

SCHEDULE 3

TRANSITORY AND TRANSITIONAL PROVISIONS

Provisions relating to enforcement etc

4.—(1) This paragraph shall apply in relation to enforcement notices under section 10 of the Data Protection Act 1984 as applied by regulation 13(1) of the Telecommunications (Data Protection and Privacy) (Direct Marketing) Regulations 1998; and nothing in paragraph 7 of Schedule 14 to the Data Protection Act 1998 shall apply in relation to such notices.

(2) If, immediately before 1st March 2000—

- (a) such an enforcement notice has effect, and
- (b) either the time for appealing against the notice has expired or any appeal has been determined,

then the notice shall have effect for the purposes of sections 41 and 47 of the Data Protection Act 1998 as if it were an enforcement notice under section 40 thereof as extended by regulation 36(1) of these Regulations.

(3) Where such an enforcement notice has been served and, immediately before 1st March 2000—

- (a) the time for appealing against the notice has not expired, or
- (b) an appeal has not been determined,

any appeal shall be determined in accordance with the provisions of the Data Protection Act 1984 and, unless the notice is quashed on appeal, the notice shall have effect for the purposes of sections 41 and 47 of the Data Protection Act 1998 as if it were an enforcement notice under section 40 thereof as extended as aforesaid.

5.—(1) Part VII of these Regulations shall have effect as if any reference therein to these Regulations included a reference to the Telecommunications (Data Protection and Privacy) (Direct Marketing) Regulations 1998.

(2) Sections 40, 41 and 43 of the Data Protection Act 1998, as extended by regulation 36(1) of these Regulations, shall have effect as if any reference therein to these Regulations included a reference to the Telecommunications (Data Protection and Privacy) (Direct Marketing) Regulations 1998 and, accordingly, as if any reference therein to a relevant requirement included a reference to a requirement of the said Regulations of 1998.

(3) Schedule 9 to the said Act of 1998, as extended as aforesaid, shall have effect as if any reference therein to these Regulations (including a reference to “the 1999 Regulations”) included a reference to the Telecommunications (Data Protection and Privacy) (Direct Marketing) Regulations 1998.