

GUERNSEY STATUTORY INSTRUMENT

2009 No. 38

**The Data Protection (Notification and Notification Fees)
(Amendment) Regulations, 2009**

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| <i>Made</i> | <i>14 July 2009</i> |
| <i>Coming into operation</i> | <i>14 July 2009</i> |
| <i>Laid before the States</i> | <i>September 2009</i> |

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. In the definition of “elected representative” in regulation 14(1) of the Data Protection (Notification and Notification Fees) Regulations, 2002^b –

(a) delete “or” at the end of paragraph (c), and

(b) immediately after paragraph (d) insert –

“or

(e) a holder in Sark or the office of –

(i) Constable,

^a Order in Council No. V of 2002.

^b G.S.I. 2002 No. 24 and 2009 No. 23.

- (ii) Vingtenier,
- (iii) Assistant Constable,
- (iv) Procureur of the Poor, or
- (v) Deputy Procureur of the Poor”.

Interpretation

2. (1) The provisions of the Interpretation (Guernsey) Law, 1948^c apply to the interpretation of these Regulations –

- (a) throughout the Bailiwick; and
- (b) as they apply to the interpretation of an enactment.

(2) Unless the context otherwise requires, references in these Regulations to an enactment or instrument 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, 2009.

Commencement

4. This Order shall come into force on the 14 July 2009.

Dated this fourteenth day of July 2009.

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

G. H. Mahy

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Minister, Home Department.

For and on behalf of the Department.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend regulation 14(1) of the Data Protection (Notification and Notification Fees) Regulations, 2002, as amended, so as to include in the definition of “elected representative,” a holder of any of the offices in Sark of Constable, Vingtenier, Assistant Constable, Procureur of the Poor or Deputy Procureur of the Poor. Under the 2002 regulations, elected representatives are exempt from the requirement to pay a notification fee where the notification is made by the representative for the purposes of lawfully carrying out functions as a representative.