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STATUTORY INSTRUMENTS

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**2013 No. 2104 (C. 88)**

**EDUCATION, ENGLAND  
POLICE**

**The Protection of Freedoms Act 2012  
(Commencement No. 9) Order 2013**

*Made - - - - 26th August 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<sup>(1)</sup>:

**Citation and interpretation**

1.—(1) This Order may be cited as the Protection of Freedoms Act 2012 (Commencement No. 9) Order 2013.

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

**Provisions coming into force on 1st September 2013**

2. The following provisions of the Act come into force on 1st September 2013—

- (a) section 26 (requirement to notify and obtain consent before processing biometric information),
- (b) section 27 (exceptions and further provision about consent and notification), and
- (c) section 28 (interpretation: Chapter 2).

**Provisions coming into force on 31st October 2013**

3. The following provisions of the Act come into force on 31st October 2013—

- (a) section 115(1) insofar as it relates to the provisions of Schedule 9 specified in paragraph (c) below,
- (b) section 115(2) insofar as it relates to the provisions of Schedule 10 specified in paragraph (d) below,
- (c) Part 1 of Schedule 9 (consequential amendments), and
- (d) Part 1 of Schedule 10 (repeals and revocations).

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(1) 2012 c. 9.

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26th August 2013

David Laws  
Minister  
Department for Education

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 brings into force sections 26 to 28 of the Act on 1st September 2013.

Section 26 of the Act imposes a requirement on schools, 16 to 19 Academies and further education institutions to notify parents and obtain parental consent before processing a child's biometric information.

Section 27 specifies exceptions to the consent requirement and makes further provision about consent and notification.

Section 28 contains definitions relevant to the operation of sections 26 to 28.

Article 3 brings into force consequential amendments and repeals related to Chapter 1 of Part 1 of the Act (destruction, retention and use of fingerprints etc).

## 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 or will be 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 1	31st October 2013	<a href="#">2013/1814</a>
section 2	31st October 2013	<a href="#">2013/1814</a>
section 3	31st October 2013	<a href="#">2013/1814</a>
section 4	31st October 2013	<a href="#">2013/1814</a>
section 5	31st October 2013	<a href="#">2013/1814</a>
section 6	31st October 2013	<a href="#">2013/1814</a>
section 7	31st October 2013	<a href="#">2013/1814</a>
section 8	31st October 2013	<a href="#">2013/1814</a>
section 9	31st October 2013	<a href="#">2013/1814</a>
section 10	31st October 2013	<a href="#">2013/1814</a>
section 11	31st October 2013	<a href="#">2013/1814</a>
section 12	31st October 2013	<a href="#">2013/1814</a>
section 13 partially	31st October 2013	<a href="#">2013/1814</a>
section 13 so far as not already in force	31st January 2014	<a href="#">2013/1814</a>
section 14 partially	31st October 2013	<a href="#">2013/1814</a>
section 15	31st October 2013	<a href="#">2013/1814</a>
section 16	31st October 2013	<a href="#">2013/1814</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 17	31st October 2013	<a href="#">2013/1814</a>
section 18	31st October 2013	<a href="#">2013/1814</a>
section 19	31st October 2013	<a href="#">2013/1814</a>
section 20 partially	31st October 2012	<a href="#">2012/2234</a>
section 20 so far as not already in force	31st October 2013	<a href="#">2013/1814</a>
section 21	31st October 2013	<a href="#">2013/1814</a>
section 22	1st October 2012	<a href="#">2012/2234</a>
section 23	31st October 2013	<a href="#">2013/1814</a>
section 24	31st October 2013	<a href="#">2013/1814</a>
section 25	31st October 2013	<a href="#">2013/1814</a>
section 26 in relation to Wales	1st September 2013	<a href="#">2013/1566</a>
section 27 in relation to Wales	1st September 2013	<a href="#">2013/1566</a>
section 28 in relation to Wales	1st September 2013	<a href="#">2013/1566</a>
section 29	1st July 2012	<a href="#">2012/1205</a>
section 30	1st July 2012	<a href="#">2012/1205</a>
section 31	1st July 2012	<a href="#">2012/1205</a>
section 32	1st July 2012	<a href="#">2012/1205</a>
section 33	1st July 2012	<a href="#">2012/1205</a>
section 34	1st July 2012	<a href="#">2012/1205</a>
section 35	1st July 2012	<a href="#">2012/1205</a>
section 36	1st July 2012	<a href="#">2012/1205</a>
section 37	1st November 2012	<a href="#">2012/2075</a>
section 38	1st November 2012	<a href="#">2012/2075</a>
section 39(1)	1st July 2012	<a href="#">2012/1205</a>
section 40 in relation to England	1st July 2012	<a href="#">2012/1205</a>
section 41 in relation to England	1st July 2012	<a href="#">2012/1205</a>
section 42	1st July 2012	<a href="#">2012/1205</a>
section 43 in relation to England	1st July 2012	<a href="#">2012/1205</a>
section 44 in relation to England	1st July 2012	<a href="#">2012/1205</a>
section 45 in relation to England	1st July 2012	<a href="#">2012/1205</a>
section 46 in relation to England	1st July 2012	<a href="#">2012/1205</a>
section 47	1st July 2012	<a href="#">2012/1205</a>
section 48	1st July 2012	<a href="#">2012/1205</a>
section 49	1st July 2012	<a href="#">2012/1205</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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 in relation to England	1st October 2012	2012/2075
section 56 in relation to Wales	1st October 2012	2012/2499
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

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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 102 partially	31st July 2013	2013/1906
section 102 so far as not already in force	1st September 2013	2013/1906
section 103	1st September 2013	2013/1906
section 104	1st July 2012	2012/1205
section 106	1st September 2013	2013/1906
section 107	1st September 2013	2013/1906
section 108	1st September 2013	2013/1906
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	2012/2075

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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 1 partially	31st October 2013	2013/1814
Schedule 1 partially	31st January 2014	2013/1814
Schedule 4 in relation to England	1st October 2012	2012/2075
Schedule 4 in relation to Wales	1st October 2012	2012/2499
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

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 10 partially	17th June 2013	<a href="#">2013/1180</a>