
STATUTORY INSTRUMENTS

1998 No. 3170

The Telecommunications (Data Protection and Privacy) (Direct Marketing) Regulations 1998

PROSPECTIVE

PART I GENERAL

Citation and commencement

1. These Regulations may be cited as the Telecommunications (Data Protection and Privacy) (Direct Marketing) Regulations 1998 and shall come into force on 1st May 1999.

Commencement Information

II Reg. 1 in force at 1.5.1999, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

“corporate subscriber” means a subscriber who is not an individual, that is to say, a subscriber who is—

- (a) a company within the meaning of section 735(1) of the Companies Act 1985(1);
- (b) a company incorporated in pursuance of a royal charter or letters patent;
- (c) a partnership in Scotland;
- (d) a corporation sole, or
- (e) any other body corporate or other entity which is a legal person distinct from the persons (if any) of which it is composed;

“the Data Protection Registrar” and “the Registrar” both mean the Registrar appointed under section 3 of the Data Protection Act 1984(2);

“the Directive” means Directive 97/66/EC of the European Parliament and of the Council of the European Union(3);

“the Director” means the Director General of Telecommunications appointed under section 1 of the Telecommunications Act 1984(4);

(1) 1985 c. 6.
(2) 1984 c. 35.
(3) O.J. No. L24, 30.1.98, p.1.
(4) 1984 c. 12.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Telecommunications (Data Protection and Privacy) (Direct Marketing) Regulations 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“individual” means a living individual and includes an unincorporate body of such individuals;

“public telecommunications network” means any transmission system and, where applicable, switching equipment and other resources which—

- (a) permit the conveyance of signals between defined termination points by wire, by radio, by optical or by other electromagnetic means, and
- (b) are used, in whole or in part, for the provision of publicly available telecommunications services;

“subscriber” means a person who is a party to a contract with a telecommunications service provider for the supply of publicly available telecommunications services;

“telecommunications network provider” means a person who provides a public telecommunications network (whether or not he is also a telecommunications service provider);

“telecommunications service provider” means a person who provides publicly available telecommunications services (whether or not he is also a telecommunications network provider);

“telecommunications services” means services the provision of which consists, in whole or in part, of the transmission and routing of signals on telecommunications networks, not being services by way of radio or television broadcasting.

(2) Subject to paragraph (1) and except where the context otherwise requires, expressions used in these Regulations which are also used in the Directive have the same meanings in these Regulations as they have in the Directive.

(3) In a case in which signals are conveyed to telecommunications equipment used by a subscriber, wholly or partly otherwise than by line, any reference in these Regulations to a line shall be construed as including a reference to what, in that case, functionally corresponds to a line.

Commencement Information

I2 Reg. 2 in force at 1.5.1999, see [reg. 1](#)

Incidental and consequential amendments and modification of contracts

3.—(1) The amendments set out in Schedule 1 shall have effect.

(2) To the extent that any term in a contract between a subscriber to, and the provider of, publicly available telecommunications services would be inconsistent with a requirement of these Regulations, that term shall be void.

Commencement Information

I3 Reg. 3 in force at 1.5.1999, see [reg. 1](#)

Consents and notifications for purposes of Regulations

4.—(1) Except where the context otherwise requires, a consent or notification for the purposes of these Regulations may be in general or more limited terms and may be subject to conditions and, so long as it remains in force, shall have effect according to its tenor.

(2) A notification for the purposes of these Regulations may (without prejudice to any other method of transmission) be sent by post.

Status: This version of this part contains provisions that are prospective.

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Commencement Information

I4 Reg. 4 in force at 1.5.1999, see [reg. 1](#)

Status:

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Changes and effects yet to be applied to :

- [Regulations revoked by S.I. 1999/2093 reg. 3\(1\)](#)

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

- [Act revoked by S.I. 1999/2093 reg.3\(1\)\(2\)](#)