

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](#)

PROSPECTIVE

SCHEDULE 1

Regulation 3(1)

INCIDENTAL AND CONSEQUENTIAL AMENDMENTS

The Telecommunications Act 1984

1. In section 1(6) of the Telecommunications Act 1984(1) (payment out of money provided by Parliament) for the words following “by any of his staff” there shall be substituted the following words—

“in consequence of the provisions of—

- (a) this Act;
- (b) the Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998; or
- (c) the Telecommunications (Data Protection and Privacy) (Direct Marketing) Regulations 1998.”.

Commencement Information

- II Sch. 1 para. 1 in force at 1.5.1999, see [reg. 1](#)

The Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998

2. Regulations 40(1) of the Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998(2) (amendment of section 1(6) of the Telecommunications Act 1984) is hereby revoked.

Commencement Information

- II Sch. 1 para. 2 in force at 1.5.1999, see [reg. 1](#)

SCHEDULE 2

Regulation 13(1)

MODIFICATIONS TO SECTIONS 10, 13, 14 AND 16 OF THE DATA PROTECTION ACT 1984 AND SCHEDULES 3 AND 4 THERETO AS EXTENDED BY REGULATION 13

1. In section 10—

(a) in subsection (1)—

(i) the word “registered” shall be omitted;

(1) [1984 c. 12](#); section 1(6) was amended by regulation 40(1) of the Telecommunications (Open Network Provision) (Voice Telephony) Regulations 1998 ([S.I. 1998/1580](#)).

(2) [S.I. 1998/1580](#).

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- (ii) for the words “data protection principles” there shall be substituted the words “requirements of the Telecommunications (Data Protection and Privacy) (Direct Marketing) Regulations 1998 (in this section and section 16 below referred to as “a relevant requirement”)”, and
- (iii) for the words “principle or principles” there shall be substituted the words “requirement or requirements”;
- (b) in subsection (2), the words “or distress” shall be omitted;
- (c) subsections (3) and (4) shall be omitted, and
- (d) in subsection (5)(a), for the words “principle or principles” there shall be substituted the words “relevant requirement or requirements”.

Commencement Information

I3 Sch. 2 para. 1 in force at 1.5.1999, see [reg. 1](#)

2. In section 13—

- (a) in subsection (1), for paragraphs (a) and (b) there shall be substituted the words “any enforcement notice with which that person has been served.”;
- (b) subsection (2) shall be omitted, and
- (c) in subsection (3), the words “paragraph (b) of” and the words “11(5) or 12(7)” shall be omitted.

Commencement Information

I4 Sch. 2 para. 2 in force at 1.5.1999, see [reg. 1](#)

3. In section 14—

- (a) in subsection (1), the words “refusal or” (in both places where they occur), “decision or” and “made or” shall be omitted;
- (b) in subsection (2), the words “refusal or” shall be omitted, and
- (c) subsections (3) and (6) shall be omitted.

Commencement Information

I5 Sch. 2 para. 3 in force at 1.5.1999, see [reg. 1](#)

- 4.** In section 16, for the words “data protection principles” there shall be substituted the words “relevant requirements”.

Commencement Information

I6 Sch. 2 para. 4 in force at 1.5.1999, see [reg. 1](#)

- 5.** In paragraph 3 of Schedule 3, for the words “13(2) or (3)” there shall be substituted the words “13(3)”.

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Commencement Information

I7 Sch. 2 para. 5 in force at 1.5.1999, see [reg. 1](#)

6. In paragraph 1 of Schedule 4, for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) that a person has contravened or is contravening any of the requirements of the Telecommunications (Data Protection and Privacy) (Direct Marketing) Regulations 1998 (in this Schedule referred to as “the 1998 Regulations”),”.

Commencement Information

I8 Sch. 2 para. 6 in force at 1.5.1999, see [reg. 1](#)

7. In paragraph 9 of Schedule 4—

- (a) in sub-paragraph (1)(a), after the words “rights under” there shall be inserted the words “the 1998 Regulations or”, and
- (b) in sub-paragraph (1)(b), after the words “arising out of” there shall be inserted the words “the 1998 Regulations or”.

Commencement Information

I9 Sch. 2 para. 7 in force at 1.5.1999, see [reg. 1](#)

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Changes and effects yet to be applied to :

- Sch. 1 para. 1 coming into force by [S.I. 1998/3170 reg. 1](#)
- Sch. 1 para. 2 coming into force by [S.I. 1998/3170 reg. 1](#)
- Sch. 2 para. 1 coming into force by [S.I. 1998/3170 reg. 1](#)
- Sch. 2 para. 2 coming into force by [S.I. 1998/3170 reg. 1](#)
- Sch. 2 para. 3 coming into force by [S.I. 1998/3170 reg. 1](#)
- Sch. 2 para. 4 coming into force by [S.I. 1998/3170 reg. 1](#)
- Sch. 2 para. 5 coming into force by [S.I. 1998/3170 reg. 1](#)
- Sch. 2 para. 6 coming into force by [S.I. 1998/3170 reg. 1](#)
- Sch. 2 para. 7 coming into force by [S.I. 1998/3170 reg. 1](#)
- Regulations revoked by [S.I. 1999/2093 reg. 3\(1\)](#)
- reg. 1 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg. 2 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg. 3 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg. 4 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg. 5 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg. 6 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg. 7 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg. 8 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg. 9 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg. 10 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg.10 modified by [S.I. 1999/2093 reg.3\(2\)Sch.1 Pt.I](#)
- reg. 11 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg. 12 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg. 13 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg. 14 coming into force by [S.I. 1998/3170 reg. 1](#)
- reg. 15 coming into force by [S.I. 1998/3170 reg. 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\(1\)\(2\)](#)