

# **The Royal Court (Data Protection) (Public Security Appeals) Rules, 2006**

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# **The Royal Court (Data Protection) (Public Security Appeals) Rules, 2006**

**THE ROYAL COURT**, in exercise of the powers conferred upon it by sections 28(11) and 73 of the Data Protection (Bailiwick of Guernsey) Law, 2001<sup>a</sup> and of all other powers enabling it in that behalf, hereby orders:-

## **General duty of the Royal Court on appeal and constitution of the Court.**

1. (1) When exercising its functions in connection with any appeal, the Royal Court shall secure that information is not disclosed contrary to the interests of the security of the British Islands.

(2) For the purposes of paragraph (1), but without prejudice to the application of that paragraph, the disclosure of information is to be regarded as contrary to the interests of the security of the British Islands if it would indicate the existence or otherwise of any material.

(3) For the purposes of hearing appeals under these Rules the Royal Court shall be properly constituted if it consists of the Bailiff -

(a) sitting unaccompanied by the Jurats, or

(b) sitting with 2 Jurats.

## **Method of appealing.**

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

(2) The notice of appeal shall -

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<sup>a</sup> Order in Council No. V of 2002.

- (a) identify the disputed certification, and
- (b) state -
  - (i) the name and address of the appellant,
  - (ii) the grounds of the appeal, and
  - (iii) an address for service of notices and other documents on the appellant.

(3) In the case of an appeal under section 28(6) of the Law, the notice of appeal shall also state -

- (a) the date on which the respondent data controller made the claim constituting the disputed certification,
- (b) an address for service of notices and other documents on the respondent data controller, and
- (c) where applicable, the special circumstances which the appellant considers justify the Royal Court's accepting jurisdiction under rule 3(3).

**Time limit for appealing.**

3. (1) In the case of an appeal under section 28(4) of the Law, a notice of appeal may be filed at the Greffe at any time during the currency of the disputed certification to which it relates.

(2) In the case of an appeal under section 28(6) of the Law, subject to paragraph (3), a notice of appeal must be filed at the Greffe within 28 days of the date on which the claim constituting the disputed certification was made.

(3) The Royal Court may give leave for filing at the Greffe a notice of appeal served under section 28(6) of the Law after the expiry of the period permitted by paragraph (2) 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.**

4. (1) Upon receipt of a notice of appeal under section 28(4) or (6) of the Law, 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,
  - (ii) Her Majesty's Procureur,
  - (iii) the Commissioner, and
  - (iv) in the case of an appeal under section 28(6) of the Law, the respondent data controller.

(2) An acknowledgment of filing under paragraph (1)(a) shall be accompanied by a statement of the Court's powers to award costs against the appellant under rule 24.

**Her Majesty's Procureur's notice in reply.**

5. (1) No later than 42 days after receipt of a copy of a notice of appeal under rule 4(1)(b), Her Majesty's Procureur shall send to the Greffier -

- (a) a copy of the certificate to which the appeal relates, and
- (b) a written notice in accordance with paragraph (2).

(2) The notice shall state -

- (a) with regard to an appeal under section 28(4) of the Law, whether or not he intends to oppose the appeal and, if so -
  - (i) a summary of the circumstances relating to the issue of the certificate, and the reasons for the issue of the certificate,
  - (ii) the grounds upon which he relies in opposing the appeal, and
  - (iii) a statement of the evidence upon which he relies in support of those grounds, and
- (b) with regard to an appeal under section 28(6) of the Law, whether or not he wishes to make representations in relation to the appeal and, if so -
  - (i) the extent to which he intends to support or oppose the appeal,

- (ii) the grounds upon which he relies in supporting or opposing the appeal, and
  - (iii) a statement of the evidence upon which he relies in support of those grounds.
- (3) The Greffier shall send a copy of the notice to -
  - (a) the Bailiff, and
  - (b) except where the Royal Court proposes to determine the appeal in accordance with rule 9, and subject to rule 10 -
    - (i) the appellant,
    - (ii) the Commissioner, and
    - (iii) in the case of an appeal under section 28(6) of the Law, the respondent data controller.

**Reply by respondent data controller**

6. (1) A respondent data controller shall, within 42 days of the date on which he receives a copy of a notice of appeal under rule 4(1)(b), send to the Greffier a written reply acknowledging service upon him of the notice of appeal, and stating -

- (a) whether or not he intends to oppose the appeal and, if so
- (b) the grounds upon which he relies in opposing the appeal.

(2) Before the expiry of the period of 42 days referred to in paragraph (1), the respondent data controller 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.

(3) The Greffier shall send a copy of the reply to -

(a) the Bailiff, and

(b) except where the Royal Court proposes to determine the appeal in accordance with rule 9 -

(i) Her Majesty's Procureur, and

(ii) subject to paragraph (4) and rule 10, the appellant and the Commissioner.

(4) No copy may be sent under paragraph (3)(b)(ii) before the period of 42 days referred to in rule 10(2)(b) has expired, otherwise than in accordance with rule 10, unless Her Majesty's Procureur has indicated that he does not object.

**Amendment and supplementary grounds.**

7. (1) With the leave of the Royal Court, the appellant may amend his notice of appeal under section 28(4) or (6) of the Law or deliver supplementary grounds of appeal.

(2) Rule 4(1) and rule 9(1)(a) 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 4(1), Her Majesty's Procureur may amend his notice in reply and, in the case of an appeal under section 28(6) of the Law, the respondent data controller may amend his reply to the notice of appeal.

(4) An amended notice or reply under paragraph (3) must be sent to the Greffier within 28 days of the date on which the copy referred to in that paragraph is received.

(5) Without prejudice to paragraph (3), and with the leave of the Royal Court -

(a) Her Majesty's Procureur may amend a notice in reply,  
and

(b) the respondent data controller may amend a reply to  
the notice of appeal.

(6) Rule 5(3) and rules 9(1)(b) and 10(1)(a) apply to an amended notice in reply by Her Majesty's Procureur provided under paragraph (3) or (5) as they do to a notice in reply.

(7) Rule 6(3) and (4) and rules 9(1)(c) and 10(1)(b) apply to an amended reply by the respondent data controller provided under paragraph (3) or (5) as they do to a reply.

**Application for striking out.**

8. (1) Where -

(a) in the case of an appeal under section 28(4) of the Law, Her Majesty's Procureur, or

- (b) in the case of an appeal under section 28(6) of the Law, the respondent data controller -

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 notice under rule 5 or, as the case may be, his reply under rule 6 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.

#### **Summary disposal of appeals.**

9. (1) Where, having considered -

- (a) a notice of appeal,
- (b) Her Majesty's Procureur's notice in reply, and
- (c) in the case of an appeal under section 28(6) of the Law, the respondent data controller's reply,

the Royal Court is of the opinion that the appeal is of such a nature that it can properly be determined by dismissing it forthwith, it may, subject to the provisions of this rule, so determine the appeal.

(2) Where the Royal Court proposes to determine an appeal under paragraph (1), it must first notify the appellant and Her Majesty's Procureur of the proposal.

(3) A notification to the appellant under paragraph (2) must contain particulars of the appellant's entitlements set out in paragraph (4).

(4) An appellant notified in accordance with paragraph (2) is entitled, within such time as the Royal Court may reasonably allow -

- (a) to make written representations, and
- (b) to request the Court to hear oral representations against the proposal to determine the appeal under paragraph (1).

(5) Where an appellant requests a hearing under paragraph (4)(b), the Royal Court shall, as soon as practicable and with due regard to the convenience of the appellant, appoint a time and place for a hearing accordingly.

(6) The Greffier shall send to the appellant a notice informing him of -

- (a) the time and place of any hearing under paragraph (5), which, unless the appellant otherwise agrees, shall not be earlier than 14 days after the date on which the notice is sent, and
- (b) the effect of rule 20.

(7) The Royal Court must as soon as practicable notify the appellant and Her Majesty's Procureur if, having given a notification under paragraph (2), it ceases to propose to determine the appeal under paragraph (1).

**Her Majesty's Procureur's objection to disclosure.**

**10.** (1) Where Her Majesty's Procureur objects, on grounds of the need to secure that information is not disclosed contrary to the interests of the security of the British Islands, to the disclosure of-

- (a) his notice in reply to the appellant, the Commissioner or, in the case of an appeal under section 28(6) of the Law, the respondent data controller, or
- (b) the reply of a respondent data controller to the appellant or the Commissioner,

he may send a notice of objection to the Royal Court.

(2) A notice of objection under paragraph (1) must be sent -

- (a) where paragraph (1)(a) applies, with the notice in reply, and
- (b) where paragraph (1)(b) applies, within 42 days of the date on which he receives the copy mentioned in rule 6(3).

(3) A notice of objection under paragraph (1) shall -

- (a) state the reasons for the objection, and
- (b) where paragraph (1)(a) applies, if and to the extent it is possible to do so without disclosing information contrary to the interests of the security of the British Islands, be accompanied by a version of Her Majesty's Procureur's notice in a form which can be shown to

the appellant, the Commissioner or, as the case may be, the respondent data controller.

(4) Where Her Majesty's Procureur sends a notice of objection under paragraph (1), the Royal Court must not disclose the material in question otherwise than in accordance with rule 15.

**Withdrawal of appeal.**

11. (1) The appellant may at any time withdraw his appeal under section 28(4) or (6) of the Law by filing at the Greffe a notice of withdrawal signed by him or on his behalf, and the Greffier shall send a copy of that notice to -

- (a) the Bailiff,
- (b) Her Majesty's Procureur,
- (c) the Commissioner, and
- (d) in the case of an appeal under section 28(6) of the Law, the respondent data controller.

(2) A notice of withdrawal shall if sent by post in accordance with rule 25(1) have effect on the date on which it is received for dispatch by Guernsey Post.

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

**Consolidation of appeals.**

12. (1) Subject to paragraph (2), where in the case of two or more appeals 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 Royal 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 and Her Majesty's Procureur an opportunity to show cause why such an order should not be made.

**Directions for the purposes of appeals.**

13. (1) This rule is subject to rule 14.

(2) In this rule, references to a "**party**" include Her Majesty's Procureur notwithstanding that he may not be a party to an appeal under section 28(6) of the Law.

(3) Subject to paragraphs (6) and (7), 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 under section 28(4) or (6) or to assist the Tribunal to determine the issues.

(4) 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 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 Royal 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.

(5) 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.

(6) 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.

(7) 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.

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

(9) 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.

**Applications by Her Majesty's Procureur.**

14. (1) This rule applies in any case where the Royal Court proposes to -

- (a) give or vary any direction under rule 13 or 16(2),
- (b) issue a summons under rule 18, or
- (c) certify or publish a determination under rule 23.

(2) Before the Royal Court proceeds as proposed in any case to which this rule applies, it must first notify Her Majesty's Procureur of the proposal.

(3) If Her Majesty's Procureur considers that proceeding as proposed by the Royal Court would cause information to be disclosed contrary to the interests of the security of the British Islands, he may make an application to the Royal Court requesting it to reconsider the proposal or reconsider it to any extent.

(4) An application by Her Majesty's Procureur under paragraph (3) must be made within 14 days of receipt of notification under paragraph (2), and the Royal Court must not proceed as proposed in any case to which this rule applies before that period has expired, otherwise than in accordance with rule 15, unless Her Majesty's Procureur has indicated that he does not object.

(5) Where Her Majesty's Procureur makes an application under this rule, the Royal Court must not proceed as proposed otherwise than in accordance with rule 15.

**Determinations on Her Majesty's Procureur's objections and applications.**

**15.** (1) Except where rule 9 applies, the Royal Court shall determine whether to uphold any objection of Her Majesty's Procureur under rule 10, and any application under rule 14, in accordance with this rule.

(2) Subject to paragraph (3), proceedings under this rule shall take place in the absence of the parties.

(3) Her Majesty's Procureur (or a person authorised to act on his behalf) may attend any proceedings under this rule, whether or not he is a party to the appeal in question.

(4) An objection under rule 10 must be considered under this rule as a preliminary issue, and an application under rule 14 may be considered as a preliminary issue or at the hearing of the substantive appeal.

(5) Where, in the case of an objection under rule 10, the Royal Court is minded to overrule Her Majesty's Procureur's objection, or to require him to provide a version of his notice in a form other than that in which he provided it under rule 10(3)(b), the Royal Court must invite the Procureur to make oral representations.

(6) Where the Royal Court under paragraph (5) overrules an objection by Her Majesty's Procureur under rule 10, or requires him to provide a version of his notice in a form other than that in which he provided it under rule 10(3)(b), the Royal Court shall not disclose, and the Procureur shall not be required to disclose, any material which was the subject of the unsuccessful objection if the Procureur chooses not to rely upon it in opposing the appeal.

(7) Where, in the case of an objection under rule 10, the Royal Court upholds Her Majesty's Procureur's objection and either -

- (a) approves the version of his notice provided under rule 10(3)(b), or
- (b) requires him to provide a version of his notice in a form other than that in which he provided it under rule 10(3)(b),

rule 5(3) applies to that version of the notice.

**Power to determine an appeal without a hearing.**

16. (1) Without prejudice to rule 9, where either -

- (a) the parties so agree in writing, or
- (b) it appears to the Royal Court that the issues raised on the appeal have been determined on a previous appeal brought by the appellant on the basis of facts which did not materially differ from those to which the appeal relates and the Royal Court has given the parties an opportunity of making representations to the effect that the appeal ought not to be determined without a hearing,

the Court may determine an appeal, or any particular issue, without a hearing.

(2) Before determining any matter under this rule, the Royal Court may, subject to rule 14, 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 Royal Court may allow.

**Time and place of hearings of appeal.**

17. (1) Except where rule 9 or 16 applies, as soon as practicable after notice of appeal has been given, and with due regard to the convenience of the parties, the Royal Court shall appoint a time and place for a hearing of the appeal.

(2) Except in relation to a hearing under rule 9(5), the Greffier shall send to each party, the Commissioner and Her Majesty's Procureur a notice informing him of the time and place of any hearing, which, unless the parties otherwise agree, shall not be earlier than 14 days after the date on which the notice is sent.

(3) A notice to a party under this rule shall inform him of the effect of rule 20.

(4) 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 or rule 9(6), and any person summoned under rule 18 to attend as a witness at that hearing, of the revised arrangements.

**Summoning of witnesses in relation to appeals.**

18. (1) This rule is subject to rule 14.

(2) Subject to paragraph (3), 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 22(b) and (c), 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.

(3) 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 Royal Court that he accepts such notice as he has been given.

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

(5) 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.**

19. (1) At any hearing of an appeal by the Royal Court, other than a hearing under rule 9, a party may, subject to rules 15(2) and 21(3), conduct his case himself or may appear and be represented by any person whom he may appoint for the purpose.

(2) At any hearing by the Royal Court under rule 9(5), the appellant may conduct his case himself or may appear and be represented by any person whom he may appoint for the purpose.

#### **Default of appearance at hearing of an appeal.**

20. 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.

**Hearings to be in private.**

21. (1) All hearings (including preliminary hearings) of proceedings under these Rules by the Royal Court shall be in private unless the Court, with the consent of the parties and Her Majesty's Procureur, directs that the hearing, or any part of the hearing, shall take place in public.

(2) Where the Royal Court sits in private it may, with the consent of the parties and Her Majesty's Procureur, admit to a hearing such persons on such terms and conditions as it considers appropriate.

(3) Where the Royal Court considers it necessary for any party other than Her Majesty's Procureur to be excluded from proceedings or any part of them in order to secure that information is not disclosed contrary to the interests of the security of the British Islands, it must -

- (a) direct accordingly,
- (b) inform the person excluded of its reasons, to the extent that it is possible to do so without disclosing information contrary to the interests of the security of the British Islands, and record those reasons in writing, and
- (c) inform Her Majesty's Procureur.

(4) Her Majesty's Procureur, or a person authorised to act on his behalf, may attend any hearing, other than a hearing under rule 9, notwithstanding that it is in private.

**Evidence.**

22. For the purposes of the hearing of an appeal under these Rules -

- (a) the Royal Court 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 may require oral evidence of a witness (including a party) to be given on oath or affirmation.

**Publication of judgments.**

23. When making any arrangements for the publication of its determination of an appeal to which these Rules relate, the Royal Court shall have regard to -

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

- (b) the need to secure that information is not disclosed contrary to the interests of the security of the British Islands,

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

**Costs.**

**24.** (1) In any appeal to which these Rules relate, including one withdrawn under rule 11, the Royal Court may make such order as to costs as it thinks fit.

(2) Without prejudice to the generality of paragraph (1) -

(a) in the case of an appeal under section 28(4) of the Law, the Royal Court may make an order -

(i) against the appellant and in favour of Her Majesty's Procureur where it considers that the appeal was manifestly unreasonable, and

(ii) against Her Majesty's Procureur and in favour of the appellant where it allows the appeal and quashes the disputed certification, or does so to any extent;

(b) in the case of an appeal under section 28(6) of the Law, the Royal Court may make an order -

(i) against the appellant and in favour of any other party where it dismisses the appeal or dismisses it to any extent,

- (ii) in favour of the appellant and against any other party where it allows the appeal or allows it to any extent; and
- (c) where the Royal Court 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.**

**25.** (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 Royal Court or the Greffier, at the Greffe, Royal Court House, Saint Peter Port, Guernsey, GY1 2PB
- (b) in the case of the Commissioner, at his office,
- (c) in the case of a party, at his address for service under these Rules, and

(d) 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 written notice given to the Greffier.

**Interpretation.**

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

**"appeal"** means an appeal under section 28(4) or (6) of the Law,

**"appellant"** means a person who brings or intends to bring an appeal under section 28(4) or (6) of the Law,

**"disputed certification"** means -

(a) in relation to an appeal under section 28(4) of the Law, the certificate against which the appeal is brought or is intended to be brought, and

(b) in relation to an appeal under section 28(6) of the Law, the claim by the data controller, against which the appeal is brought or intended to be brought, that a certificate applies to any personal data,

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

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

**"party"** means the appellant, and includes -

- (a) in relation to an appeal under section 28(4) of the Law, Her Majesty's Procureur, and
- (b) in relation to an appeal under section 28(6) of the Law, the respondent data controller, and

references in these Rules to a party or to any such party include a person appointed under rule 19 to represent his interests,

**"respondent data controller"** in relation to an appeal under section 28(6) of the Law means the data controller making the claim which constitutes the disputed certification,

**"Royal Court"** and **"the Court"** mean the Royal Court of Guernsey sitting -

- (a) as an Ordinary Court, or
- (b) in accordance with rule 1(3), and

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

(2) The Interpretation (Guernsey) Law, 1948<sup>b</sup> 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.

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<sup>b</sup> Ordres en Conseil Vol. XIII, p. 355.

**Citation.**

27. These Rules may be cited as the Royal Court (Data Protection) (Public Security Appeals) Rules, 2006.

**Commencement and transitional.**

28. (1) These Rules shall come into force on the 24<sup>th</sup> day of April 2006, but shall not apply to any appeal commenced before that date.

(2) The Court may make such orders in respect of an appeal commenced before the 24<sup>th</sup> day of April 2006, as it thinks just.

K H TOUGH  
Her Majesty's Greffier