

Control of Internet Access (Child Pornography) Bill

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Require internet service providers and other commercial organisations providing access to the internet to declare whether or not they have taken steps to prevent access to web sites containing indecent images of children; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Blocking access to web sites containing child pornography: public declarations

- (1) Owners of electronic communications networks which provide access to the internet shall be required annually to declare publicly whether or not they have taken, or are taking, appropriate technical steps to block access to web sites that contain child pornography. 5
- (2) The declaration referred to in subsection (1) above shall be made in a manner to be determined by the Secretary of State and prescribed by regulations.

2 Validity of public declarations

The Secretary of State may by order prescribe any government department or agency (“a prescribed body”) to assess the validity of the declarations made under section 1 above. 10

3 Appropriate technical steps

A prescribed body under section 2 above shall, within six months of the commencement of this Act and at least annually thereafter, publish guidance on what may constitute “appropriate technical steps” for the purposes of section 1, which shall include— 15

- (a) a list of proprietary software which, if correctly implemented, would satisfy the requirements of section 1;
- (b) advice on the implementation of proprietary software; and 20

- (c) information about how bespoke software may be assessed by the prescribed body to establish whether or not their correct implementation would meet the requirements of section 1.

4 Penalties

- (1) It shall be an offence for an owner of an electronic communications network which provides access to the internet knowingly to make a false declaration under section 1. 5
- (2) An owner of an electronic communications network found guilty of an offence under this Act is liable on summary conviction to a fine not exceeding the statutory maximum. 10

5 Interpretation

In this Act –

“child pornography” means any indecent or pseudo-photograph of a child, in accordance with the Protection of Children Act 1978 (c. 37);

“electronic communications networks” has the meaning given by section 32 of the Communications Act 2003 (c. 21); 15

“prescribed” means prescribed by regulations made by the Secretary of State.

6 Regulations and orders

- (1) Any power of a Minister of the Crown under this Act to make regulations or an order is exercisable by statutory instrument. 20
- (2) Any regulations or order made under this Act (other than an order made under section 8) shall be laid before Parliament after being made and is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Every power conferred by this Act on a Minister of the Crown to make regulations or an order includes power – 25
- (a) to make different provision for different cases;
 - (b) to make provision subject to such exemptions and exceptions as that person thinks fit; and
 - (c) to make such incidental, supplemental and consequential provision as the person making the regulations or order thinks fit. 30

7 Expenses

There shall be paid out of money provided by Parliament any expenditure incurred by the Secretary of State for or in connection with the carrying out of any functions under this Act. 35

8 Short title, commencement and extent

- (1) This Act may be cited as the Control of Internet Access (Child Pornography) Act 2006.
- (2) This Act (apart from this section) shall come into force on such day as the Secretary of State may by order appoint. 40

- (3) This act extends to Northern Ireland.

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