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STATUTORY INSTRUMENTS

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**1998 No. 3170**

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

**PART III**

**COMPENSATION AND ENFORCEMENT**

**Compensation for failure to comply with requirements of Regulations**

**12.**—(1) A person who suffers damage by reason of any contravention of any of the requirements of these Regulations by any other person shall be entitled to compensation from the other person for that damage.

(2) In proceedings brought against a person by virtue of this regulation it shall be a defence to prove that he had taken such care as in all the circumstances was reasonably required to comply with the requirement concerned.

**Enforcement—application of sections 10, 13, 14 and 16 of the Data Protection Act 1984**

**13.**—(1) Subject to the omissions and other modifications set out in Schedule 2, the provisions of sections 10, 13, 14 and 16 of the Data Protection Act 1984(1) and of Schedules 3 and 4 thereto shall apply for the purposes of the enforcement of these Regulations and connected purposes.

(2) In regulations 14 and 15, “enforcement functions” means the functions of the Data Protection Registrar under the said provisions as so applied.

(3) The provisions of this regulation and those of regulation 12 are without prejudice to each other.

**Request that Registrar should exercise his enforcement functions**

**14.** Where it is alleged that there has been a contravention of any of the requirements of these Regulations either the Director or a person aggrieved by the alleged contravention may request the Registrar to exercise his enforcement functions in respect of that contravention; but those functions shall be exercisable by him whether or not he has been so requested.

**Technical advice to Registrar**

**15.** The Director shall comply with any reasonable request made by the Registrar, in connection with his enforcement functions, for advice on technical and similar matters relating to telecommunications.