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STATUTORY INSTRUMENTS

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**2016 No. 524**

**The Privacy and Electronic Communications  
(EC Directive) (Amendment) Regulations 2016**

**Amendment of the Privacy and Electronic Communications (EC Directive) Regulations 2003**

2.—(1) The Privacy and Electronic Communications (EC Directive) Regulations 2003<sup>(1)</sup> are amended as follows.

(2) In regulation 19, for paragraph (2) substitute—

“(2) Those circumstances are where—

- (a) the called line is that of a subscriber who has previously notified the caller that for the time being he consents to such communications being sent by, or at the instigation of, the caller on that line; and
- (b) the person transmitting, or instigating the transmission of, such communications—
  - (i) does not prevent presentation of the identity of the calling line on the called line; or
  - (ii) presents the identity of a line on which he can be contacted.”

(3) In regulation 21—

(a) before paragraph (1) insert—

“(A1) A person shall neither use, nor instigate the use of, a public electronic communications service for the purposes of making calls (whether solicited or unsolicited) for direct marketing purposes except where that person—

- (a) does not prevent presentation of the identity of the calling line on the called line; or
  - (b) presents the identity of a line on which he can be contacted.”;
- (b) in paragraph (2), for “paragraph (1)” substitute “paragraphs (A1) or (1)”; and
- (c) in the heading, for “Unsolicited calls for direct marketing purposes” substitute “Calls for direct marketing purposes”.