



Data Protection Act 1984

1984 CHAPTER 35

PART V

GENERAL

40 Regulations, rules and orders

- (1) Any power conferred by this Act to make regulations, rules or orders shall be exercisable by statutory instrument.
- (2) Without prejudice to sections 2(6) and 29(3) above, regulations, rules or orders under this Act may make different provision for different cases or circumstances.
- (3) Before making an order under any of the foregoing provisions of this Act the Secretary of State shall consult the Registrar.
- (4) No order shall be made under section 2(3), 4(8), 29, 30 or 34(2) above unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (5) A statutory instrument containing an order under section 21(9) or 37 above or rules under paragraph 4 of Schedule 3 to this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Regulations prescribing fees for the purposes of any provision of this Act or the period mentioned in section 8(2) above shall be laid before Parliament after being made.
- (7) Regulations prescribing fees payable to the Registrar under this Act or the period mentioned in section 8(2) above shall be made after consultation with the Registrar and with the approval of the Treasury; and in making any such regulations the Secretary of State shall have regard to the desirability of securing that those fees are sufficient to offset the expenses incurred by the Registrar and the Tribunal in discharging their functions under this Act and any expenses of the Secretary of State in respect of the Tribunal.