
STATUTORY INSTRUMENTS

2003 No. 2426

**The Privacy and Electronic Communications
(EC Directive) Regulations 2003**

Register to be kept for the purposes of regulation 21

26.—(1) For the purposes of regulation 21 OFCOM shall maintain and keep up-to-date, in printed or electronic form, a register of the numbers allocated to individual subscribers, in respect of particular lines, who have notified them that they do not for the time being wish to receive unsolicited calls for direct marketing purposes on the lines in question.

(2) OFCOM shall remove a number from the register maintained under paragraph (1) where they have reason to believe that it has ceased to be allocated to the subscriber by whom they were notified pursuant to paragraph (1).

(3) On the request of—

- (a) a person wishing to make, or instigate the making of, such calls as are mentioned in paragraph (1), or
- (b) a subscriber wishing to permit the use of his line for the making of such calls,

for information derived from the register kept under paragraph (1), OFCOM shall, unless it is not reasonably practicable so to do, on the payment to them of such fee as is, subject to paragraph (4), required by them, make the information requested available to that person or that subscriber.

(4) For the purposes of paragraph (3) OFCOM may require different fees—

- (a) for making available information derived from the register in different forms or manners, or
- (b) for making available information derived from the whole or from different parts of the register,

but the fees required by them shall be ones in relation to which the Secretary of State has notified OFCOM that he is satisfied that they are designed to secure, as nearly as may be and taking one year with another, that the aggregate fees received, or reasonably expected to be received, equal the costs incurred, or reasonably expected to be incurred, by OFCOM in discharging their duties under paragraphs (1), (2) and (3).

(5) The functions of OFCOM under paragraphs (1), (2) and (3), other than the function of determining the fees to be required for the purposes of paragraph (3), may be discharged on their behalf by some other person in pursuance of arrangements made by OFCOM with that other person.