

2012 No. 1205 (C. 41)

RIGHTS OF THE SUBJECT, ENGLAND AND WALES

POWERS OF ENTRY

SURVEILLANCE CAMERAS

**FREEDOM OF INFORMATION, ENGLAND AND
WALES**

FREEDOM OF INFORMATION, NORTHERN IRELAND

POLICE, ENGLAND AND WALES

PREVENTION AND SUPPRESSION OF TERRORISM

The Protection of Freedoms Act 2012 (Commencement No. 1)
Order 2012

Made - - - -

2nd May 2012

The Secretary of State, in exercise of the powers conferred by section 120(1) of the Protection of Freedoms Act 2012(a), makes the following Order.

Citation and interpretation

1.—(1) This Order may be cited as the Protection of Freedoms Act 2012 (Commencement No. 1) Order 2012.

(2) In this Order “the Act” means the Protection of Freedoms Act 2012.

Provisions coming into force on 9th May 2012

2. The day appointed for the coming into force of section 62 (code of practice) of the Act is 9th May 2012.

Provisions coming into force on 1st July 2012

3. The day appointed for the coming into force of the following provisions of the Act is 1st July 2012—

(a) 2012 c. 9.

- (a) section 29 (code of practice for surveillance camera systems);
- (b) section 30 (issuing of code);
- (c) section 31 (alteration or replacement of code);
- (d) section 32 (publication of code);
- (e) section 33 (effect of code);
- (f) section 34 (commissioner in relation to code);
- (g) section 35 (reports by commissioner);
- (h) section 36 (interpretation: chapter 1);
- (i) section 39(1) (repealing etc. unnecessary or inappropriate powers of entry);
- (j) section 40 (adding safeguards to powers of entry);
- (k) section 41 (rewriting powers of entry);
- (l) section 42 (duty to review certain existing powers of entry);
- (m) section 43 (consultation requirements before modifying powers of entry);
- (n) section 44 (procedural and supplementary provisions) insofar as it confers functions on a Minister of the Crown;
- (o) section 45 (devolution: Scotland and Northern Ireland);
- (p) section 46 (sections 39 to 46: interpretation) insofar as it confers functions on a Minister of the Crown;
- (q) section 47 (code of practice in relation to non-devolved powers of entry);
- (r) section 48 (issuing of the code);
- (s) section 49 (alteration or replacement of code);
- (t) section 50 (publication of code);
- (u) section 51 (effect of code);
- (v) section 52 (sections 47 to 51: interpretation);
- (w) section 85 (inclusion of cautions etc in national police records);
- (x) section 104 (extension of certain Freedom of Information Act 2000^(a) provisions to Northern Ireland bodies);
- (y) section 115(1) (consequential amendments, repeals and revocations) insofar as it relates to the provisions of Schedule 9 specified in paragraph (aa) below;
- (z) section 115(2) (consequential amendments, repeals and revocations) insofar as it relates to the provisions of Schedule 10 specified in paragraphs (bb) and (cc) below;
- (aa) Part 2 of Schedule 9 (consequential amendments);
- (bb) Part 2 of Schedule 10 (repeals and revocations);
- (cc) Part 7 of Schedule 10 (repeals and revocations) insofar as it repeals section 80A of the Freedom of Information Act 2000 and paragraph 6 of Schedule 7 to the Constitutional Reform and Governance Act 2010^(b).

Provisions coming into force on 10th July 2012

4. The day appointed for the coming into force of the following provisions of the Act is 10th July 2012—

- (a) section 57 (maximum detention period of 14 days);
- (b) section 58 (emergency power for temporary extension and review of extensions);

(a) 2000 c. 36.

(b) 2010 c. 25.

- (c) section 59 (repeal of existing stop and search powers);
- (d) section 60 (replacement powers to stop and search persons and vehicles);
- (e) section 61 (replacement powers to stop and search in specified locations);
- (f) section 63 (stop and search powers in relation to Northern Ireland);
- (g) Schedule 5 (replacement powers to stop and search: supplementary provisions);
- (h) Schedule 6 (stop and search powers: Northern Ireland);
- (i) section 115(1) (consequential amendments, repeals and revocations) insofar as it relates to the provisions of Schedule 9 specified in paragraph (k) below;
- (j) section 115(2) (consequential amendments, repeals and revocations) insofar as it relates to the provisions of Schedule 10 specified in paragraph (l) below;
- (k) Part 5 of Schedule 9 (consequential amendments);
- (l) Part 4 of Schedule 10 (repeals and revocations).

Home Office
2nd May 2012

James Brokenshire
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order commences section 62 of the Protection of Freedoms Act 2012 (c. 9) (“the 2012 Act”) on 9th May which enables the code of practice on counter-terrorism stop and search powers to be laid before Parliament.

Article 3 commences a number of provisions of the 2012 Act on 1st July 2012, 2 months after the 2012 Act received Royal Assent. These provisions include Chapter 1 of Part 2 which regulates CCTV and other surveillance camera systems, Chapter 1 of Part 3 which makes provision relating to powers of entry, including the power to repeal powers of entry and the issuing of a code of practice for non-police agencies to govern the exercise of powers of entry, section 85 of the 2012 Act which provides a statutory basis for the recording of cautions and section 104 of the 2012 Act which extends freedom of information provisions to Northern Ireland bodies.

Article 4 commences substantive counter-terrorism stop and search provisions and provisions relating to pre-charge detention of terrorist suspects on 10th July 2012.

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STATUTORY INSTRUMENTS

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