



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

47 Code of practice in relation to non-devolved powers of entry

- (1) The Secretary of State must prepare a code of practice containing guidance about the exercise of powers of entry and associated powers.
- (2) Such a code may, in particular, include provision about—
 - (a) considerations before exercising, or when exercising, the powers,
 - (b) considerations after exercising the powers (such as the retention of records, or the publication of information, about the exercise of the powers).
- (3) Such a code—
 - (a) must not contain provision about devolved powers of entry and devolved associated powers,
 - (b) need not contain provision about every other type of power of entry or associated power,
 - (c) may make different provision for different purposes.
- (4) In the course of preparing such a code in relation to any powers, the Secretary of State must consult—
 - (a) the Lord Advocate,

Status: This is the original version (as it was originally enacted).

- (b) such persons appearing to the Secretary of State to be representative of the views of persons entitled to exercise the powers concerned as the Secretary of State considers appropriate, and
 - (c) such other persons as the Secretary of State considers appropriate.
- (5) In this section “devolved powers of entry and devolved associated powers” means powers of entry and associated powers—
- (a) in relation to which the Welsh Ministers may issue a code under Schedule 3,
 - (b) which, if it were contained in an Act of the Scottish Parliament, would be within the legislative competence of that Parliament, or
 - (c) which, if it were contained in an Act of the Northern Ireland Assembly, would be within the legislative competence of that Assembly and would deal with a transferred matter (within the meaning given by section 4(1) of the Northern Ireland Act 1998) without being ancillary to other provision (whether in the Act of the Northern Ireland Assembly or previously enacted) which deals with an excepted or reserved matter (within the meaning given by section 4(1) of the Northern Ireland Act 1998).