



# Protection of Freedoms Act 2012

## 2012 CHAPTER 9

### PART 2

#### REGULATION OF SURVEILLANCE

#### CHAPTER 1

##### REGULATION OF CCTV AND OTHER SURVEILLANCE CAMERA TECHNOLOGY

##### *Procedural requirements*

### **30 Issuing of code**

- (1) The Secretary of State must lay before Parliament—
  - (a) a code of practice prepared under section 29, and
  - (b) a draft of an order providing for the code to come into force.
- (2) The Secretary of State must make the order and issue the code if the draft of the order is approved by a resolution of each House of Parliament.
- (3) The Secretary of State must not make the order or issue the code unless the draft of the order is so approved.
- (4) The Secretary of State must prepare another code of practice under section 29 if—
  - (a) the draft of the order is not so approved, and
  - (b) the Secretary of State considers that there is no realistic prospect that it will be so approved.
- (5) A code comes into force in accordance with an order under this section.
- (6) Such an order—
  - (a) is to be a statutory instrument, and
  - (b) may contain transitional, transitory or saving provision.

*Status: Point in time view as at 01/09/2017.*

*Changes to legislation: Protection of Freedoms Act 2012, Cross Heading: Procedural requirements is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (7) If a draft of an instrument containing an order under this section 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.

**Commencement Information**

**II** S. 30 in force at 1.7.2012 by [S.I. 2012/1205](#), [art. 3\(b\)](#)

**31 Alteration or replacement of code**

- (1) The Secretary of State—
- (a) must keep the surveillance camera code under review, and
  - (b) may prepare an alteration to the code or a replacement code.
- (2) Before preparing an alteration or a replacement code, the Secretary of State must consult the persons mentioned in section 29(5).
- (3) The Secretary of State must lay before Parliament an alteration or a replacement code prepared under this section.
- (4) If, within the 40-day period, either House of Parliament resolves not to approve the alteration or the replacement code, the Secretary of State must not issue the alteration or code.
- (5) If no such resolution is made within that period, the Secretary of State must issue the alteration or replacement code.
- (6) The alteration or replacement code—
- (a) comes into force when issued, and
  - (b) may include transitional, transitory or saving provision.
- (7) Subsection (4) does not prevent the Secretary of State from laying a new alteration or replacement code before Parliament.
- (8) In this section “the 40-day period” means the period of 40 days beginning with the day on which the alteration or replacement code is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the two days on which it is laid).
- (9) In calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (10) In this Chapter “the surveillance camera code” means the code of practice issued under section 30(2) (as altered or replaced from time to time).

**Commencement Information**

**I2** S. 31 in force at 1.7.2012 by [S.I. 2012/1205](#), [art. 3\(c\)](#)

**Status:** Point in time view as at 01/09/2017.

**Changes to legislation:** Protection of Freedoms Act 2012, Cross Heading: Procedural requirements is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## **32 Publication of code**

- (1) The Secretary of State must publish the code issued under section 30(2).
- (2) The Secretary of State must publish any replacement code issued under section 31(5).
- (3) The Secretary of State must publish—
  - (a) any alteration issued under section 31(5), or
  - (b) the code or replacement code as altered by it.

### **Commencement Information**

**I3** S. 32 in force at 1.7.2012 by [S.I. 2012/1205](#), [art. 3\(d\)](#)

**Status:**

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**Changes to legislation:**

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