[GB] Government designates regulator for age verification of online pornography

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The Digital Economy Act 2017 includes provisions requiring that age verification measures be put in place for pornographic websites. If pornography is made available on a commercial basis without such measures, the publisher will become liable to a number of penalties, including fines and requiring Internet service providers to block access, including access to other material of the publisher (IRIS 2017-117). The UK Government has now taken steps to designate the regulator responsible for implementing and enforcing these provisions: the British Board of Film Classification (BBFC). The Board is responsible for the age classification of films, videos and DVDs, and more recently has been given responsibility for classifying material for mobile network operators to help them in restricting access to materials unsuitable for those under the age of 18.

The Government has issued a proposed designation under the Digital Economy Act; this requires approval by Parliament. It designates the BBFC as the regulator and will give it power to require information from Internet service provides or any other person it believes to be involved in making pornographic material available on the Internet on a commercial basis. The BBFC will also be given the power to issue enforcement orders that will be enforceable by the courts to prevent the infringement of statutory provisions and the power to give notice of breaches to payment-services providers such as credit card companies or PayPal so that they can withdraw their services. It will also acquire the power to require Internet service providers to block access to material, including material other than that which has breached the age verification procedures; such an order will be enforceable by the courts. The only exception to this power is where this would be detrimental to national security or to the prevention or detection of serious crime, including sexual offences.

The minister has issued draft guidance to the regulator on the use of its powers, and guidance will also be issued by the regulator itself. An appeal mechanism will enable aggrieved parties to appeal against the regulator's decisions to an Independent Appeals Panel.

Department for Digital, Culture, Media & Sport, 'Particulars of Proposed Designation of Age-Verification Regulator, 12 December 2017

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6695

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67/particulars_of_proposed_designation_of_age-verification_regulator_-_december_2017.pdf

Draft Guidance to the Regulator: Digital Economy Act - Part 3: Online Pornography, March 2017

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/600733/Draft_Guidance_to_the_Age_Verification_Regulator_March_2017__1_.pdf

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