
STATUTORY INSTRUMENTS

2003 No. 2426

**The Privacy and Electronic Communications
(EC Directive) Regulations 2003**

Register to be kept for the purposes of regulation 21

26.—(1) For the purposes of regulation 21 [^{F1}the Commissioner] shall maintain and keep up-to-date, in printed or electronic form, a register of the numbers allocated to [^{F2}... subscribers, in respect of particular lines, who have notified [^{F3}the Commissioner or, prior to 30th December 2016, OFCOM] that they do not for the time being wish to receive unsolicited calls for direct marketing purposes on the lines in question.

[^{F4}(1A) Notifications to [^{F1}the Commissioner] made for the purposes of paragraph (1) by corporate subscribers shall be in writing.]

(2) [^{F1}The Commissioner] shall remove a number from the register maintained under paragraph (1) where [^{F5}the Commissioner has] reason to believe that it has ceased to be allocated to the subscriber by whom [^{F6}the Commissioner was or, prior to 30th December 2016, OFCOM were] notified pursuant to paragraph (1).

[^{F7}(2A) Where a number allocated to a corporate subscriber is listed in the register maintained under paragraph (1), [^{F1}the Commissioner] shall, within the period of 28 days following each anniversary of the date of that number being first listed in the register, send to the subscriber a written reminder that the number is listed in the register.]

(3) On the request of—

- (a) a person wishing to make, or instigate the making of, such calls as are mentioned in paragraph (1), or
- (b) a subscriber wishing to permit the use of his line for the making of such calls,

for information derived from the register kept under paragraph (1), [^{F1}the Commissioner] shall, unless it is not reasonably practicable so to do, on the payment to [^{F8}the Commissioner] of such fee as is, subject to paragraph (4), required by [^{F8}the Commissioner], make the information requested available to that person or that subscriber.

(4) For the purposes of paragraph (3) [^{F1}the Commissioner] may require different fees—

- (a) for making available information derived from the register in different forms or manners, or
- (b) for making available information derived from the whole or from different parts of the register,

but the fees required by [^{F8}the Commissioner] shall be ones in relation to which the Secretary of State has notified [^{F1}the Commissioner] that he is satisfied that they are designed to secure, as nearly as may be and taking one year with another, that the aggregate fees received, or reasonably expected to be received, equal the costs incurred, or reasonably expected to be incurred, by [^{F1}the Commissioner] in discharging [^{F9}the Commissioner's] duties under paragraphs (1), (2) and (3).

(5) The functions of [^{F1}the Commissioner] under paragraphs (1), (2) [^{F10}, (2A)] and (3), other than the function of determining the fees to be required for the purposes of paragraph (3), may be discharged on [^{F9}the Commissioner's] behalf by some other person in pursuance of arrangements made by [^{F1}the Commissioner] with that other person.

Textual Amendments

- F1** Words in reg. 26 substituted (30.12.2016) by [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) \(No. 2\) Regulations 2016 \(S.I. 2016/1177\)](#), regs. 1(1), **2(2)(a)** (with reg. 3)
- F2** Word in reg. 26(1) omitted (25.6.2004) by virtue of [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) Regulations 2004 \(S.I. 2004/1039\)](#), regs. 1, **2(2)**
- F3** Words in reg. 26(1) substituted (30.12.2016) by [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) \(No. 2\) Regulations 2016 \(S.I. 2016/1177\)](#), regs. 1(1), **2(2)(b)** (with reg. 3)
- F4** Reg. 26(1A) inserted (25.6.2004) by [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) Regulations 2004 \(S.I. 2004/1039\)](#), regs. 1, **2(3)**
- F5** Words in reg. 26(2) substituted (30.12.2016) by [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) \(No. 2\) Regulations 2016 \(S.I. 2016/1177\)](#), regs. 1(1), **2(2)(c)** (with reg. 3)
- F6** Words in reg. 26(2) substituted (30.12.2016) by [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) \(No. 2\) Regulations 2016 \(S.I. 2016/1177\)](#), regs. 1(1), **2(2)(d)** (with reg. 3)
- F7** Reg. 26(2A) inserted (25.6.2004) by [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) Regulations 2004 \(S.I. 2004/1039\)](#), regs. 1, **2(4)**
- F8** Words in reg. 26(3)(4) substituted (30.12.2016) by [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) \(No. 2\) Regulations 2016 \(S.I. 2016/1177\)](#), regs. 1(1), **2(2)(e)** (with reg. 3)
- F9** Words in reg. 26(4)(5) substituted (30.12.2016) by [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) \(No. 2\) Regulations 2016 \(S.I. 2016/1177\)](#), regs. 1(1), **2(2)(f)** (with reg. 3)
- F10** Word in reg. 26(5) inserted (25.6.2004) by [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) Regulations 2004 \(S.I. 2004/1039\)](#), regs. 1, **2(5)**

Changes to legislation:

There are currently no known outstanding effects for the The Privacy and Electronic Communications (EC Directive) Regulations 2003, Section 26.