

The Regulation of Investigatory Powers (Cancellation of Authorisations) Regulations, 2004

Made

Coming into force

14th June 2004

Laid before States

THE STATES HOME DEPARTMENT, in exercise of the powers conferred on it by section 36(4) and (5) of the Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003¹, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Regulation of Investigatory Powers (Cancellation of Authorisations) Regulations, 2004, and shall come into force on 14th June, 2004.

Performance of duty to cancel

2. (1) Where any duty imposed by section 36 of the Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003 would otherwise fall on a person who is no longer available to perform it, that duty is to be performed by –

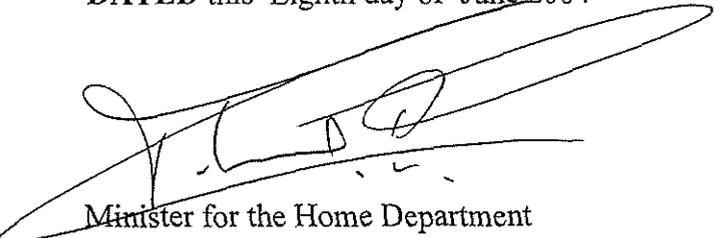
- (a) the person, if any, appointed for the purpose of these Regulations in accordance with paragraph (2);

¹ Order in Council No. XXX of 2003.

- (b) where no such person has been appointed, the person, if any, who holds the same office, rank or position in the same public authority as was held by the person who is no longer available and who has taken over that person's responsibilities or most of them.

(2) The person making an appointment for the purpose of these Regulations, and the person appointed, must each be a person holding the same office, rank or position (or a more senior one) in the same public authority as was held by the person who is no longer available.

DATED this Eighth day of June 2004



Minister for the Home Department

For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 36 of the Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003 imposes a duty on a number of persons to cancel authorisations under Part II of the Act, provided certain conditions are met.

These Regulations address the situation where the duty falls on a person who is no longer available to perform it. Regulation 2(1)(b) provides for the duty to fall instead on the person who has taken over most of that person's responsibilities. There is also a power in regulation 2(1)(a) to appoint a person for this specific purpose, which may be needed where the application of regulation 2(1)(b) is uncertain or inappropriate in a particular case.

Where section 36 imposes a duty to cancel on two persons, and one of those persons remains available, neither the Law nor the Regulations relieve the duty imposed on him.