

## SCHEDULES

### SCHEDULE 2

#### 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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*Status: This is the original version (as it was originally enacted).*

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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

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.