

2013 No. 1814 (C. 75)

POLICE, ENGLAND AND WALES

**The Protection of Freedoms Act 2012 (Commencement No. 7)
Order 2013**

Made - - - -

18th July 2013

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

Citation and interpretation

1.—(1) This Order may be cited as the Protection of Freedoms Act 2012 (Commencement No. 7) Order 2013.

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

Provisions coming into force on 31st October 2013

2. The day appointed for the coming into force of the following provisions of the Act is 31st October 2013:

- (a) sections 1 to 12;
- (b) section 13 insofar as it inserts section 63Q(2) into the Police and Criminal Evidence Act 1984(b);
- (c) section 14 (destruction of samples) except for the purpose of the application of section 63R of the Police and Criminal Evidence Act 1984 to samples which are, or may become, disclosable under—
 - (i) the Criminal Procedure and Investigations Act 1996(c), or
 - (ii) a code of practice prepared under section 23 of that Act and in operation by virtue of an order under section 25 of that Act;
- (d) sections 15 to 19;
- (e) section 20 insofar as it is not already in force;
- (f) section 21;
- (g) sections 23 to 25;
- (h) paragraph 1(1) to (3) of Schedule 1 (amendment of regimes other than PACE);
- (i) paragraph 1(4) of Schedule 1 except—
 - (i) for the purpose of the insertion of paragraph 20F(1) into Schedule 8 to the Terrorism Act 2000(d) (destruction of copies of fingerprints);

(a) 2012 c. 9.

(b) 1984 c. 60.

(c) 1996 c. 25; there are amendments to this Act but none is relevant.

(d) 2000 c. 11.

- (ii) for the purpose of the application of paragraph 20G of Schedule 8 to the Terrorism Act 2000 to samples which are, or may become, disclosable under—
 - (aa) the Criminal Procedure and Investigations Act 1996, or
 - (bb) a code of practice prepared under section 23 of that Act and in operation by virtue of an order under section 25 of that Act;
- (j) paragraph 1(5) to (8) of Schedule 1;
- (k) paragraphs 2 to 6 of Schedule 1.

Provisions coming into force on 31st January 2014

3. The day appointed for the coming into force of the following provisions of the Act is 31st January 2014:

- (a) section 13 (destruction of copies) to the extent not previously commenced;
- (b) paragraph 1(4) of Schedule 1 for the purpose of the insertion of paragraph 20F(1) into Schedule 8 to the Terrorism Act 2000 (destruction of copies of fingerprints).

Home Office
18th July 2013

Taylor of Holbeach
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences provisions in the Protection of Freedoms Act 2012 (“the Act”) which relate to the destruction, retention and use of material including fingerprints, DNA samples and DNA profiles.

Article 2 provides for the commencement of most provisions of Chapter 1 of Part 1 of the Act on 31st October 2013.

Article 2(c) has the effect that section 14 of the Act, which inserts section 63R into the Police and Criminal Evidence Act 1984, is commenced except for the purpose of samples which are, or may become, disclosable under the Criminal Procedure and Investigations Act 1996 or its attendant Code of Practice. Legislation is currently before Parliament which, if enacted, will exclude such samples from the ambit of section 63R.

Article 2(i) has equivalent effect to article 2(c) in respect of samples taken under the Terrorism Act 2000.

Article 3(a) provides for the commencement of section 13 of the Act (insofar as it provides for the destruction of copies of fingerprints) on 31st January 2014. Article 3(b) has equivalent effect in relation to material taken under the Terrorism Act 2000.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Protection of Freedoms Act 2012 have been brought into force by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 20 partially	1st October 2012	2012/2234
section 22	1st October 2012	2012/2234
section 29	1st July 2012	2012/1205
section 30	1st July 2012	2012/1205
section 31	1st July 2012	2012/1205
section 32	1st July 2012	2012/1205
section 33	1st July 2012	2012/1205
section 34	1st July 2012	2012/1205
section 35	1st July 2012	2012/1205
section 36	1st July 2012	2012/1205
section 37	1st November 2012	2012/2075
section 38	1st November 2012	2012/2075
section 39(1)	1st July 2012	2012/1205
section 40 in relation to England	1st July 2012	2012/1205
section 41 in relation to England	1st July 2012	2012/1205
section 42	1st July 2012	2012/1205
section 43 in relation to England	1st July 2012	2012/1205
section 44 in relation to England	1st July 2012	2012/1205
section 45 in relation to England	1st July 2012	2012/1205
section 46 in relation to England	1st July 2012	2012/1205
section 47	1st July 2012	2012/1205
section 48	1st July 2012	2012/1205
section 49	1st July 2012	2012/1205
section 50	1st July 2012	2012/1205
section 51	1st July 2012	2012/1205
section 52	1st July 2012	2012/1205
section 54	1st October 2012	2012/2075
section 55	1st October 2012	2012/2075
section 56	1st October 2012	2012/2075
section 57	10th July 2012	2012/1205
section 58	10th July 2012	2012/1205
section 59	10th July 2012	2012/1205
section 60	10th July 2012	2012/1205
section 61	10th July 2012	2012/1205
section 62	9th May 2012	2012/1205
section 63	10th July 2012	2012/1205
section 64	10th September 2012	2012/2234
section 65	10th September 2012	2012/2234
section 66	10th September 2012	2012/2234
section 67	10th September 2012	2012/2234
section 68	10th September 2012	2012/2234
section 69	10th September 2012	2012/2234
section 70	10th September 2012	2012/2234
section 71	10th September 2012	2012/2234
section 72 partially	10th September 2012	2012/2234
section 75 partially	10th September 2012	2012/2234

section 76 partially	10th September 2012	2012/2234
section 77	10th September 2012	2012/2234
section 78 partially	10th August 2012	2012/2075
section 78 partially	10th September 2012	2012/2234
section 79 partially	10th September 2012	2012/2234
section 79 so far as not already in force	17th June 2013	2013/1180
section 80	10th September 2012	2012/2234
section 81	10th September 2012	2012/2234
section 82	10th September 2012	2012/2234
section 83	17th June 2013	2013/1180
section 84	10th September 2012	2012/2234
section 85	1st July 2012	2012/1205
section 86	10th September 2012	2012/2234
section 87 partially	15th October 2012	2012/2521
section 87 so far as not already in force	1st December 2012	2012/2521
section 92	1st October 2012	2012/2234
section 93	1st October 2012	2012/2234
section 94	1st October 2012	2012/2234
section 95	1st October 2012	2012/2234
section 96	1st October 2012	2012/2234
section 97	1st October 2012	2012/2234
section 98	1st October 2012	2012/2234
section 99	1st October 2012	2012/2234
section 100	1st October 2012	2012/2234
section 101	1st October 2012	2012/2234
section 104	1st July 2012	2012/1205
section 109	6th April 2013	2013/470
section 110	6th April 2013	2013/470
section 111	25th November 2012	2012/2075
section 112	25th November 2012	2012/2075
section 114	1st October 2012	2012/2234
section 115(1) partially	1st July 2012	2012/1205
section 115(1) partially	10th July 2012	2012/1205
section 115(1) partially	10th September 2012	2012/2234
section 115(1) partially	1st October 2012	2012/2075
section 115(1) partially	1st October 2012	2012/2234
section 115(1) partially	15th October 2012	2012/2521
section 115(1) partially	1st November 2012	2010/2075
section 115(1) partially	25th November 2012	2012/2075
section 115(1) partially	6th April 2013	2013/470
section 115(1) partially	17th June 2013	2013/1180
section 115(2) partially	1st July 2012	2012/1205
section 115(2) partially	10th July 2012	2012/1205
section 115(2) partially	10th September 2012	2012/2234
section 115(2) partially	1st October 2012	2012/2075
section 115(2) partially	6th April 2013	2013/470
section 115(2) partially	17th June 2013	2013/1180
Schedule 4	1st October 2012	2012/2075
Schedule 5	10th July 2012	2012/1205
Schedule 6	10th July 2012	2012/1205
Schedule 7 partially	10th August 2012	2012/2075
Schedule 7 partially	10th September 2012	2012/2234
Schedule 8 partially	15th October 2012	2012/2521

Schedule 8 so far as not already in force	1st December 2012	2012/2521
Schedule 9 partially	1st July 2012	2012/1205
Schedule 9 partially	10th July 2012	2012/1205
Schedule 9 partially	10th September 2012	2012/2234
Schedule 9 partially	1st October 2012	2012/2075
Schedule 9 partially	1st October 2012	2012/2234
Schedule 9 partially	15th October 2012	2012/2521
Schedule 9 partially	1st November 2012	2012/2075
Schedule 9 partially	25th November 2012	2012/2075
Schedule 9 partially	6th April 2013	2013/470
Schedule 9 partially	17th June 2013	2013/1180
Schedule 10 partially	1st July 2012	2012/1205
Schedule 10 partially	10th July 2012	2012/1205
Schedule 10 partially	10th September 2012	2012/2234
Schedule 10 partially	1st October 2012	2012/2075
Schedule 10 partially	6th April 2013	2013/470
Schedule 10 partially	17th June 2013	2013/1180

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