providers).

Signed by authority of the Secretary of State for Justice

Name
Parliamentary Under Secretary of State
Ministry of Justice

Date

(**a**) S.I. 2010/894.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies, arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to legislation in the field of criminal justice, and in particular amend legislation relating to the Country of Origin principle for electronic commerce as established by Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market. Part 2 amends primary legislation and Part 3 amends subordinate legislation.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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