



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*Status: This is the original version (as it was originally enacted).*

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section 38,  
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,
  - section 51(3),
  - 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) or 9(3),
- (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.