

---

**Changes to legislation:** Data Protection Act 2018, Paragraph 33 is up to date with all changes known to be in force on or before 17 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

## SCHEDULES

### SCHEDULE 20

#### TRANSITIONAL PROVISION ETC

#### PART 7

#### ENFORCEMENT ETC UNDER THE 1998 ACT

##### *Enforcement notices*

- 33 (1) The repeal of sections 40 and 41 of the 1998 Act (enforcement notices) does not affect the application of those sections after the relevant time in a case in which—
- (a) the Commissioner served a notice under section 40 of the 1998 Act before the relevant time (and did not cancel it before that time), or
  - (b) the Commissioner is satisfied, after that time, that a data controller —
    - (i) contravened the old data protection principles before that time, or
    - (ii) contravened the sixth data protection principle sections after that time.
- (2) In this paragraph, “the relevant time” means the time when the repeal of section 40 of the 1998 Act comes into force.

**Changes to legislation:**

Data Protection Act 2018, Paragraph 33 is up to date with all changes known to be in force on or before 17 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13A inserted by [2024 c. 21 s. 31\(4\)](#)
- s. 204(1)(l) inserted by [S.I. 2024/374 Sch. 5 para. 7](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)