

PROTECTION OF FREEDOMS ACT 2012

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 2: Regulation of surveillance

Chapter 1: Regulation of CCTV and other surveillance camera technology

Section 30: Issuing of the code

153. This section sets out the parliamentary procedure for approving the first surveillance camera code made under the preceding section. *Subsection (1)* requires the Secretary of State to lay the proposed code before Parliament together with a draft order bringing the code into force. Such an order is subject to the affirmative resolution procedure (*subsection (2)*). If the draft order bringing into force the first code of practice is not approved the Secretary of State is required to prepare a revised code; the draft order bringing such a revised code into force is again subject to the affirmative procedure (*subsection (4)*).
154. *Subsection (7)* disapplies the hybridity procedure should such procedure apply to the order made under this section. Some statutory instruments which need to be approved by both Houses are ruled to be hybrid instruments because they affect some members of a group (be it individuals or bodies) more than others in the same group. Hybrid instruments are subject to a special procedure which gives those who are especially affected by them the opportunity to present their arguments against the statutory instrument to the Hybrid Instruments Committee and then, possibly, to a Select Committee charged with reporting on its merits. The hybrid instrument procedure is unique to the House of Lords and the process must be completed before the instrument can be approved by both Houses.