Draft Regulations laid before Parliament under section 14(11) of the Digital Economy Act 2017, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. 0000

ELECTRONIC COMMUNICATIONS

The Online Pornography (Commercial Basis) Regulations 2018

Made - - - -

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by section 14(2), (3) and (4) of the Digital Economy Act 2017(**1**), makes the following Regulations.

A draft of these Regulations was laid before Parliament in accordance with section 14(11) of the Digital Economy Act 2017 and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Online Pornography (Commercial Basis) Regulations 2018 and come into force on the day that subsection (1) of section 14 of the Digital Economy Act 2017 comes fully into force.

Circumstances in which pornographic material is to be regarded as made available on a commercial basis

2.—(1) Pornographic material(**2**) is to be regarded as made available on the internet to persons in the United Kingdom on a commercial basis for the purposes of Part 3 of the Digital Economy Act 2017 if either paragraph (2) or (3) are met.

(2) This paragraph applies if access to that pornographic material is available only upon payment.

(3) This paragraph applies (subject to paragraph (4)) if the pornographic material is made available free of charge and the person who makes it available receives (or reasonably expects to receive) a payment, reward or other benefit in connection with making it available on the internet.

(4) Subject to paragraph (5), paragraph (3) does not apply in a case where it is reasonable for the age-verification regulator to assume that pornographic material makes up less than one-third of the content of the material made available on or via the internet site or other means (such as an

(**1**) 2017 c. 30

.

(**2**) "Pornographic material" is defined in section 15(1) of the Digital Economy Act 2017. "Material" is defined in section 15(2) of that Act.