

Status: Point in time view as at 01/09/2013.

Changes to legislation: Data Protection Act 1998, Cross Heading: Enforcement and transfer prohibition notices served under Part V of 1984 Act is up to date with all changes known to be in force on or before 23 June 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)

SCHEDULES

SCHEDULE 14

TRANSITIONAL PROVISIONS AND SAVINGS

Enforcement and transfer prohibition notices served under Part V of 1984 Act

- 7 (1) If, immediately before the commencement of section 40—
- (a) an enforcement notice under section 10 of the 1984 Act has effect, and
 - (b) either the time for appealing against the notice has expired or any appeal has been determined,
- then, after that commencement, to the extent mentioned in sub-paragraph (3), the notice shall have effect for the purposes of sections 41 and 47 as if it were an enforcement notice under section 40.
- (2) Where an enforcement notice has been served under section 10 of the 1984 Act before the commencement of section 40 and immediately before that commencement either—
- (a) the time for appealing against the notice has not expired, or
 - (b) an appeal has not been determined,
- the appeal shall be determined in accordance with the provisions of the 1984 Act and the old principles and, unless the notice is quashed on appeal, to the extent mentioned in sub-paragraph (3) the notice shall have effect for the purposes of sections 41 and 47 as if it were an enforcement notice under section 40.
- (3) An enforcement notice under section 10 of the 1984 Act has the effect described in sub-paragraph (1) or (2) only to the extent that the steps specified in the notice for complying with the old principle or principles in question are steps which the data controller could be required by an enforcement notice under section 40 to take for complying with the new principles or any of them.

Modifications etc. (not altering text)

C1 Sch. 14 para. 7 excluded (1.3.2000) by S.I. 1999/2093, reg. 34, Sch. 3 para. 4(1)

- 8 (1) If, immediately before the commencement of section 40—
- (a) a transfer prohibition notice under section 12 of the 1984 Act has effect, and
 - (b) either the time for appealing against the notice has expired or any appeal has been determined,
- then, on and after that commencement, to the extent specified in sub-paragraph (3), the notice shall have effect for the purposes of sections 41 and 47 as if it were an enforcement notice under section 40.
- (2) Where a transfer prohibition notice has been served under section 12 of the 1984 Act and immediately before the commencement of section 40 either—
- (a) the time for appealing against the notice has not expired, or

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- (b) an appeal has not been determined,
the appeal shall be determined in accordance with the provisions of the 1984 Act and the old principles and, unless the notice is quashed on appeal, to the extent mentioned in sub-paragraph (3) the notice shall have effect for the purposes of sections 41 and 47 as if it were an enforcement notice under section 40.
- (3) A transfer prohibition notice under section 12 of the 1984 Act has the effect described in sub-paragraph (1) or (2) only to the extent that the prohibition imposed by the notice is one which could be imposed by an enforcement notice under section 40 for complying with the new principles or any of them.

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