



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART XII

MISCELLANEOUS AND GENERAL

Ticket touts

[^{F1}166A Supplementary provision relating to sale and disposal of tickets on internet

- (1) Nothing in section 166 makes it an offence for a service provider established outside of the United Kingdom to do anything in the course of providing information society services.
- (2) If—
 - (a) a service provider established in the United Kingdom does anything in an EEA State other than the United Kingdom in the course of providing information society services, and
 - (b) the action, if done in England and Wales, would constitute an offence falling within section 166(1),the service provider shall be guilty in England and Wales of an offence under that section.
- (3) A service provider is not capable of being guilty of an offence under section 166 in respect of anything done in the course of providing so much of an information society service as consists in—
 - (a) the transmission in a communication network of information falling within subsection (4), or
 - (b) the storage of information provided by a recipient of the service, except where subsection (5) applies.
- (4) Information falls within this subsection if—

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 166A is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) it is provided by a recipient of the service; and
 - (b) it is the subject of automatic, intermediate and temporary storage which is solely for the purpose of making the onward transmission of the information to other recipients of the service at their request more efficient.
- (5) This subsection applies at any time in relation to information if—
- (a) the service provider knew when that information was provided that it contained material contravening section 166; or
 - (b) that information is stored at that time (whether as mentioned in subsection (3) (b) or (4)) in consequence of the service provider's failure expeditiously to remove the information, or to disable access to it, upon obtaining actual knowledge that the information contained material contravening section 166.
- (6) In this section—
- “the Directive” means 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 (Directive on electronic commerce);
- “information society services”—
- (a) has the meaning set out 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 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive [98/48/EC](#) of 20 July 1998); 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”;
- “EEA State” means a state which is for the time being a member State, Norway, Iceland or Liechtenstein;
- “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;
- “service provider” means any person providing an information society service.]

Textual Amendments

- F1** S. 166A inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 53(6), 66(2)(3)**; S.I. 2007/858, **art. 2(k)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)