



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 3

PROTECTION OF PROPERTY FROM DISPROPORTIONATE ENFORCEMENT ACTION

CHAPTER 1

POWERS OF ENTRY

Codes of practice in relation to powers of entry

51 Effect of code

- (1) A relevant person must have regard to the powers of entry code when exercising any functions to which the code relates.
- (2) A failure on the part of any person to act in accordance with any provision of the powers of entry code does not of itself make that person liable to criminal or civil proceedings.
- (3) The powers of entry code is admissible in evidence in any such proceedings.
- (4) A court or tribunal may, in particular, take into account a failure by a relevant person to have regard to the powers of entry code in determining a question in any such proceedings.
- (5) In this section “relevant person” means any person specified or described by the Secretary of State in an order made by statutory instrument.
- (6) An order under subsection (5) may, in particular—
 - (a) restrict the specification or description of a person to that of the person when acting in a specified capacity or exercising specified or described functions,
 - (b) contain transitional, transitory or saving provision.

Status: This is the original version (as it was originally enacted).

- (7) So far as an order under subsection (5) contains a restriction of the kind mentioned in subsection (6)(a) in relation to a person, the duty in subsection (1) applies only to the person in that capacity or (as the case may be) only in relation to those functions.
- (8) Before making an order under subsection (5) in relation to any person or description of persons, the Secretary of State must consult such persons appearing to the Secretary of State to be representative of the views of the person or persons in relation to whom the order may be made as the Secretary of State considers appropriate.
- (9) No instrument containing the first order under subsection (5) is to be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
- (10) Subject to this, an instrument containing an order under subsection (5) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) If a draft of an instrument containing the first order under subsection (5) would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.