

## SCHEDULE 3

### Consequential amendments of other legislation

## PART 2

### Amendments of primary legislation

#### **Consumer Credit Act 1974**

3. The Consumer Credit Act 1974(1) is amended as follows.
4. In section 157(2A)(a) (duty to disclose name etc of agency), for “GDPR” substitute “UK GDPR”.
5. In section 159(1)(a) (correction of wrong information), for “GDPR” substitute “UK GDPR”.
6. In section 189(1) (definitions)—
  - (a) omit the definition of “the GDPR”;
  - (b) at the appropriate place insert—

““the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act);”.

#### **Pharmacy (Northern Ireland) Order 1976**

7. In paragraph 2 of Schedule 3 to the Pharmacy (Northern Ireland) Order 1976(2) (fitness to practice: disclosure of information)—
  - (a) in sub-paragraph (2)(a), for “GDPR” substitute “UK GDPR”;
  - (b) for sub-paragraph (5) substitute—

“(5) In this paragraph, “the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act).”.

#### **Medical Act 1983**

8. The Medical Act 1983(3) is amended as follows.
- 9.—(1) Section 29E (evidence) is amended as follows.
  - (2) In subsection (5), for “GDPR” substitute “UK GDPR”.
  - (3) In subsection (9), omit the definition of “the GDPR”.
- 10.—(1) Section 35A (General Medical Council’s power to require disclosure of information) is amended as follows.
  - (2) In subsection (4), for “GDPR” substitute “UK GDPR”.
  - (3) In subsection (7), omit the definition of “the GDPR”.
11. In section 55(1) (interpretation), at the appropriate place insert—

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(1) 1974 c. 39.  
(2) S.I. 1976/1213 (N.I. 22)  
(3) 1983 c. 54.

*Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 ISBN 978-0-11-117830-0*

““the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act);”.

**12.** In paragraph 9B of Schedule 1 (incidental powers of the General Medical Council)—

- (a) in sub-paragraph (2)(a), for “GDPR” substitute “UK GDPR”;
- (b) omit sub-paragraph (4).

**13.** In paragraph 5A of Schedule 4 (professional performance assessments and health assessments)—

- (a) in sub-paragraph (8), for “GDPR” substitute “UK GDPR”;
- (b) omit sub-paragraph (14).

### **Dentists Act 1984**

**14.** The Dentists Act 1984(4) is amended as follows.

**15.**—(1) Section 33B (the General Dental Council’s power to require disclosure of information: the dental profession) is amended as follows.

- (2) In subsection (3), for “GDPR” substitute “UK GDPR”.
- (3) In subsection (4), in the definition of “relevant provision of the GDPR”—
  - (a) for “the GDPR” (in both places) substitute “the UK GDPR”;
  - (b) for “GDPR provisions” substitute “UK GDPR provisions”.
- (4) Omit subsection (11).

**16.**—(1) Section 36Y (the General Dental Council’s power to require disclosure of information: professions complementary to dentistry) is amended as follows.

- (2) In subsection (3), for “GDPR” substitute “UK GDPR”.
- (3) In subsection (4), in the definition of “relevant provision of the GDPR”—
  - (a) for “the GDPR” (in both places) substitute “the UK GDPR”;
  - (b) for “GDPR provisions” (in the second place) substitute “UK GDPR provisions”.
- (4) Omit subsection (11).

**17.** In section 53(1) (interpretation), at the appropriate place insert—

““the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act);”.

### **Opticians Act 1989**

**18.**—(1) Section 13B of the Opticians Act 1989 (the Council’s power to require disclosure of information)(5) is amended as follows.

- (2) In subsection (3), for “GDPR” substitute “UK GDPR”.
- (3) For subsection (10) substitute—

“(10) In this section, “the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act).”.

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(4) 1984 c. 24.

(5) 1989 c. 44.

### **Immigration and Asylum Act 1999**

**19.**—(1) Section 13 of the Immigration and Asylum Act 1999 (proof of identity of persons to be removed or deported)(**6**) is amended as follows.

(2) In subsection (4), for “GDPR” substitute “UK GDPR”.

(3) For subsection (4A) substitute—

“(4A) “The UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act).”.

### **Freedom of Information Act 2000**

**20.**—(1) Section 40 of the Freedom of Information Act 2000 (personal information)(**7**) is amended as follows.

(2) In subsections (3B), (4A)(a) and (5B)(b) and (c), for “GDPR” substitute “UK GDPR”.

(3) In subsection (7)—

(a) in the definition of “the data protection principles”, for “GDPR” substitute “UK GDPR”;

(b) omit the words from ““the GDPR”, “personal data”, “processing”” to the “(14) of that Act);”;

(c) at the appropriate places insert—

““personal data” and “processing” have the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2), (4) and (14) of that Act);”;

““the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act).”.”.

(4) In subsection (8), for “GDPR” (in both places) substitute “UK GDPR”.

### **Health and Personal Social Services Act (Northern Ireland) 2001**

**21.**—(1) Section 7A of the Health and Personal Social Services Act (Northern Ireland) 2001 (power to obtain information etc)(**8**) is amended as follows.

(2) In subsection (3), for “GDPR” substitute “UK GDPR”.

(3) For subsection (8) substitute—

“(8) In this section, “the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act).”.

### **Freedom of Information (Scotland) Act 2002**

**22.**—(1) Section 38 of the Freedom of Information (Scotland) Act 2002 (personal information)(**9**) is amended as follows.

(2) In subsections (2B) and (3A)(a), for “GDPR” substitute “UK GDPR”.

(3) In subsection (5)—

(a) in the definition of “the data protection principles”, for “GDPR” substitute “UK GDPR”;

(b) omit the words from ““the GDPR”, “personal data”, “processing”” to “(14) of that Act);”;

(c) at the appropriate places insert—

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(6) 1999 c. 33.

(7) 2000 c. 36.

(8) 2001 c.3 (N.I.).

(9) 2002 asp 13.

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““personal data” and “processing” have the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2), (4) and (14) of that Act);”;

““the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act).”.

(4) In subsection (5A), for “GDPR” (in both places) substitute “UK GDPR”.

### **Mental Health (Care and Treatment) (Scotland) Act 2003**

**23.**—(1) Section 279 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (information for research)(**10**) is amended as follows.

(2) In subsection (2), for “GDPR” substitute “UK GDPR”.

(3) For subsection (10) substitute—

“(10) In this section, “the UK GDPR” has the meaning given in section 3(10) of the Data Protection Act 2018.”.

### **Crime and Courts Act 2013**

**24.**—(1) Section 42 of the Crime and Courts Act 2013 (other interpretive provisions)(**11**) is amended as follows.

(2) In subsection (5)(a), for “GDPR” substitute “UK GDPR”.

(3) For subsection (5A) substitute—

“(5A) In subsection (5)(a), “the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act).”.

### **Small Business, Enterprise and Employment Act 2015**

**25.**—(1) Section 6 of the Small Business, Enterprise and Employment Act 2015 (application of listed provisions to designated credit reference agencies)(**12**) is amended as follows.

(2) In subsection (7)(b), for “GDPR” substitute “UK GDPR”.

(3) For subsection (7A) substitute—

“(7A) In subsection (7), “the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act).”.

### **Social Security (Scotland) Act 2018**

**26.**—(1) Section 60 of the Social Security (Scotland) Act 2018 (right to reports used in determining entitlement)(**13**) is amended as follows.

(2) In subsection (2), for “GDPR” substitute “UK GDPR”.

(3) For subsection (3) substitute—

“(3) In subsection (2), “the UK GDPR” has the meaning given in section 3(10) of the Data Protection Act 2018.”.

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(10) 2003 asp 13.

(11) 2013 c. 22.

(12) 2015 c. 26.

(13) 2018 asp 9.