

SCHEDULE 3

SCHEDULE 1: CONDITIONS INCLUDED UNDER SECTION 7 OF THE ACT

PART 2:

GENERAL CONDITIONS

Condition 3

RESTRICTIONS ON ADVERTISING

3.1 Where the Licensee sends and conveys Messages on its own behalf, or on behalf of any member of the Licensee's Group, by means of the Applicable Systems for the purposes of the advertising, the offering for supply or provision or the supply or provision of goods, services or any other thing, and receives from any end user who runs a telecommunication system by means of which that person receives such Messages a request to cease so sending them to a telecommunication system run by that person, then:

- (a) the Licensee shall, and shall ensure insofar as possible that every member of the Licensee's Group shall, cease sending such Messages to any telecommunication system run by that person and identified for the purpose to the Licensee by reference to a Number which is used to make calls to that telecommunication system; and
- (b) the Licensee shall, or shall procure that a member of the Licensee's Group shall, maintain, or secure that there is maintained, a record giving particulars of the persons and the Numbers referred to in sub-paragraph 3.1 and shall make that record available for inspection on reasonable notice by the Director.

3.2 Where:

- (a) in respect of a telecommunication system run by him or on his behalf, a person has notified a Specified Person that he does not wish to receive unsolicited calls (whether of a general or a particular kind) made for the purpose of the advertising or the offering for supply or provision or the supply or provision of goods, services or any other thing; and
- (b) a Specified Person keeps a list of such notifications in a form specified by the Director and made available for inspection by the general public,

the Licensee shall not, and shall ensure in so far as possible that no member of the Licensee's Group nor their agent, subcontractor or employee shall, make such unsolicited calls by means of the Applicable Systems to the telecommunication systems so listed.

3.3 Paragraph 3.2 shall have effect only where the Director has determined for the time being:

- (a) the description of unsolicited calls to which that paragraph shall apply; and
- (b) the description or descriptions of persons who shall be entitled to notify a Specified Person under that paragraph in relation to any such description of unsolicited calls,

and such determinations are described in a list kept for the purpose by the Director and made available by him for inspection by the general public.

3.4 This Condition shall have no application where the Telecommunications (Data Protection and Privacy) Regulations 1999 (S.I. [1999/2093](#)) apply.