

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Data Protection Act 1984 (repealed 1.3.2000), SCHEDULE 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

Section 13(4).

#### APPEAL PROCEEDINGS

**Modifications etc. (not altering text)**

**C1** Sch. 3 applied (with modifications) by S.I. 1998/3170, reg. 3, Sch. 2

#### *Hearing of appeals*

- 1 For the purpose of hearing and determining appeals or any matter preliminary or incidental to an appeal the Tribunal shall sit at such times and in such places as the chairman or a deputy chairman may direct and may sit in two or more divisions.
- 2
  - (1) Subject to any rules made under paragraph 4 below, the Tribunal shall be duly constituted for an appeal under section 13 (1) of this Act if it consists of—
    - (a) the chairman or a deputy chairman (who shall preside); and
    - (b) an equal number of the members appointed respectively in accordance with paragraphs (a) and (b) of section 3(5) of this Act.
  - (2) The members who are to constitute the Tribunal in accordance with sub-paragraph (1) above shall be nominated by the chairman or, if he is for any reason unable to act, by a deputy chairman.
  - (3) The determination of any question before the Tribunal when constituted in accordance with this paragraph shall be according to the opinion of the majority of the members hearing the appeal.
- 3 Subject to any rules made under paragraph 4 below, the jurisdiction of the Tribunal in respect of an appeal under section 13(2) or (3) of this Act shall be exercised *ex parte* by the chairman or a deputy chairman sitting alone.

#### *Rules of procedure*

- 4
  - (1) The Secretary of State may make rules for regulating the exercise of the rights of appeal conferred by section 13 of this Act and the practice and procedure of the Tribunal.
  - (2) Without prejudice to the generality of sub-paragraph (1) above, rules under this paragraph may in particular make provision—

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- (a) with respect to the period within which an appeal can be brought and the burden of proof on an appeal;
- (b) for the summoning of witnesses and the administration of oaths;
- (c) for securing the production of documents and data material;
- (d) for the inspection, examination, operation and testing of data equipment and the testing of data material;
- (e) for the hearing of an appeal wholly or partly in camera;
- (f) for hearing an appeal in the absence of the appellant or for determining an appeal without a hearing;
- (g) for enabling any matter preliminary or incidental to an appeal to be dealt with by the chairman or a deputy chairman;
- (h) for the awarding of costs;
- (i) for the publication of reports of the Tribunal's decision; and
- (j) for conferring on the Tribunal such ancillary powers as the Secretary of State thinks necessary for the proper discharge of its functions.

*Obstruction etc.*

- 5 (1) If any person is guilty of any act or omission in relation to proceedings before the Tribunal which, if those proceedings were proceedings before a court having power to commit for contempt, would constitute contempt of court, the Tribunal may certify the offence to the High Court or, in Scotland, the Court of Session.
- (2) Where an offence is so certified, the court may inquire into the matter and, after hearing any witness who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, deal with him in any manner in which it could deal with him if he had committed the like offence in relation to the court.

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