

## SCHEDULES

### SCHEDULE 2

Section 3(6).

#### THE DATA PROTECTION REGISTRAR AND THE DATA PROTECTION TRIBUNAL

##### PART I

##### THE REGISTRAR

###### *Status*

- 1 (1) The Registrar shall be a corporation sole by the name of " The Data Protection Registrar ".
- (2) Except as provided in section 17(2) of this Act, the Registrar and his officers and servants shall not be regarded as servants or agents of the Crown.

###### *Tenure of office*

- 2 (1) Subject to the provisions of this paragraph, the Registrar shall hold office for five years.
- (2) The Registrar may be relieved of his office by Her Majesty at his own request
- (3) The Registrar may be removed from office by Her Majesty in pursuance of an Address from both Houses of Parliament.
- (4) The Registrar shall in any case vacate his office on completing the year of service in which he attains the age of sixty-five years.
- (5) Subject to sub-paragraph (4) above, a person who ceases to be Registrar on the expiration of his term of office shall be eligible for re-appointment.

###### *Salary etc.*

- 3 (1) There shall be paid—
- (a) to the Registrar such salary, and
  - (b) to or in respect of the Registrar such pension,
- as may be specified by a resolution of the House of Commons.
- (2) A resolution for the purposes of this paragraph may either specify the salary or pension or provide that it shall be the same as that payable to, or to or in respect of, a person employed in a specified office under, or in a specified capacity in the service of, the Crown.
- (3) A resolution for the purposes of this paragraph may take effect from the date on which it is passed or from any earlier or later date specified in the resolution.

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- (4) Any salary or pension payable under this paragraph shall be charged on and issued out of the Consolidated Fund.
- (5) In this paragraph "pension" includes an allowance or gratuity and any reference to the payment of a pension includes a reference to the making of payments towards the provision of a pension.

*Officers and servants*

- 4 (1) The Registrar—
  - (a) shall appoint a deputy registrar ; and
  - (b) may appoint such number of other officers and servants as he may determine.
- (2) The remuneration and other conditions of service of the persons appointed under this paragraph shall be determined by the Registrar.
- (3) The Registrar may pay such pensions, allowances or gratuities to or in respect of the persons appointed under this paragraph, or make such payments towards the provision of such pensions, allowances or gratuities, as he may determine.
- (4) The references in sub-paragraph (3) above to pensions, allowances or gratuities to or in respect of the persons appointed under this paragraph include references to pensions, allowances or gratuities by way of compensation to or in respect of any of those persons who suffer loss of office or employment.
- (5) Any determination under sub-paragraph (1)(b), (2) or (3) above shall require the approval of the Secretary of State given with the consent of the Treasury.
- 5 (1) The deputy registrar shall perform the functions conferred by this Act on the Registrar during any vacancy in that office or at any time when the Registrar is for any reason unable to act.
- (2) Without prejudice to sub-paragraph (1) above, any functions of the Registrar under this Act may, to the extent authorised by him, be performed by any of his officers.

*Receipts and expenses*

- 6 (1) All fees and other sums received by the Registrar in the exercise of his functions under this Act shall be paid by him into the Consolidated Fund.
- (2) The Secretary of State shall out of moneys provided by Parliament pay to the Registrar such sums towards his expenses as the Secretary of State may with the approval of the Treasury determine.

*Accounts*

- 7 (1) It shall be the duty of the Registrar—
  - (a) to keep proper accounts and other records in relation to the accounts;
  - (b) to prepare in respect of each financial year a statement of account in such form as the Secretary of State may direct with the approval of the Treasury ; and
  - (c) to send copies of that statement to the Comptroller and Auditor General on or before 31st August next following the end of the year to which the statement

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relates or on or before such earlier date after the end of that year as the Treasury may direct.

- (2) The Comptroller and Auditor General shall examine and certify any statement sent to him under this paragraph and lay copies of it together with his report thereon before each House of Parliament
- (3) In this paragraph "financial year" means a period of twelve months beginning with 1st April.

## PART II

### THE TRIBUNAL

#### *Tenure of office*

- 8 (1) A member of the Tribunal shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for re-appointment.
- (2) Any member of the Tribunal may at any time resign his office by notice in writing to the Lord Chancellor (in the case of the chairman or a deputy chairman) or to the Secretary of State (in the case of any other member).

#### *Salary etc.*

- 9 The Secretary of State shall pay to the members of the Tribunal out of moneys provided by Parliament such remuneration and allowances as he may with the approval of the Treasury determine.

#### *Officers and servants*

- 10 The Secretary of State may provide the Tribunal with such officers and servants as he thinks necessary for the proper discharge of its functions.

#### *Expenses*

- 11 Such expenses of the Tribunal as the Secretary of State may with the approval of the Treasury determine shall be defrayed by the Secretary of State out of moneys provided by Parliament.

## PART III

### GENERAL

#### *Parliamentary disqualification*

- 12 (1) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted at the appropriate place "The Data Protection Tribunal".

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- (2) In Part III of that Schedule (disqualifying offices) there shall be inserted at the appropriate place " The Data Protection Registrar ".
- (3) Corresponding amendments shall be made in Parts II and III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975.

*Supervision by Council on Tribunals*

- 13 The Tribunals and Inquiries Act 1971 shall be amended as follows—
- (a) in section 8(2) after " paragraph" there shall be inserted " 5A ";
  - (b) in section 19(4) after " 46 " there shall be inserted the words " or the Data Protection Registrar referred to in paragraph 5A ";
  - (c) in Schedule 1, after paragraph 5 there shall be inserted—

“Data protection.

5A.

- (a) The Data Protection Registrar ;
- (b) The Data Protection Tribunal.”

*Public records*

- 14 In Part II of the Table in paragraph 3 of Schedule 1 to the Public Records Act 1958 there shall be inserted at the appropriate place " the Data Protection Registrar " ; and after paragraph 4(1)(n) of that Schedule there shall be inserted—
- “(mn) records of the Data Protection Tribunal;”.