

The Data Protection (Bailiwick of Guernsey) (Applications and Appeals) Rules, 2006

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The Data Protection (Bailiwick of Guernsey) (Applications and Appeals) Rules, 2006

THE ROYAL COURT, in exercise of the powers conferred upon it by section 73 of the Data Protection (Bailiwick of Guernsey) Law, 2001^a and of all other powers enabling it in that behalf, hereby orders:-

PART I

Applications under Part II of the Law

Practice and procedure for applications under Part II of the Law.

1. For all purposes of practice and procedure, an application to the Royal Court, the Court of Alderney or the Court of the Seneschal of Sark, as the case may be, under Part II of the Law shall constitute, and be treated as if it were, an action.

PART II

Applications for leave under section 46(1) of the Law

Applications for leave.

2. (1) Where the Commissioner proposes to serve an enforcement notice in the circumstances described in section 46(1) of the Law and wishes to obtain leave to do so from the relevant court, he shall make an application for leave by sending to the relevant officer of the relevant court -

(a) a written statement of application indicating -

^a Order in Council No. V of 2002.

- (i) the data protection principle which he suspects is being or has been contravened,
- (ii) the grounds upon which -
 - (aa) he has reason to suspect that the data controller, upon whom he intends to serve the notice, is contravening, or has contravened, that data protection principle, and
 - (bb) he claims that the contravention is of substantial public interest,
- (b) a draft of the enforcement notice which he proposes to serve, and
- (c) copies of such other documents the Commissioner believes are relevant to the application.

(2) The relevant officer shall transmit copies of all documents received by him under paragraph (1) to -

- (a) in the case of the Magistrates Court, the Magistrate or Assistant Magistrate who is to hear and determine the application for leave,
- (b) in the case of the Court of Alderney, those Jurats of the Court of Alderney whom, it is intended, are to constitute the Court of Alderney for the purposes of

hearing and determining the application for leave, and

- (c) in the case of Sark, the Seneschal of Sark.

Amendment and withdrawal of applications for leave.

3. With the leave of the relevant court, the Commissioner may amend or withdraw an application for leave at any time.

Joinder of interested parties.

4. (1) A relevant court may at any time of its own motion, or on the application of -

- (a) the Commissioner, or
- (b) any interested party,

order there to be joined in an application for leave, as a party thereto, such other person as the court thinks fit.

(2) An interested party may include -

- (a) a data controller upon whom the Commissioner intends to serve an enforcement notice, and
- (b) a Law Officer of the Crown.

Directions for the purposes of an application for leave.

5. (1) Subject to paragraphs (4) and (5), a relevant court may at any time of its own motion or on the application of any party give such directions as it

thinks proper to enable the parties to prepare for the hearing of an application for leave or to assist the court to determine the issues.

- (2) Such directions may in particular -
 - (a) provide for a particular matter to be dealt with as a preliminary issue and for a pre-hearing review to be held,
 - (b) provide for -
 - (i) the exchange between the parties of lists of documents held by them which are relevant to the application for leave,
 - (ii) the inspection by the parties of the documents so listed,
 - (iii) the exchange between the parties of statements of evidence, and
 - (iv) the provision by the parties to the relevant court of statements or lists of agreed matters,
 - (c) require any party to send to the relevant court and to the other parties -
 - (i) statements of facts and statements of the evidence which will be adduced, including such

statements provided in a modified or edited form,

- (ii) a skeleton argument which summarises the submissions which will be made and cites the authorities which will be relied upon, identifying any particular passages to be relied upon,
 - (iii) a chronology of events,
 - (iv) any other particulars or supplementary statements which may reasonably be required for the determination of the application,
 - (v) any document or other material which the relevant court may require and which it is in the power of that party to deliver,
 - (vi) an estimate of the time which will be needed for any hearing, and
 - (vii) a list of the witnesses he intends to call to give evidence at any hearing,
- (d) limit the length of oral submissions and the time allowed for the examination and cross-examination of witnesses, and

(e) limit the number of expert witnesses to be heard on either side.

(3) The relevant court may, subject to any specific provisions of these Rules, specify time limits for steps to be taken in the proceedings and may extend any time limit.

(4) Nothing in this rule may require the production of any document or other material which the party could not be compelled to produce on the trial of an action in the relevant court.

(5) It shall be a condition of the supply of any information or material provided under this rule that any recipient of that information or material may use it only for the purposes of the application for leave.

(6) The power to give directions may be exercised in the absence of the parties.

(7) Notice of any directions given under this rule shall be served on all the parties, and the relevant court may, on the application of any party, set aside or vary such directions.

Time and place of hearings.

6. (1) As soon as practicable after an application for leave has been made, and with due regard to -

(a) the convenience of the Commissioner and any interested party, and

(b) the urgency of the application,

the relevant court shall appoint a time and place for a hearing of the application.

(2) The relevant officer shall send to the Commissioner and any interested party a notice informing him of the time and place of any hearing, which, unless -

- (a) the Commissioner and any interested party otherwise agree, or
- (b) the urgency of the application requires otherwise,

shall not be earlier than 7 days after the date on which the application for leave is made.

(3) The relevant court may -

- (a) postpone the time appointed for any hearing,
- (b) adjourn a hearing to such time as the court may determine, or
- (c) alter the place appointed for any hearing,

and, if it exercises any of the above powers, it shall notify each person previously notified of that hearing under this rule, and any person summoned under rule 7 to attend as a witness at that hearing, of the revised arrangements.

Summoning of witnesses in relation to applications for leave.

7. (1) Subject to paragraph (2), a relevant court may by summons require any person in the Bailiwick to attend as a witness at a hearing of an application for leave at such time and place as may be specified in the summons and, subject to rule 6(2) and (3), at the hearing to answer any questions or produce any documents in his custody or under his control which relate to any matter in question in the application.

(2) No person shall be required to attend in obedience to a summons under paragraph (2) unless he has been given at least 7 days' notice of the hearing or, if less than 7 days, he has informed the relevant court that he accepts such notice as he has been given.

(3) The relevant court may upon the application of a person summoned under this rule set the summons aside.

(4) A person who has attended a hearing as a witness in obedience to a summons shall be entitled to such sum as the relevant court considers reasonable in respect of his attendance at, and his travelling to and from, the hearing; and where the summons was issued at the request of a party such sum shall be paid or tendered to him by that party.

Representation at a hearing of an application for leave.

8. At any hearing by the relevant court of an application for leave, a party may conduct his case himself or may appear and be represented by any person whom he may appoint for the purpose.

PART III

Appeals to the Royal Court under section 48 of the Law

Method of appealing.

9. (1) An appeal must be brought by a written notice of appeal filed at the Greffe.

(2) The notice of appeal shall -

(a) identify the disputed decision and the date on which the notice relating to such decision was served on or given to the appellant, and

(b) state -

(i) the name and address of the appellant,

(ii) the grounds of the appeal, and

(iii) whether the appellant considers that he is likely to wish a hearing to be held or not,

(iv) where applicable, the special circumstances which the appellant considers justify the Royal Court's accepting jurisdiction under rule 10(2), and

(v) an address for service of notices and other documents on the appellant.

(3) A notice of appeal may include a request for an early hearing of the appeal and the reasons for that request.

Time limit for appealing.

10. (1) Subject to paragraph (2), a notice of appeal must be filed at the Greffe within 28 days of the date on which the notice relating to the disputed decision was served on or given to the appellant.

(2) The Royal Court may give leave for filing at the Greffe a notice of appeal after the expiry of the period permitted by paragraph (1) if it is of the opinion that, by reason of special circumstances, it is just and right to do so.

Acknowledgment of notice of appeal and notification by the Royal Court.

11. (1) Upon receipt of a notice of appeal, the Greffier shall send -

(a) a written acknowledgment of the filing of a notice of appeal to the appellant, and

(b) a copy of the notice of appeal to -

(i) the Bailiff, and

(ii) the Commissioner.

(2) An acknowledgment of filing under paragraph (1)(a) shall be accompanied by a statement of the Royal Court's powers to award costs against the appellant under rule 28.

(3) Paragraph (1)(b)(ii) does not apply to a notice of appeal relating to an appeal under section 48(3) of the Law, but in such a case the Greffier shall send a copy of the notice of appeal to the Commissioner if the Royal Court is of the opinion that the interests of justice require the Commissioner to assist it by giving evidence or being heard on any matter relating to the appeal.

Reply by Commissioner.

12. (1) The Commissioner shall take the steps specified in paragraph (2) -

- (a) where he receives a copy of a notice of appeal under rule 11(1)(b)(ii), within 21 days of the date of that receipt, and
- (b) where he receives a copy of a notice of appeal under rule 11(3), within such time, not exceeding 21 days from the date of that receipt, as the Royal Court may allow.

(2) The steps are that the Commissioner must -

- (a) send to the Royal Court a copy of the notice relating to the disputed decision, and
- (b) send to the Royal Court and the appellant a written reply acknowledging service upon him of the notice of appeal, and stating -
 - (i) whether or not he intends to oppose the appeal and, if so,
 - (ii) the grounds upon which he relies in opposing the appeal.

(3) Before the expiry of the period referred to in paragraph (1) which is applicable to the case, the Commissioner may apply to the Royal Court for

an extension of that period, showing cause why, by reason of special circumstances, it would be just and right to do so, and the Court may grant such extension as it considers appropriate.

(4) Where the appellant's notice of appeal has stated that he is not likely to wish a hearing to be held, the Commissioner shall in his reply inform the Royal Court and the appellant whether he considers that a hearing is likely to be desirable.

(5) A reply under this rule may include a request for an early hearing of the appeal and the reasons for that request.

Application for striking out.

13. (1) Subject to paragraph (3), where the Commissioner is of the opinion that an appeal does not lie to, or cannot be entertained by, the Royal Court, or that the notice of appeal discloses no reasonable grounds of appeal, he may include in his reply under rule 12(2) a notice to that effect stating the grounds for such contention and applying for the appeal to be struck out.

(2) An application under this rule may be heard as a preliminary issue or at the beginning of the hearing of the substantive appeal.

(3) This rule does not apply in the case of an appeal under section 48(3) of the Law.

Amendment and supplementary grounds.

14. (1) With the leave of the Royal Court, the appellant may amend his notice of appeal or deliver supplementary grounds of appeal.

(2) Rules 11(1) and (3) apply to an amended notice of appeal and to supplementary grounds of appeal provided under paragraph (1) as they do to a notice of appeal.

(3) Upon receipt of a copy of an amended notice of appeal or amended grounds of appeal under rule 11(1)(b) or (3), the Commissioner may amend his reply to the notice of appeal, and must send the amended reply to the Royal Court and the appellant -

(a) where he receives a copy of a notice of appeal under rule 11(1)(b), within 21 days of the date of that receipt, and

(b) where he receives a copy of a notice of appeal under rule 11(3), within such time, not exceeding 21 days from the date of that receipt, as the Court may allow.

(4) Rule 12(3) applies to the periods referred to in paragraph (3).

(5) Without prejudice to paragraph (3), the Commissioner may, with the leave of the Royal Court, amend his reply to the notice of appeal, and must send the amended reply to the Court and the appellant.

Withdrawal of appeal.

15. (1) The appellant may at any time withdraw his appeal by sending to the Royal Court a notice of withdrawal signed by him or on his behalf, and the Greffier shall send a copy of that notice to the Commissioner.

(2) Where an appeal is withdrawn under this rule a fresh appeal may not be brought by the appellant in relation to the same disputed decision except with the leave of the Royal Court.

Consolidation of appeals.

16. (1) Subject to paragraph (2), where in the case of two or more appeals to which these Rules apply it appears to the Royal Court -

- (a) that some common question of law or fact arises in both or all of them, or
- (b) that for some other reason it is desirable to proceed with the appeals under this rule,

the Court may order that the appeals be consolidated or heard together.

(2) The Royal Court shall not make an order under this rule without giving the parties an opportunity to show cause why such an order should not be made.

Directions for the purposes of an appeal.

17. (1) Subject to paragraphs (4) and (5), the Royal Court may at any time of its own motion or on the application of any party give such directions as it thinks proper to enable the parties to prepare for the hearing of an appeal or to assist the Court to determine the issues.

(2) Directions under this rule may in particular -

- (a) provide for a particular matter to be dealt with as a preliminary issue and for a pre-hearing review to be held,
- (b) provide for -
 - (i) the exchange between the parties of lists of documents held by them which are relevant to the appeal,
 - (ii) the inspection by the parties of the documents so listed,
 - (iii) the exchange between the parties of statements of evidence, and
 - (iv) the provision by the parties to the Royal Court of statements or lists of agreed matters,
- (c) require any party to send to the Court and to the other parties -
 - (i) statements of facts and statements of the evidence which will be adduced, including such statements provided in a modified or edited form,
 - (ii) a skeleton argument which summarises the submissions which will be made and cites the authorities which will be relied upon,

identifying any particular passages to be relied upon,

- (iii) a chronology of events,
 - (iv) any other particulars or supplementary statements which may reasonably be required for the determination of the appeal,
 - (v) any document or other material which the Court may require and which it is in the power of that party to deliver,
 - (vi) an estimate of the time which will be needed for any hearing, and
 - (vii) a list of the witnesses he intends to call to give evidence at any hearing,
- (d) limit the length of oral submissions and the time allowed for the examination and cross-examination of witnesses, and
 - (e) limit the number of expert witnesses to be heard on either side.

(3) The Royal Court may, subject to any specific provisions of these Rules, specify time limits for steps to be taken in the proceedings and may extend any time limit.

(4) Nothing in this rule may require the production of any document or other material which the party could not be compelled to produce on the trial of an action in the Royal Court.

(5) It shall be a condition of the supply of any information or material provided under this rule that any recipient of that information or material may use it only for the purposes of the appeal.

(6) The power to give directions may be exercised in the absence of the parties.

(7) Notice of any directions given under this rule shall be served on all the parties, and the Royal Court may, on the application of any party, set aside or vary such directions.

Power to require entry of premises for testing of equipment or material.

18. (1) Subject to paragraph (8), the Royal Court may, for the purpose of determining an appeal, make an order requiring the occupier of any premises ("**the occupier**") to permit members of the Court to enter those premises at a specified time and inspect, examine, operate or test any equipment on those premises used or intended to be used in connection with the processing of personal data, and to inspect, examine or test any documents or other material on those premises connected with the processing of personal data.

(2) An order under paragraph (1) shall also require the occupier to permit members of the Royal Court to be accompanied by -

(a) the parties, and

(b) such other persons as the Court considers necessary.

(3) The Sergeant shall serve a copy of an order under paragraph (1) on the occupier and the parties.

(4) The time specified in an order under paragraph (1) shall not be earlier than 7 days after the date of service of the copy.

(5) The Royal Court may upon the application of the occupier set an order aside.

(6) Subject to paragraph (4), the Royal Court may upon the application of any person mentioned in paragraph (3) alter the time specified in an order without being obliged to serve further copies under that paragraph, but shall notify the other persons so mentioned of the revised time.

(7) This rule also applies where the occupier is a party to the appeal.

(8) Documents or other material which the appellant could not be compelled to produce on the trial of an action by the Royal Court shall be immune from inspection, examination or testing under this rule.

Power to determine an appeal without a hearing.

19. (1) Where -

(a) the parties agree in writing, and

(b) the Royal Court is of the opinion that an appeal, or an issue concerning the appeal, can properly be determined on the basis of -

- (i) the notice of appeal,
- (ii) any reply of the Commissioner, and
- (iii) any further particulars furnished under paragraph (2), or otherwise,

the Court may dispense with a hearing and determine the appeal, or any issue concerning the appeal on that basis.

(2) Before determining any matter under this rule, the Royal Court may if it thinks fit direct any party to provide in writing further information about any matter relevant to the appeal within such time as the Court may allow.

Time and place of hearings of appeal.

20. (1) Except where rule 19 applies and subject to paragraph (4), as soon as practicable after notice of appeal has been given, and with due regard to the convenience of the parties and any request made under rule 9(3) or 12(5), the Royal Court shall appoint a time and place for a hearing of the appeal.

(2) Subject to paragraph (3), the Greffier shall send to each party a notice informing him of the time and place of any hearing.

(3) The reference to a "**party**" in paragraph (2) does not include the Commissioner in the case of an appeal under section 48(3) of the Law other than a case to which rule 11(3) applies.

(4) The time notified under paragraph (1) shall not be earlier than 14 days after the date on which the notice is sent unless -

- (a) the parties agree otherwise, or
- (b) the appellant agrees otherwise, and the hearing relates to an appeal under section 48(3) of the Law.

(5) A notice to a party under this rule shall inform him of the effect of rule 23.

(6) The Royal Court may -

- (a) postpone the time appointed for any hearing,
- (b) adjourn a hearing to such time as the Court may determine, or
- (c) alter the place appointed for any hearing,

and, if it exercises any of the above powers, it shall notify each person previously notified of that hearing under this rule, and any person summoned under rule 21 to attend as a witness at that hearing, of the revised arrangements.

Summoning of witnesses in relation to an appeal.

21. (1) Subject to paragraph (2), the Royal Court may by summons require any person in the Bailiwick to attend as a witness at a hearing of an appeal at such time and place as may be specified in the summons and, subject to rule 26(2) and (3), at the hearing to answer any questions or produce any documents in his custody or under his control which relate to any matter in question in the appeal.

(2) No person shall be required to attend in obedience to a summons under paragraph (1) unless he has been given at least 7 days' notice of the hearing or, if less than 7 days, he has informed the Royal Court that he accepts such notice as he has been given.

(3) The Royal Court may upon the application of a person summoned under this rule set the summons aside.

(4) A person who has attended a hearing as a witness in obedience to a summons shall be entitled to such sum as the Royal Court considers reasonable in respect of his attendance at, and his travelling to and from, the hearing; and where the summons was issued at the request of a party such sum shall be paid or tendered to him by that party.

Representation at a hearing of an appeal.

22. (1) At any hearing of an appeal by the Royal Court a party may conduct his case himself or may appear and be represented by any person whom he may appoint for the purpose.

(2) In this rule, references to a "party" do not include the Commissioner in a case of an appeal under section 48(3) of the Law other than a case to which rule 11(3) applies.

Default of appearance at hearing of an appeal.

23. If, without furnishing the Royal Court with sufficient reason for his absence, a party fails to appear at a hearing, having been duly notified of the hearing, the Court may, if that party is the appellant, dismiss the appeal or, in any case, hear and determine the appeal, or any particular issue, in the party's absence and may make such order as to costs as it thinks fit.

Burden of proof for purposes of appeals.

24. In any proceedings before the Royal Court relating to an appeal, other than an appeal under section 48(3) of the Law, it shall be for the Commissioner to satisfy the Court that the disputed decision should be upheld.

PART IV

Miscellaneous

Hearings in public or in private.

25. (1) All hearings (including preliminary hearings) of proceedings under these Rules by the Royal Court, or a relevant court, shall be in public unless, having regard to the desirability of safeguarding -

- (a) the privacy of data subjects or
- (b) commercially sensitive information,

the Court, or the relevant court, as the case may be, directs that the hearing or any part of the hearing shall take place in private.

(2) Any person, with the leave of the Royal Court, or a relevant court, as the case may be, and the consent of the parties, may attend a hearing notwithstanding that it is in private.

Evidence.

26. For the purposes of the hearing of all proceedings under these Rules -

- (a) the Royal Court, or a relevant court, as the case may be, may receive in evidence any document or information notwithstanding that such document or

information would normally be inadmissible in the trial of an action,

- (b) no person shall be compelled to give any evidence or produce any document which he could not be compelled to give or produce on the trial of an action, and
- (c) the Court, or a relevant court, as the case may be, may require oral evidence of a witness (including a party) to be given on oath or affirmation.

Publication of judgments.

27. When making any arrangements for the publication of its determination of an application or appeal to which these Rules relate, the Royal Court, or a relevant court, as the case may be, shall have regard to -

- (a) the desirability of safeguarding the privacy of data subjects, and
- (b) commercially sensitive information,

and for those purposes may make any necessary amendments to the text of any judgment.

Costs.

28. (1) In any application or appeal to which these Rules relate, including an application for leave withdrawn under rule 3 and an appeal withdrawn under rule 15, the Royal Court, or a relevant court, as the case may be, may make such order as to costs as it thinks fit.

- (2) Without prejudice to the generality of paragraph (1) -
- (a) in an appeal, the Royal Court may make an order -
- (i) against an appellant and in favour of the Commissioner where it considers that an appeal was manifestly unreasonable, or
- (ii) against the Commissioner and in favour of an appellant where it considers that a disputed decision was manifestly unreasonable, and
- (b) where the Royal Court, or a relevant court, as the case may be, considers that a party has been responsible for -
- (i) frivolous, vexatious, improper or unreasonable action, or
- (ii) for any failure to comply with a direction, or
- (iii) any delay which with diligence could have been avoided,

it may make an order against that party and in favour of the other.

Notice by post and changes of address.

- 29.** (1) Any notice or other document required or authorised by these

Rules to be served on or sent or transmitted to any person or authority may be left, or sent by post to that person or authority, -

- (a) in the case of the Court or the Greffier, at the Greffe, Royal Court House, Saint Peter Port, Guernsey, GY1 2PB
- (b) in the case of the Greffier appointed under section 20(1) of the Government of Alderney Law, 2004, at the Court Office, Saint Anne, Alderney,
- (c) in the case of the Greffier appointed under section 22(1) of the Reform (Sark) Law, 1951, at the Sark Greffe Office, Sark,
- (d) in the case of the Commissioner, at his office,
- (e) in the case of a party, at his address for service under these Rules,
- (f) in the case of an occupier within the provisions of rule 18, at the premises in question, and
- (b) to any other person, at his last known address.

(2) A party may at any time change his address for service under these Rules by -

- (a) in the case of a party in an application for leave, written notice given to the relevant officer of the

relevant court, and

- (b) in the case of a party in an appeal, written notice given to the Greffier.

PART V

Interpretation and General

Interpretation.

30. (1) In these Rules, except where the context requires otherwise -

"**appeal**" means an appeal under section 48 of the Law,

"**appellant**" means a person who brings or intends to bring an appeal under section 48 of the Law,

"**application for leave**" means an application for leave to serve an enforcement notice in the circumstances described in section 46(1) of the Law,

"**Assistant Magistrate**" means an Assistant Magistrate appointed under the Magistrate's Court (Guernsey) Law, 1954^b,

"**disputed decision**" means -

^b Ordres en Conseil Vol. XVI, p. 103; Vol.XVII, p. 218; Vol. XXVII, p. 170; Vol. XXVIII, pp. 5 and 385; Vol. XXX, p. 224; Vol. XXXI, p.278; No. III of 1992 and No. IX of 1996.

- (a) in relation to an appeal, other than an appeal under section 48(3)(b) of the Law, the decision of the Commissioner, and
- (b) in relation to an appeal under section 48(3)(b) of the Law, the effect of a decision of the Commissioner

"Greffier" means Her Majesty's Greffier of the Royal Court or any of his deputies,

"interested party" means any person joined in as a party to an application for leave under rule 4,

"the Law" means the Data Protection (Bailiwick of Guernsey) Law, 2001,

"Magistrate" means the Magistrate appointed under the Magistrate's Court (Guernsey) Law, 1954,

"occupier" has the meaning given under rule 18(1),

"party" means -

- (a) in the case of an application for leave -
 - (i) the Commissioner, and
 - (ii) any interested party, and
- (b) in the case of an appeal -

- (i) the appellant, and
- (ii) the Commissioner,

"**relevant court**" means, in relation to an application for leave, where the data controller, upon whom the Commissioner intends to serve an enforcement notice in the circumstances described in section 46(1) of the Law, has a place of business or resides in -

- (a) Guernsey, the Magistrates Court,
- (b) Alderney, the Court of Alderney, or
- (c) Sark, the Court of the Seneschal of Sark,

"**relevant officer**" means in relation to an application for leave made to -

- (a) the Magistrates Court, the Greffier,
- (b) the Court of Alderney, the Greffier appointed under section 20(1) of the Government of Alderney Law, 2004^c, or
- (c) the Court of the Seneschal of Sark, the Greffier appointed under section 22(1) of the Reform (Sark)

^c Order in Council No. III of 2005.

Law, 1951^d,

"**Royal Court**" and "**the Court**" mean the Royal Court of Guernsey sitting as an Ordinary Court,

"**Sergeant**" means Her Majesty's Sergeant of the Royal Court or any of the Deputy or Assistant Sergeants, and

any other expressions have the same meaning as in the Law.

(2) The Interpretation (Guernsey) Law, 1948^e shall apply throughout the Bailiwick to the interpretation of these Rules, as it applies to the interpretation of a Guernsey enactment.

(3) Except where the context otherwise requires, any reference in these Rules to an enactment is a reference thereto as amended, extended, repealed, replaced or revoked.

Citation.

31. These Rules may be cited as the Data Protection (Bailiwick of Guernsey) (Applications and Appeals) Rules, 2006.

Commencement and transitional.

32. (1) These Rules shall come into force on the 24th day of April 2006, but shall not apply to -

^d Ordres en Conseil Vol. XV, p. 215; Vol. XXIII, p. 200; Vol. XXVII, p. 385; Vol. XXIX, p. 352; Vol. XXXI, p. 320 and Orders in Council No. XII of 1991 and No. XI of 2000.

^e Ordres en Conseil Vol. XIII, p. 355.

- (a) any application under Part II of the Law,
- (b) any application for leave to serve an enforcement notice in the circumstances described in section 46(1) of the Law, or
- (c) any appeal under section 48 of the Law,

commenced before that date.

(2) The Court may make such orders in respect of any type of application or appeal described in paragraph (1), commenced under the Law before the 24th day of April 2006, as it thinks just.