

GUERNSEY STATUTORY INSTRUMENT

2004 No. 23

**The Data Protection (Notification and Notification Fees)
(Amendment) Regulations, 2004**

Made

15th December 2004

Coming into operation

1st January 2005

Laid before the States

26th January 2005

THE HOME DEPARTMENT, in exercise of the powers conferred on it by sections 18(5) and 66(1) and (2) of the Data Protection (Bailiwick of Guernsey) Law, 2001^a and all other powers enabling it, and after consultation with the Data Protection Commissioner in accordance with section 66(3) of that Law, hereby makes the following Order -

Amendment of 2002 Regulations.

1. The 2002 Regulations are amended as follows -

(a) in regulation 5(2) immediately after "£35", insert -

"provided that no fee shall be payable in respect of a notification made by an elected representative, where that notification is made for the purposes of lawfully carrying out functions as such a representative".

(b) in regulation 14(1) immediately before the definition of "**the Law**" insert -

""**elected representative**" means -

^a Order in Council No. V of 2002.

- (a) a member of the States of Deliberation of Guernsey^b;
- (b) a holder in Guernsey of the office of -
 - (i) Constable,
 - (ii) Douzenier^c,
 - (iii) Procureur of the Poor, or
 - (iv) Overseer of the Poor^d;
- (c) a member of the States of Alderney^e; or
- (d) a member of the Chief Pleas of Sark^f;"

Interpretation.

2. (1) In these Regulations, the "**2002 Regulations**" means the Data

^b As to membership of the States of Deliberation of Guernsey, see article 1 of the Law Reform (Guernsey) Law, 1948, as amended by section 1 of the Reform (Replacement of Conseillers (Guernsey) Law, 1998 and the Reform (Guernsey) (Amendment) Law, 2003.

^c Election to the offices of Constable and Douzenier is governed by Part V of the Reform (Guernsey) Law, 1948, as amended.

^d Election to the offices of Procureur of the Poor and Overseer of the Poor is provided for under article XVII of the Public Assistance Law, 1937, as amended.

^e As to membership of the States of Alderney, see section 27 of the Government of Alderney Law, 1987, as amended by the Government of Alderney (Amendment) Law, 1998.

^f As to the composition of the Chief Pleas of Sark, see section 1 of the Reform (Sark) Law, 1951.

Protection (Notification and Notification Fees) Regulations, 2002^g.

(2) The provisions of the Interpretation (Guernsey) Law, 1948^h apply to the interpretation of these Regulations -

(a) throughout the Bailiwick; and

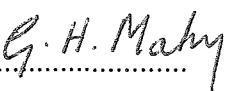
(b) as they apply to the interpretation of an enactment.

(3) Unless the context otherwise requires, references in these Regulations to an enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

Citation.

3. These Regulations may be cited as the Data Protection (Notification and Notification Fees) (Amendment) Regulations, 2004.

Dated this 1st day of May 2009.


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G.H. MAHY

Minister for the States Home Department

For and on behalf of the Department.

^g G.S.I. 2002 No. 24.

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

EXPLANATORY NOTE.

(This note is not part of the Order)

These Regulations amend the Data Protection (Notification and Notification Fees) Regulations, 2002 so as to create an exemption for the requirement to pay a notification fee, where the notification is made by an elected representative, for the purposes of lawfully carrying out functions as a representative. An "elected representative" means a member of the States of Deliberation, the States of Alderney or the Chief Pleas of Sark and, in Guernsey, a Constable, a Douzenier a Procureur of the Poor or an Overseer of the Poor.