

SCHEDULE 1

Regulation 3(2) and (3)

AMENDMENTS

PART I

AMENDMENT OF THE TELECOMMUNICATIONS (DATA PROTECTION AND PRIVACY) (DIRECT MARKETING) REGULATIONS 1998

At the end of regulation 10 of the Telecommunications (Data Protection and Privacy) (Direct Marketing) Regulations 1998⁽¹⁾ (notifications for purposes of regulation 7(4)(a) or 9(4)(a) thereof) there shall be added the two following paragraphs:—

“(5) Where the number, in respect of a particular line, allocated to a subscriber who is an individual was, immediately before 1st May 1999, included in the list of numbers mentioned in paragraph (6), then, for the purposes of regulation 9(4)(a), that subscriber shall, as respects that line, be deemed to have notified the Director as mentioned therein, and that notification may be withdrawn by him as though it were a notification actually given.

(6) The list referred to in paragraph (5) is the list kept before 1st May 1999 by the Direct Marketing Association (UK) Ltd for the purposes of the extra-statutory scheme then operated by it which was known as “the Telephone Preference Scheme.””

PART II

INCIDENTAL AND CONSEQUENTIAL AMENDMENTS

The Telecommunications Act 1984

1. In section 1(6) of the Act of 1984⁽²⁾ (payment out of money provided by Parliament) for the words following “by any of his staff” there shall be substituted the following words—

“in consequence of the provisions of—

- (a) this Act;
- (b) the Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998; or
- (c) the Telecommunications (Data Protection and Privacy) Regulations 1999.”

2. At the end of section 7(5)(a) of the Act of 1984 (power to license systems) there shall be added the words “or by regulation 30 of the Telecommunications (Data Protection and Privacy) Regulations 1999.”

The Data Protection Act 1998

3. In section 11 of the Data Protection Act 1998 (right to prevent processing for purposes of direct marketing), after subsection (2) there shall be inserted the following subsection—

“(2A) This section shall not apply in relation to the processing of such data as are mentioned in paragraph (1) of regulation 8 of the Telecommunications (Data Protection

(1) S.I.1998/3170.

(2) Section 1(6) was amended by paragraph 1 of Schedule 1 to the Telecommunications (Data Protection and Privacy) (Direct Marketing) Regulations 1998 (S.I. 1998/3170).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

and Privacy) Regulations 1999 (processing of telecommunications billing data for certain marketing purposes) for the purposes mentioned in paragraph (2) of that regulation.”.

The Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998

4. In regulation 2(1) of the Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998(3) (interpretation), for the definitions of “Data Protection Registrar” and of “relevant data protection legislation” there shall be substituted, respectively, the following definitions—

““Data Protection Commissioner” means the Commissioner appointed under section 6 of the Data Protection Act 1998;”;

““relevant data protection legislation” means the Data Protection Act 1998, the instruments from time to time in force thereunder and the Telecommunications (Data Protection and Privacy) Regulations 1999;”.

5. In regulation 10 of the said Regulations (directory services—systemless providers), both in paragraph (8)(a) and in paragraph (9), for the words “Data Protection Registrar” there shall be substituted the words “Data Protection Commissioner” and at the end of the said regulation there shall be added the following paragraph—

“(10) For the purposes of paragraphs (8)(a) and (9) above, anything done before the commencement of section 6(1) of the Data Protection Act 1998 by the Data Protection Registrar appointed under section 3 of the Data Protection Act 1984 shall be treated as if it had been done by the Data Protection Commissioner.”.

6. In regulation 21(6)(b)(iii) of the said Regulations (conditions of access and use and essential requirements), for the words “imposed only in accordance” there shall be substituted the word “compatible”.