



Data Protection Act 1998

1998 CHAPTER 29

PART VI

MISCELLANEOUS AND GENERAL

General

67 Orders, regulations and rules.

- (1) Any power conferred by this Act on the [^{F1} Secretary of State] to make an order, regulations or rules shall be exercisable by statutory instrument.
- (2) Any order, regulations or rules made by the [^{F1} Secretary of State] under this Act may—
 - (a) make different provision for different cases, and
 - (b) make such supplemental, incidental, consequential or transitional provision or savings as the [^{F1} Secretary of State] considers appropriate;and nothing in section 7(11), 19(5), 26(1) or 30(4) limits the generality of paragraph (a).
- (3) Before making—
 - (a) an order under any provision of this Act other than section 75(3),
 - (b) any regulations under this Act other than notification regulations (as defined by section 16(2)),the [^{F1} Secretary of State] shall consult the Commissioner.
- (4) A statutory instrument containing (whether alone or with other provisions) an order under—
 - section 10(2)(b),
 - section 12(5)(b),
 - section 22(1),
 - section 30,
 - section 32(3),

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section 38,
^{F2}section 41A(2)(c),
^{F3}section 55E(1),
 section 56(8),
 paragraph 10 of Schedule 3, or
 paragraph 4 of Schedule 7,

shall not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(5) A statutory instrument which contains (whether alone or with other provisions)—

(a) an order under—

section 22(7),
 section 23,
^{F4}section 41A(2)(b),
 section 51(3) [^{F5} or (8B)],
 section 54(2), (3) or (4),
 paragraph 3, 4 or 14 of Part II of Schedule 1,
 paragraph 6 of Schedule 2,
 paragraph 2, 7 or 9 of Schedule 3,
 paragraph 4 of Schedule 4,
 paragraph 6 of Schedule 7,

(b) regulations under section 7 which—

(i) prescribe cases for the purposes of subsection (2)(b),
 (ii) are made by virtue of subsection (7), or
 (iii) relate to the definition of “the prescribed period”,

(c) regulations under section 8(1) [^{F6}, 9(3) or 9A(5)],

^{F7}(ca) regulations under section 55A(5) or (7) or 55B(3)(b),

(d) regulations under section 64,

(e) notification regulations (as defined by section 16(2)), or

(f) rules under paragraph 7 of Schedule 6,

and which is not subject to the requirement in subsection (4) that a draft of the instrument be laid before and approved by a resolution of each House of Parliament, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) A statutory instrument which contains only—

(a) regulations prescribing fees for the purposes of any provision of this Act, or

(b) regulations under section 7 prescribing fees for the purposes of any other enactment,

shall be laid before Parliament after being made.

Annotations:

Amendments (Textual)

- F1** Words in s. 67 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, [Sch. 2 para. 9\(1\)\(a\)](#)

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- F2** Words in s. 67(4) inserted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 175, 182, **Sch. 20 para. 6(a)** (with s. 180)); S.I. 2010/816, **art. 2**, Sch. para. 19
- F3** Words in s. 67(4) inserted (1.10.2009) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 144(2)(a)**, 153; S.I. 2009/2606, **art. 2(o)**
- F4** Words in s. 67(5)(a) inserted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 175, 182, **Sch. 20 para. 6(b)** (with s. 180); S.I. 2010/816, **art. 2**, Sch. para. 19
- F5** Words in s. 67(5)(a) inserted (1.9.2013) by Protection of Freedoms Act 2012 (c. 9), **ss. 107(2)**, 120 (with s. 97); S.I. 2013/1906, art. 3(d)
- F6** Words in s. 67(5)(c) substituted (30.11.2000 for certain purposes and otherwise 1.1.2005) by 2000 c. 36, ss. 69(3), 87(1)(3) (with ss. 56, 78); S.I. 2004/1909, **art. 2**; S.I. 2004/3122, **art. 2**
- F7** S. 67(5)(ca) inserted (1.10.2009) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 144(2)(b)**, 153; S.I. 2009/2606, **art. 2(o)**

Modifications etc. (not altering text)

- C1** S. 67 applied (with modifications) (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **44(1)**
- C2** S. 67(1)(2)(5)(f) applied (with modifications) (11.12.2003) by The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426), **reg. 28(8)(d)** (with regs. 4, 15(3), 28, 29)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [S.S.I. 2018/66 sch. 6 para. 64](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(2)(aa) inserted by [2009 c. 25 Sch. 20 para. 4\(c\)](#)
- s. 31(4)(a)(va) inserted by [2016 c. 21 \(N.I.\) Sch. 3 para. 13](#)
- s. 55(2)(ca) inserted by [2008 c. 4 s. 78](#)