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## SCHEDULES

### SCHEDULE 1

Section 19

#### AMENDMENTS OF REGIMES OTHER THAN PACE

##### PART 1

###### MATERIAL SUBJECT TO THE TERRORISM ACT 2000

- 1 (1) Schedule 8 to the Terrorism Act 2000 (treatment of persons detained under section 41 or Schedule 7 of that Act) is amended as follows.
- (2) Omit paragraph 14 (retention of material: England and Wales and Northern Ireland).
- (3) In paragraph 20 (retention of material: Scotland)—
  - (a) in sub-paragraph (3), omit the words from “but” to the end of the sub-paragraph, and
  - (b) omit sub-paragraph (4).
- (4) After paragraph 20 insert—

*“Destruction and retention of fingerprints and samples etc: United Kingdom*

- 20A(1) This paragraph applies to—
- (a) fingerprints taken under paragraph 10,
  - (b) a DNA profile derived from a DNA sample taken under paragraph 10 or 12,
  - (c) relevant physical data taken or provided by virtue of paragraph 20, and
  - (d) a DNA profile derived from a DNA sample taken by virtue of paragraph 20.
- (2) Fingerprints, relevant physical data and DNA profiles to which this paragraph applies (“paragraph 20A material”) must be destroyed if it appears to the responsible chief officer of police that—
- (a) the taking or providing of the material or, in the case of a DNA profile, the taking of the sample from which the DNA profile was derived, was unlawful, or
  - (b) the material was taken or provided, or (in the case of a DNA profile) was derived from a sample taken, from a person in connection with that person's arrest under section 41 and the arrest was unlawful or based on mistaken identity.
- (3) In any other case, paragraph 20A material must be destroyed unless it is retained under any power conferred by paragraphs 20B to 20E.

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- (4) Paragraph 20A material which ceases to be retained under a power mentioned in sub-paragraph (3) may continue to be retained under any other such power which applies to it.
  - (5) Nothing in this paragraph prevents a relevant search, in relation to paragraph 20A material, from being carried out within such time as may reasonably be required for the search if the responsible chief officer of police considers the search to be desirable.
  - (6) For the purposes of sub-paragraph (5), “a relevant search” is a search carried out for the purpose of checking the material against—
    - (a) other fingerprints or samples taken under paragraph 10 or 12 or a DNA profile derived from such a sample,
    - (b) any of the relevant physical data, samples or information mentioned in section 19C(1) of the Criminal Procedure (Scotland) Act 1995,
    - (c) any of the relevant physical data, samples or information held by virtue of section 56 of the Criminal Justice (Scotland) Act 2003,
    - (d) material to which section 18 of the Counter-Terrorism Act 2008 applies,
    - (e) any of the fingerprints, data or samples obtained under paragraph 1 or 4 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011, or information derived from such samples,
    - (f) any of the fingerprints, samples and information mentioned in section 63A(1)(a) and (b) of the Police and Criminal Evidence Act 1984 (checking of fingerprints and samples), and
    - (g) any of the fingerprints, samples and information mentioned in Article 63A(1)(a) and (b) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (checking of fingerprints and samples).
- 20B (1) This paragraph applies to paragraph 20A material relating to a person who is detained under section 41.
- (2) In the case of a person who has previously been convicted of a recordable offence (other than a single exempt conviction), or an offence in Scotland which is punishable by imprisonment, or is so convicted before the end of the period within which the material may be retained by virtue of this paragraph, the material may be retained indefinitely.
  - (3) In the case of a person who has no previous convictions, or only one exempt conviction, the material may be retained until the end of the retention period specified in sub-paragraph (4).
  - (4) The retention period is—
    - (a) in the case of fingerprints or relevant physical data, the period of 3 years beginning with the date on which the fingerprints or relevant physical data were taken or provided, and
    - (b) in the case of a DNA profile, the period of 3 years beginning with the date on which the DNA sample from which the profile was derived was taken (or, if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken).

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- (5) The responsible chief officer of police or a specified chief officer of police may apply to a relevant court for an order extending the retention period.
- (6) An application for an order under sub-paragraph (5) must be made within the period of 3 months ending on the last day of the retention period.
- (7) An order under sub-paragraph (5) may extend the retention period by a period which—
  - (a) begins with the date on which the material would otherwise be required to be destroyed under this paragraph, and
  - (b) ends with the end of the period of 2 years beginning with that date.
- (8) The following persons may appeal to the relevant appeal court against an order under sub-paragraph (5), or a refusal to make such an order—
  - (a) the responsible chief officer of police;
  - (b) a specified chief officer of police;
  - (c) the person from whom the material was taken.
- (9) In Scotland—
  - (a) an application for an order under sub-paragraph (5) is to be made by summary application;
  - (b) an appeal against an order under sub-paragraph (5), or a refusal to make such an order, must be made within 21 days of the relevant court's decision, and the relevant appeal court's decision on any such appeal is final.
- (10) In this paragraph—

“relevant court” means—

  - (a) in England and Wales, a District Judge (Magistrates' Courts),
  - (b) in Scotland, the sheriff—
    - (i) in whose sheriffdom the person to whom the material relates resides,
    - (ii) in whose sheriffdom that person is believed by the applicant to be, or
    - (iii) to whose sheriffdom that person is believed by the applicant to be intending to come; and
  - (c) in Northern Ireland, a district judge (magistrates' court) in Northern Ireland;

“the relevant appeal court” means—

  - (a) in England and Wales, the Crown Court,
  - (b) in Scotland, the sheriff principal, and
  - (c) in Northern Ireland, the County Court in Northern Ireland;

“a specified chief officer of police” means—

  - (a) in England and Wales and Northern Ireland—
    - (i) the chief officer of the police force of the area in which the person from whom the material was taken resides, or
    - (ii) a chief officer of police who believes that the person is in, or is intending to come to, the chief officer's police area, and

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(b) in Scotland—

- (i) the chief constable of the police force in the area in which the person who provided the material, or from whom it was taken, resides, or
- (ii) a chief constable who believes that the person is in, or is intending to come to, the area of the chief constable's police force.

20C (1) This paragraph applies to paragraph 20A material relating to a person who is detained under Schedule 7.

- (2) In the case of a person who has previously been convicted of a recordable offence (other than a single exempt conviction), or an offence in Scotland which is punishable by imprisonment, or is so convicted before the end of the period within which the material may be retained by virtue of this paragraph, the material may be retained indefinitely.
- (3) In the case of a person who has no previous convictions, or only one exempt conviction, the material may be retained until the end of the retention period specified in sub-paragraph (4).
- (4) The retention period is—
  - (a) in the case of fingerprints or relevant physical data, the period of 6 months beginning with the date on which the fingerprints or relevant physical data were taken or provided, and
  - (b) in the case of a DNA profile, the period of 6 months beginning with the date on which the DNA sample from which the profile was derived was taken (or, if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken).

20D (1) For the purposes of paragraphs 20B and 20C, a person is to be treated as having been convicted of an offence if—

- (a) in relation to a recordable offence in England and Wales or Northern Ireland—
  - (i) the person has been given a caution in respect of the offence which, at the time of the caution, the person has admitted,
  - (ii) the person has been found not guilty of the offence by reason of insanity,
  - (iii) the person has been found to be under a disability and to have done the act charged in respect of the offence, or
  - (iv) the person has been warned or reprimanded under section 65 of the Crime and Disorder Act 1998 for the offence,
- (b) the person, in relation to an offence in Scotland punishable by imprisonment, has accepted or has been deemed to accept—
  - (i) a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995,
  - (ii) a compensation offer under section 302A of that Act,
  - (iii) a combined offer under section 302B of that Act, or
  - (iv) a work offer under section 303ZA of that Act,
- (c) the person, in relation to an offence in Scotland punishable by imprisonment, has been acquitted on account of the person's insanity

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- at the time of the offence or (as the case may be) by virtue of section 51A of the Criminal Procedure (Scotland) Act 1995,
- (d) a finding in respect of the person has been made under section 55(2) of the Criminal Procedure (Scotland) Act 1995 in relation to an offence in Scotland punishable by imprisonment,
  - (e) the person, having been given a fixed penalty notice under section 129(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 in connection with an offence in Scotland punishable by imprisonment, has paid—
    - (i) the fixed penalty, or
    - (ii) (as the case may be) the sum which the person is liable to pay by virtue of section 131(5) of that Act, or
  - (f) the person, in relation to an offence in Scotland punishable by imprisonment, has been discharged absolutely by order under section 246(3) of the Criminal Procedure (Scotland) Act 1995.
- (2) Paragraphs 20B and 20C and this paragraph, so far as they relate to persons convicted of an offence, have effect despite anything in the Rehabilitation of Offenders Act 1974.
- (3) But a person is not to be treated as having been convicted of an offence if that conviction is a disregarded conviction or caution by virtue of section 92 of the Protection of Freedoms Act 2012.
- (4) For the purposes of paragraphs 20B and 20C—
- (a) a person has no previous convictions if the person has not previously been convicted—
    - (i) in England and Wales or Northern Ireland of a recordable offence, or
    - (ii) in Scotland of an offence which is punishable by imprisonment, and
  - (b) if the person has previously been convicted of a recordable offence in England and Wales or Northern Ireland, the conviction is exempt if it is in respect of a recordable offence, other than a qualifying offence, committed when the person was aged under 18.
- (5) In sub-paragraph (4), “qualifying offence” has—
- (a) in relation to a conviction in respect of a recordable offence committed in England and Wales, the meaning given by section 65A of the Police and Criminal Evidence Act 1984, and
  - (b) in relation to a conviction in respect of a recordable offence committed in Northern Ireland, the meaning given by Article 53A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).
- (6) If a person is convicted of more than one offence arising out of a single course of action, those convictions are to be treated as a single conviction for the purposes of calculating under paragraph 20B or 20C whether the person has been convicted of only one offence.
- (7) Nothing in paragraph 20B or 20C prevents the start of a new retention period in relation to paragraph 20A material if a person is detained again under

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- section 41 or (as the case may be) Schedule 7 when an existing retention period (whether or not extended) is still in force in relation to that material.
- 20E (1) Paragraph 20A material may be retained for as long as a national security determination made by the responsible chief officer of police has effect in relation to it.
- (2) A national security determination is made if the responsible chief officer of police determines that it is necessary for any paragraph 20A material to be retained for the purposes of national security.
- (3) A national security determination—
- (a) must be made in writing,
  - (b) has effect for a maximum of 2 years beginning with the date on which the determination is made, and
  - (c) may be renewed.
- 20F (1) If fingerprints or relevant physical data are required by paragraph 20A to be destroyed, any copies of the fingerprints or relevant physical data held by a police force must also be destroyed.
- (2) If a DNA profile is required by that paragraph to be destroyed, no copy may be retained by a police force except in a form which does not include information which identifies the person to whom the DNA profile relates.
- 20G (1) This paragraph applies to—
- (a) samples taken under paragraph 10 or 12, or
  - (b) samples taken by virtue of paragraph 20.
- (2) Samples to which this paragraph applies must be destroyed if it appears to the responsible chief officer of police that—
- (a) the taking of the sample was unlawful, or
  - (b) the sample was taken from a person in connection with that person's arrest under section 41 and the arrest was unlawful or based on mistaken identity.
- (3) Subject to this, the rule in sub-paragraph (4) or (as the case may be) (5) applies.
- (4) A DNA sample to which this paragraph applies must be destroyed—
- (a) as soon as a DNA profile has been derived from the sample, or
  - (b) if sooner, before the end of the period of 6 months beginning with the date on which the sample was taken.
- (5) Any other sample to which this paragraph applies must be destroyed before the end of the period of 6 months beginning with the date on which it was taken.
- (6) The responsible chief officer of police may apply to a relevant court for an order to retain a sample to which this paragraph applies beyond the date on which the sample would otherwise be required to be destroyed by virtue of sub-paragraph (4) or (5) if—
- (a) the sample was taken from a person detained under section 41 in connection with the investigation of a qualifying offence, and

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- (b) the responsible chief officer of police considers that the condition in sub-paragraph (7) is met.
- (7) The condition is that, having regard to the nature and complexity of other material that is evidence in relation to the offence, the sample is likely to be needed in any proceedings for the offence for the purposes of—
  - (a) disclosure to, or use by, a defendant, or
  - (b) responding to any challenge by a defendant in respect of the admissibility of material that is evidence on which the prosecution proposes to rely.
- (8) An application under sub-paragraph (6) must be made before the date on which the sample would otherwise be required to be destroyed by virtue of sub-paragraph (4) or (5).
- (9) If, on an application made by the responsible chief officer of police under sub-paragraph (6), the relevant court is satisfied that the condition in sub-paragraph (7) is met, it may make an order under this sub-paragraph which—
  - (a) allows the sample to be retained for a period of 12 months beginning with the date on which the sample would otherwise be required to be destroyed by virtue of sub-paragraph (4) or (5), and
  - (b) may be renewed (on one or more occasions) for a further period of not more than 12 months from the end of the period when the order would otherwise cease to have effect.
- (10) An application for an order under sub-paragraph (9) (other than an application for renewal)—
  - (a) may be made without notice of the application having been given to the person from whom the sample was taken, and
  - (b) may be heard and determined in private in the absence of that person.
- (11) In Scotland, an application for an order under sub-paragraph (9) (including an application for renewal) is to be made by summary application.
- (12) A sample retained by virtue of an order under sub-paragraph (9) must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.
- (13) A sample that ceases to be retained by virtue of an order under sub-paragraph (9) must be destroyed.
- (14) Nothing in this paragraph prevents a relevant search, in relation to samples to which this paragraph applies, from being carried out within such time as may reasonably be required for the search if the responsible chief officer of police considers the search to be desirable.
- (15) In this paragraph—
  - “ancillary offence”, in relation to an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008, means—
    - (a) aiding, abetting, counselling or procuring the commission of the offence, or
    - (b) inciting, attempting or conspiring to commit the offence;
  - “qualifying offence”—

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- (a) in relation to the investigation of an offence committed in England and Wales, has the meaning given by section 65A of the Police and Criminal Evidence Act 1984,
  - (b) in relation to the investigation of an offence committed in Scotland, means a relevant offence, an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008 or an ancillary offence to an offence so listed, and
  - (c) in relation to the investigation of an offence committed in Northern Ireland, has the meaning given by Article 53A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).
- “relevant court” means—
- (a) in England and Wales, a District Judge (Magistrates' Courts),
  - (b) in Scotland, the sheriff—
    - (i) in whose sheriffdom the person to whom the sample relates resides,
    - (ii) in whose sheriffdom that person is believed by the responsible chief officer of police to be, or
    - (iii) to whose sheriffdom that person is believed by the responsible chief officer of police to be intending to come; and
  - (c) in Northern Ireland, a district judge (magistrates' court) in Northern Ireland;
- “relevant offence” has the same meaning as in section 19A of the Criminal Procedure (Scotland) Act 1995;
- “a relevant search” has the meaning given by paragraph 20A(6).
- 20H(1) Any material to which paragraph 20A or 20G applies must not be used other than—
- (a) in the interests of national security,
  - (b) for the purposes of a terrorist investigation,
  - (c) for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution, or
  - (d) for purposes related to the identification of a deceased person or of the person to whom the material relates.
- (2) Subject to sub-paragraph (1), a relevant search (within the meaning given by paragraph 20A(6)) may be carried out in relation to material to which paragraph 20A or 20G applies if the responsible chief officer of police considers the search to be desirable.
- (3) Material which is required by paragraph 20A or 20G to be destroyed must not at any time after it is required to be destroyed be used—
- (a) in evidence against the person to whom the material relates, or
  - (b) for the purposes of the investigation of any offence.
- (4) In this paragraph—
- (a) the reference to using material includes a reference to allowing any check to be made against it and to disclosing it to any person,
  - (b) the reference to crime includes a reference to any conduct which—



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- (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom), or
    - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences, and
  - (c) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.
- (5) Sub-paragraphs (1), (2) and (4) do not form part of the law of Scotland.
- 20I Paragraphs 20A to 20F and 20H do not apply to paragraph 20A material relating to a person detained under section 41 which is, or may become, disclosable under—
  - (a) the Criminal Procedure and Investigations Act 1996, or
  - (b) 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.
- 20J In paragraphs 20A to 20I—
  - “DNA profile” means any information derived from a DNA sample;
  - “DNA sample” means any material that has come from a human body and consists of or includes human cells;
  - “fingerprints” has the meaning given by section 65(1) of the Police and Criminal Evidence Act 1984 (Part 5 definitions);
  - “paragraph 20A material” has the meaning given by paragraph 20A(2);
  - “police force” means any of the following—
    - (a) the metropolitan police force;
    - (b) a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
    - (c) the City of London police force;
    - (d) any police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967;
    - (e) the Scottish Police Services Authority;
    - (f) the Police Service of Northern Ireland;
    - (g) the Police Service of Northern Ireland Reserve;
    - (h) the Ministry of Defence Police;
    - (i) the Royal Navy Police;
    - (j) the Royal Military Police;
    - (k) the Royal Air Force Police;
    - (l) the British Transport Police;
  - “recordable offence” has—
    - (a) in relation to a conviction in England and Wales, the meaning given by section 118(1) of the Police and Criminal Evidence Act 1984, and

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(b) in relation to a conviction in Northern Ireland, the meaning given by Article 2(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989;

“relevant physical data” has the meaning given by section 18(7A) of the Criminal Procedure (Scotland) Act 1995;

“responsible chief officer of police” means, in relation to fingerprints or samples taken in England or Wales, or a DNA profile derived from a sample so taken, the chief officer of police for the police area—

- (a) in which the material concerned was taken, or
- (b) in the case of a DNA profile, in which the sample from which the DNA profile was derived was taken;

“responsible chief officer of police” means, in relation to relevant physical data or samples taken or provided in Scotland, or a DNA profile derived from a sample so taken or provided, the chief constable of the police force for the area—

- (a) in which the material concerned was taken or provided, or
- (b) in the case of a DNA profile, in which the sample from which the DNA profile was derived was taken;

“responsible chief officer of police” means, in relation to fingerprints or samples taken in Northern Ireland, or a DNA profile derived from a sample so taken, the Chief Constable of the Police Service of Northern Ireland.”

(5) In paragraph 11(1)(a), for “paragraph 14(4),” substitute “ a relevant search (within the meaning given by paragraph 20A(6)) or for the purposes of ”.

(6) In paragraph 15(1) for “paragraphs 10 to 14” substitute “ paragraphs 10 to 13 ”.

(7) After paragraph 15(1) insert—

“(1A) In the application of section 65(2A) of the Police and Criminal Evidence Act 1984 for the purposes of sub-paragraph (1) of this paragraph, the reference to the destruction of a sample under section 63R of that Act is a reference to the destruction of a sample under paragraph 20G of this Schedule.”

(8) In paragraph 15(2) for “paragraphs 10 to 14” substitute “ paragraphs 10 to 13 ”.

#### **Commencement Information**

- I1** Sch. 1 para. 1(1)-(3) in force at 31.10.2013 by [S.I. 2013/1814](#), **art. 2(h)** (with transitional provisions and savings in [S.I. 2013/1813](#) (as amended (30.10.2016) by [S.I. 2016/682](#), arts. 1, 3, 4))
- I2** Sch. 1 para. 1(4) in force at 31.10.2013 for specified purposes by [S.I. 2013/1814](#), **art. 2(i)** (with transitional provisions and savings in [S.I. 2013/1813](#) (as amended (30.10.2016) by [S.I. 2016/682](#), arts. 1, 3, 4))
- I3** Sch. 1 para. 1(4) in force at 31.1.2014 for specified purposes by [S.I. 2013/1814](#), **art. 3(b)** (with transitional provisions and savings in [S.I. 2013/1813](#))
- I4** Sch. 1 para. 1(5)-(8) in force at 31.10.2013 by [S.I. 2013/1814](#), **art. 2(j)** (with transitional provisions and savings in [S.I. 2013/1813](#) (as amended (30.10.2016) by [S.I. 2016/682](#), arts. 1, 3, 4))

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## PART 2

### MATERIAL SUBJECT TO THE INTERNATIONAL CRIMINAL COURT ACT 2001

2 In Schedule 4 of the International Criminal Court Act 2001 (taking of fingerprints or non-intimate samples) for paragraph 8 substitute—

- “8 (1) This paragraph applies to the following material—
- (a) fingerprints and samples taken under this Schedule, and
  - (b) DNA profiles derived from such samples.
- (2) The material must be destroyed—
- (a) before the end of the period of 6 months beginning with the date on which the material was transmitted to the ICC (see paragraph 6(2)), or
  - (b) if later, as soon as it has fulfilled the purpose for which it was taken or derived.
- (3) If fingerprints are required to be destroyed by virtue of subparagraph (2), any copies of the fingerprints held by the police must also be destroyed.
- (4) If a DNA profile is required to be destroyed by virtue of subparagraph (2), no copy may be retained by the police except in a form which does not include information from which the person to whom the DNA profile relates can be identified.
- (5) In this paragraph—
- “DNA profile” means any information derived from a DNA sample;
  - “DNA sample” means any material that has come from a human body and consists of or includes human cells.”

#### Commencement Information

- I5** Sch. 1 para. 2 in force at 31.10.2013 by [S.I. 2013/1814](#), [art. 2\(k\)](#) (with transitional provisions and savings in [S.I. 2013/1813](#) (as amended (30.10.2016) by [S.I. 2016/682](#), [arts. 1, 3, 4](#)))

## PART 3

### MATERIAL SUBJECT TO SECTION 18 OF THE COUNTER-TERRORISM ACT 2008

3 The Counter-Terrorism Act 2008 is amended as follows.

#### Commencement Information

- I6** Sch. 1 para. 3 in force at 31.10.2013 by [S.I. 2013/1814](#), [art. 2\(k\)](#) (with transitional provisions and savings in [S.I. 2013/1813](#) (as amended (30.10.2016) by [S.I. 2016/682](#), [arts. 1, 3, 4](#)))

4 For section 18 (material not subject to existing statutory restrictions) substitute—

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### **“18 Destruction of national security material not subject to existing statutory restrictions**

- (1) This section applies to fingerprints, DNA samples and DNA profiles that—
  - (a) are held for the purposes of national security by a law enforcement authority under the law of England and Wales or Northern Ireland, and
  - (b) are not held subject to existing statutory restrictions.
- (2) Material to which this section applies (“section 18 material”) must be destroyed if it appears to the responsible officer that the condition in subsection (3) is not met.
- (3) The condition is that the material has been—
  - (a) obtained by the law enforcement authority pursuant to an authorisation under Part 3 of the Police Act 1997 (authorisation of action in respect of property),
  - (b) obtained by the law enforcement authority in the course of surveillance, or use of a covert human intelligence source, authorised under Part 2 of the Regulation of Investigatory Powers Act 2000,
  - (c) supplied to the law enforcement authority by another law enforcement authority, or
  - (d) otherwise lawfully obtained or acquired by the law enforcement authority for any of the purposes mentioned in section 18D(1).
- (4) In any other case, section 18 material must be destroyed unless it is retained by the law enforcement authority under any power conferred by section 18A or 18B, but this is subject to subsection (5).
- (5) A DNA sample to which this section applies must be destroyed—
  - (a) as soon as a DNA profile has been derived from the sample, or
  - (b) if sooner, before the end of the period of 6 months beginning with the date on which it was taken.
- (6) Section 18 material which ceases to be retained under a power mentioned in subsection (4) may continue to be retained under any other such power which applies to it.
- (7) Nothing in this section prevents section 18 material from being checked against other fingerprints, DNA samples or DNA profiles held by a law enforcement authority within such time as may reasonably be required for the check, if the responsible officer considers the check to be desirable.
- (8) For the purposes of subsection (1), the following are “existing statutory restrictions”—
  - (a) paragraph 18(2) of Schedule 2 to the Immigration Act 1971;
  - (b) sections 22, 63A and 63D to 63U of the Police and Criminal Evidence Act 1984 and any corresponding provision in an order under section 113 of that Act;
  - (c) Articles 24, 63A and 64 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12));

*Status: Point in time view as at 31/01/2017.*

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- (d) section 2(2) of the Security Service Act 1989;
- (e) section 2(2) of the Intelligence Services Act 1994;
- (f) paragraphs 20(3) and 20A to 20J of Schedule 8 to the Terrorism Act 2000;
- (g) section 56 of the Criminal Justice and Police Act 2001;
- (h) paragraph 8 of Schedule 4 to the International Criminal Court Act 2001;
- (i) sections 73, 83, 87, 88 and 89 of the Armed Forces Act 2006 and any provision relating to the retention of material in an order made under section 74, 93 or 323 of that Act;
- (j) paragraphs 5 to 14 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011.

### **18A Retention of material: general**

- (1) Section 18 material which is not a DNA sample and relates to a person who has no previous convictions or only one exempt conviction may be retained by the law enforcement authority until the end of the retention period specified in subsection (2), but this is subject to subsection (5).
- (2) The retention period is—
  - (a) in the case of fingerprints, the period of 3 years beginning with the date on which the fingerprints were taken, and
  - (b) in the case of a DNA profile, the period of 3 years beginning with the date on which the DNA sample from which the profile was derived was taken (or, if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken).
- (3) Section 18 material which is not a DNA sample and relates to a person who has previously been convicted of a recordable offence (other than a single exempt conviction), or is so convicted before the material is required to be destroyed by virtue of this section, may be retained indefinitely.
- (4) Section 18 material which is not a DNA sample may be retained indefinitely if—
  - (a) it is held by the law enforcement authority in a form which does not include information which identifies the person to whom the material relates, and
  - (b) the law enforcement authority does not know, and has never known, the identity of the person to whom the material relates.
- (5) In a case where section 18 material is being retained by a law enforcement authority under subsection (4), if—
  - (a) the law enforcement authority comes to know the identity of the person to whom the material relates, and
  - (b) the material relates to a person who has no previous convictions or only one exempt conviction,the material may be retained by the law enforcement authority until the end of the retention period specified in subsection (6).

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- (6) The retention period is the period of 3 years beginning with the date on which the identity of the person to whom the material relates comes to be known by the law enforcement authority.

### **18B Retention for purposes of national security**

- (1) Section 18 material which is not a DNA sample may be retained for as long as a national security determination made by the responsible officer has effect in relation to it.
- (2) A national security determination is made if the responsible officer determines that it is necessary for any such section 18 material to be retained for the purposes of national security.
- (3) A national security determination—
  - (a) must be made in writing,
  - (b) has effect for a maximum of 2 years beginning with the date on which the determination is made, and
  - (c) may be renewed.

### **18C Destruction of copies**

- (1) If fingerprints are required by section 18 to be destroyed, any copies of the fingerprints held by the law enforcement authority concerned must also be destroyed.
- (2) If a DNA profile is required by that section to be destroyed, no copy may be retained by the law enforcement authority concerned except in a form which does not include information which identifies the person to whom the DNA profile relates.

### **18D Use of retained material**

- (1) Section 18 material must not be used other than—
  - (a) in the interests of national security,
  - (b) for the purposes of a terrorist investigation,
  - (c) for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution, or
  - (d) for purposes related to the identification of a deceased person or of the person to whom the material relates.
- (2) Subject to subsection (1), section 18 material may be checked against other fingerprints, DNA samples or DNA profiles held by a law enforcement authority or the Scottish Police Services Authority if the responsible officer considers the check to be desirable.
- (3) Material which is required by section 18 to be destroyed must not at any time after it is required to be destroyed be used—
  - (a) in evidence against the person to whom the material relates, or
  - (b) for the purposes of the investigation of any offence.
- (4) In this section—

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- (a) the reference to using material includes a reference to allowing any check to be made against it and to disclosing it to any person,
- (b) the reference to crime includes a reference to any conduct which—
  - (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom), or
  - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences, and
- (c) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.

### **18E Sections 18 to 18E: supplementary provisions**

- (1) In sections 18 to 18D and this section—

“DNA profile” means any information derived from a DNA sample;

“DNA sample” means any material that has come from a human body and consists of or includes human cells;

“fingerprints” means a record (in any form and produced by any method) of the skin pattern and other physical characteristics or features of a person's fingers or either of a person's palms;

“law enforcement authority” means—

- (a) a police force,
- (b) the Serious Organised Crime Agency,
- (c) the Commissioners for Her Majesty's Revenue and Customs, or
- (d) a person formed or existing under the law of a country or territory outside the United Kingdom so far as exercising functions which—
  - (i) correspond to those of a police force, or
  - (ii) otherwise involve the investigation or prosecution of offences;

“police force” means any of the following—

- (a) the metropolitan police force;
- (b) a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
- (c) the City of London police force;
- (d) any police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967;
- (e) the Police Service of Northern Ireland;
- (f) the Police Service of Northern Ireland Reserve;
- (g) the Ministry of Defence Police;
- (h) the Royal Navy Police;
- (i) the Royal Military Police;

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- (j) the Royal Air Force Police;
  - (k) the British Transport Police;
- “recordable offence” has—
- (a) in relation to a conviction in England and Wales, the meaning given by section 118(1) of the Police and Criminal Evidence Act 1984, and
  - (b) in relation to a conviction in Northern Ireland, the meaning given by Article 2(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12));
- “the responsible officer” means—
- (a) in relation to material obtained or acquired by a police force in England and Wales, the chief officer of the police force;
  - (b) in relation to material obtained or acquired by the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve, the Chief Constable of the Police Service of Northern Ireland;
  - (c) in relation to material obtained or acquired by the Ministry of Defence Police, the Chief Constable of the Ministry of Defence Police;
  - (d) in relation to material obtained or acquired by the Royal Navy Police, the Royal Military Police or the Royal Air Force Police, the Provost Marshal for the police force which obtained or acquired the material;
  - (e) in relation to material obtained or acquired by the British Transport Police, the Chief Constable of the British Transport Police;
  - (f) in relation to material obtained or acquired by the Serious Organised Crime Agency, the Director General of the Serious Organised Crime Agency;
  - (g) in relation to material obtained or acquired by the Commissioners for Her Majesty's Revenue and Customs, any of those Commissioners;
  - (h) in relation to any other material, such person as the Secretary of State may by order specify;
- “section 18 material” has the meaning given by section 18(2);
- “terrorist investigation” has the meaning given by section 32 of the Terrorism Act 2000.
- (2) An order under subsection (1) is subject to negative resolution procedure.
  - (3) For the purposes of section 18A, a person is to be treated as having been convicted of an offence if the person—
    - (a) has been given a caution in respect of the offence which, at the time of the caution, the person has admitted,
    - (b) has been warned or reprimanded under section 65 of the Crime and Disorder Act 1998 for the offence,
    - (c) has been found not guilty of the offence by reason of insanity, or
    - (d) has been found to be under a disability and to have done the act charged in respect of the offence.



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- (4) Sections 18A and this section, so far as they relate to persons convicted of an offence, have effect despite anything in the Rehabilitation of Offenders Act 1974.
- (5) But a person is not to be treated as having been convicted of an offence if that conviction is a disregarded conviction or caution by virtue of section 92 of the Protection of Freedoms Act 2012.
- (6) For the purposes of section 18A—
  - (a) a person has no previous convictions if the person has not previously been convicted in England and Wales or Northern Ireland of a recordable offence, and
  - (b) if the person has been previously so convicted of a recordable offence, the conviction is exempt if it is in respect of a recordable offence, other than a qualifying offence, committed when the person was aged under 18.
- (7) In subsection (6), “qualifying offence” has—
  - (a) in relation to a conviction in respect of a recordable offence committed in England and Wales, the meaning given by section 65A of the Police and Criminal Evidence Act 1984, and
  - (b) in relation to a conviction in respect of a recordable offence committed in Northern Ireland, the meaning given by Article 53A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).
- (8) If a person is convicted of more than one offence arising out of a single course of action, those convictions are to be treated as a single conviction for the purposes of calculating under section 18A whether the person has been convicted of only one offence.”

#### Commencement Information

**I7** Sch. 1 para. 4 in force at 31.10.2013 by [S.I. 2013/1814](#), [art. 2\(k\)](#) (with transitional provisions and savings in [S.I. 2013/1813](#) (as amended (30.10.2016) by [S.I. 2016/682](#), [arts. 1, 3, 4](#)))

## PART 4

### MATERIAL SUBJECT TO THE TERRORISM PREVENTION AND INVESTIGATION MEASURES ACT 2011

- 5 After paragraph 10(2) of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (fingerprints and samples) insert—
  - “(2A) But a person is not to be treated as having been convicted of an offence if that conviction is a disregarded conviction or caution by virtue of section 92 of the Protection of Freedoms Act 2012.”

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### Commencement Information

- 18** Sch. 1 para. 5 in force at 31.10.2013 by [S.I. 2013/1814](#), **art. 2(k)** (with transitional provisions and savings in [S.I. 2013/1813](#) (as amended (30.10.2016) by [S.I. 2016/682](#), arts. 1, 3, 4))

## PART 5

### MATERIAL SUBJECT TO THE CRIMINAL PROCEDURE (SCOTLAND) ACT 1995

- 6 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 18(3), for “18F” substitute “ 18G ”.
- (3) After section 18F insert—

#### “18G Retention of samples etc: national security

- (1) This section applies to—
- (a) relevant physical data taken from or provided by a person under section 18(2) (including any taken or provided by virtue of paragraph 20 of Schedule 8 to the Terrorism Act 2000),
  - (b) any sample, or any information derived from a sample, taken from a person under section 18(6) or (6A) (including any taken by virtue of paragraph 20 of Schedule 8 to the Terrorism Act 2000),
  - (c) any relevant physical data, sample or information derived from a sample taken from, or provided by, a person under section 19AA(3),
  - (d) any relevant physical data, sample or information derived from a sample which is held by virtue of section 56 of the Criminal Justice (Scotland) Act 2003, and
  - (e) any relevant physical data, sample or information derived from a sample taken from a person—
    - (i) by virtue of any power of search,
    - (ii) by virtue of any power to take possession of evidence where there is immediate danger of its being lost or destroyed, or
    - (iii) under the authority of a warrant.
- (2) The relevant physical data, sample or information derived from a sample may be retained for so long as a national security determination made by the relevant chief constable has effect in relation to it.
- (3) A national security determination is made if the relevant chief constable determines that is necessary for the relevant physical data, sample or information derived from a sample to be retained for the purposes of national security.
- (4) A national security determination—
- (a) must be made in writing,
  - (b) has effect for a maximum of 2 years beginning with the date on which the determination is made, and
  - (c) may be renewed.

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- (5) Any relevant physical data, sample or information derived from a sample which is retained in pursuance of a national security determination must be destroyed as soon as possible after the determination ceases to have effect (except where its retention is permitted by any other enactment).
- (6) In this section, “the relevant chief constable” means the chief constable of the police force of which the constable who took the relevant physical data, or to whom it was provided, or who took or directed the taking of the sample, was a member.”

#### Commencement Information

- I9** Sch. 1 para. 6 in force at 31.10.2013 by S.I. 2013/1814, art. 2(k) (with transitional provisions and savings in S.I. 2013/1813)

PROSPECTIVE

### PART 6

#### MATERIAL SUBJECT TO THE POLICE AND CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1989

- 7 (1) This paragraph applies to the following material—
- (a) a DNA profile to which Article 64 of the 1989 Order (destruction of fingerprints and samples) applies, or
  - (b) fingerprints to which Article 64 of the 1989 Order applies, other than fingerprints taken under Article 61(6A) of that Order.
- (2) If the Chief Constable of the Police Service of Northern Ireland determines that it is necessary for any material to which this paragraph applies to be retained for the purposes of national security—
- (a) the material is not required to be destroyed in accordance with Article 64 of the 1989 Order, and
  - (b) Article 64(3AB) of that Order does not apply to the material, for as long as the determination has effect.
- (3) A determination under sub-paragraph (2) (“a national security determination”)—
- (a) must be made in writing,
  - (b) has effect for a maximum of 2 years beginning with the date on which the material would (but for this paragraph) first become liable for destruction under the 1989 Order, and
  - (c) may be renewed.
- (4) Material retained under this paragraph must not be used other than—
- (a) in the interests of national security,
  - (b) for the purposes of a terrorist investigation,
  - (c) for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution, or

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(d) for purposes related to the identification of a deceased person or of the person to whom the material relates.

(5) This paragraph has effect despite any provision to the contrary in the 1989 Order.

(6) In this paragraph—

(a) the reference to using material includes a reference to allowing any check to be made against it and to disclosing it to any person,

(b) the reference to crime includes a reference to any conduct which—

(i) constitutes one or more criminal offences (whether under the law of Northern Ireland or of any country or territory outside Northern Ireland), or

(ii) is, or corresponds to, any conduct which, if it all took place in Northern Ireland, would constitute one or more criminal offences, and

(c) the references to an investigation and to a prosecution include references, respectively, to any investigation outside Northern Ireland of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside Northern Ireland.

(7) In this paragraph—

“the 1989 Order” means the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12));

“DNA profile” means any information derived from a DNA sample;

“DNA sample” means any material that has come from a human body and consists of or includes human cells;

“offence”, in relation to any country or territory outside Northern Ireland, includes an act punishable under the law of that country or territory, however it is described;

“terrorist investigation” has the meaning given by section 32 of the Terrorism Act 2000.

## PART 7

### CORRESPONDING NORTHERN IRELAND PROVISION FOR EXCEPTED OR RESERVED MATTERS ETC.

- 8 (1) The Secretary of State may make an order under sub-paragraph (2) or (3) if the Secretary of State considers that the subject-matter in relation to Northern Ireland of any provision of an Act of the Northern Ireland Assembly made in [F<sup>1</sup>2013 or 2014] is the same as the subject-matter in relation to England and Wales of any provision made by any of sections 1 to 18 and 23 to 25 of this Act.
- (2) The Secretary of State may by order make excepted or reserved provision in relation to Northern Ireland which is about the same subject-matter as any provision made in relation to England and Wales by any of sections 1 to 18 and 23 to 25 of this Act.
- (3) The Secretary of State may by order make such provision as the Secretary of State considers appropriate in consequence of the Act of the Northern Ireland Assembly or an order under sub-paragraph (2).
- (4) The power to make an order under this paragraph—

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- (a) is exercisable by statutory instrument,
  - (b) includes power to make incidental, supplementary, transitional, transitory or saving provision,
  - (c) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an enactment (including this Act).
- (5) An order under this paragraph may not make provision which—
- (a) if it were contained in an Act of the Northern Ireland Assembly, would be within the legislative competence of the Northern Ireland Assembly and would deal with a transferred matter without being ancillary to other provision (whether in the Act or previously enacted) which deals with an excepted or reserved matter,
  - (b) if it were contained in an Act of the Scottish Parliament, would be within the legislative competence of the Scottish Parliament, or
  - (c) if it were contained in an Act of the National Assembly for Wales, would be within the legislative competence of the National Assembly for Wales.
- (6) Subject to sub-paragraph (7), a statutory instrument containing an order under this paragraph is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) A statutory instrument containing an order under this paragraph which neither amends nor repeals any provision of primary legislation is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this paragraph—
- “enactment” includes an Act of the Scottish Parliament, a Measure or Act of the National Assembly for Wales and Northern Ireland legislation,
  - “excepted or reserved matter” have the meanings given by section 4(1) of the Northern Ireland Act 1998,
  - “excepted or reserved provision” means provision which—
    - (a) forms part of the law of Northern Ireland, and
    - (b) is not prohibited by sub-paragraph (5)(a),
  - “primary legislation” means—
    - (a) a public general Act,
    - (b) an Act of the Scottish Parliament,
    - (c) a Measure or Act of the National Assembly for Wales, and
    - (d) Northern Ireland legislation,
  - “transferred matter” has the meaning given by section 4(1) of the Northern Ireland Act 1998.

#### Textual Amendments

**F1** Words in Sch. 1 para. 8(1) substituted (13.3.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 24, 28(1)(h)(3)**

#### Commencement Information

**I10** Sch. 1 para. 8 in force at 16.12.2014 by [S.I. 2014/3315](#), **art. 2**

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## SCHEDULE 2

Section 39(2)

## REPEALS ETC. OF POWERS OF ENTRY

## PART 1

## WATER AND ENVIRONMENT

*Public Health (Control of Disease) Act 1984*

- 1 (1) Omit section 50 of the Public Health (Control of Disease) Act 1984 (power in relation to England and Wales to enter and inspect canal boats).
- (2) This paragraph extends to England and Wales only.

*Merchant Shipping Act 1995*

- 2 (1) Omit section 258(4) of the Merchant Shipping Act 1995 (power of surveyor of ships etc. to enter premises to determine whether provisions or water intended for UK ships, including government ships, would be in accordance with safety regulations).
- (2) Sub-paragraph (1) does not apply to section 258(4) of the Act of 1995 so far as it applies for the purposes of section 256A of that Act (extension of power of entry to any member of the staff of the Scottish Administration authorised by the Scottish Ministers).
- (3) This paragraph extends to England and Wales, Scotland and Northern Ireland.

*Environment Act 1995*

- 3 (1) Section 108(15) of the Environment Act 1995 (powers of entry etc. of persons authorised by enforcing authorities: interpretation) is amended as follows.
- (2) After the definition of “authorised person” insert—
- ““domestic property” has the meaning given by section 75(5)(a) of the Environmental Protection Act 1990;”.
- (3) After the definition of “enforcing authority” insert—
- ““English waste collection authority” has the same meaning as in section 45A of the Environmental Protection Act 1990;”.
- (4) In the definition of “pollution control functions” in relation to a waste collection authority after “means” insert “—
- (a) in relation to an English waste collection authority, the functions conferred or imposed on it by or under Part 2 of the Environmental Protection Act 1990 (other than sections 45, 45A and 46 of that Act so far as relating to the collection of household waste from domestic property); and
- (b) in relation to any other waste collection authority;”.
- (5) This paragraph extends to England and Wales only.

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## PART 2

### AGRICULTURE

#### *Dairy Herd Conversion Premium Regulations 1973 (S.I. 1973/1642)*

- 4 (1) Omit regulation 5 of the Dairy Herd Conversion Premium Regulations 1973 (power of authorised officer to enter land to inspect livestock in respect of which a premium has been applied for etc.).
- (2) Also—
- (a) in regulation 2(1) of those Regulations omit the definition of “authorised officer”, and
  - (b) in regulation 7 of those Regulations, omit sub-paragraph (b) and the word “or” before it.
- (3) This paragraph extends to England and Wales only.

#### *Milk (Cessation of Production) Act 1985*

- 5 (1) Omit section 2(1) of the Milk (Cessation of Production) Act 1985 (powers of entry in connection with compensation payments).
- (2) Also, in section 3(1) of that Act, omit paragraph (b) and the word “or” before it.
- (3) This paragraph extends to England and Wales only.

#### *Cereals Co-responsibility Levy Regulations 1988 (S.I. 1988/1001)*

- 6 (1) Omit regulation 8 of the Cereals Co-responsibility Levy Regulations 1988 (power of authorised officer to enter premises used in relation to cereals).
- (2) Also—
- (a) in regulation 9 of those Regulations omit “or 8”, and
  - (b) in regulation 11(d) of those Regulations for “regulations 7 or 8” substitute “regulation 7”.
- (3) This paragraph extends to England and Wales only.

#### *Oilseeds Producers (Support System) Regulations 1992 (S.I. 1992/695)*

- 7 (1) Omit regulation 5 of the Oilseeds Producers (Support System) Regulations 1992 (power of authorised officer to enter and inspect oilseeds producers' premises).
- (2) Also—
- (a) in regulation 2(1) of those Regulations omit the definitions of “authorised officer”, “oilseeds” and “specified control measure”, and
  - (b) omit regulations 6, 9 and 10 of those Regulations.
- (3) This paragraph extends to England and Wales only.

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*Older Cattle (Disposal) (England) Regulations 2005 (S.I. 2005/3522)*

- 8 (1) Omit regulation 5 of the Older Cattle (Disposal) (England) Regulations 2005 (power of inspector to enter premises for the purposes of ensuring that regulations are being complied with).
- (2) This paragraph extends to England and Wales, Scotland and Northern Ireland.

*Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006 (S.I. 2006/2821)*

- 9 (1) Omit regulation 6 of the Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006 (power of inspector to enter a turkey holding or slaughterhouse for purposes relating to salmonella).
- (2) This paragraph extends to England and Wales, Scotland and Northern Ireland.

### PART 3

#### MISCELLANEOUS

*Distribution of German Enemy Property (No 1) Order 1950 (S.I. 1950/1642)*

- 10 (1) Omit article 22 of the Distribution of German Enemy Property (No 1) Order 1950 (power of constable to enter premises under warrant to search for and seize German enemy property).
- (2) This paragraph extends to England and Wales, Scotland and Northern Ireland.

*Hypnotism Act 1952*

- 11 (1) Omit section 4 of the Hypnotism Act 1952 (constable's power to enter premises where entertainment is held if there is reasonable cause to believe that there is a contravention of the Act).
- (2) This paragraph extends to England and Wales only.

*Landlord and Tenant Act 1985*

- 12 (1) Omit section 8(2) of the Landlord and Tenant Act 1985 (power of landlord to enter premises to view their state and condition).
- (2) This paragraph extends to England and Wales only.

*Gas Appliances (Safety) Regulations 1995 (S.I. 1995/1629)*

- 13 (1) Omit regulation 24(6) of the Gas Appliances (Safety) Regulations 1995 (power of authorised officer to enter premises for the purposes of surveillance of manufacturer's compliance with requirements).
- (2) This paragraph extends to England and Wales, Scotland and Northern Ireland.



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*Cross-border Railway Services (Working Time) Regulations 2008 (2008/1660)*

- 14 (1) Omit paragraph 2(2)(a), (b) and (c) of Schedule 2 to the Cross-border Railway Services (Working Time) Regulations 2008 (power of Office of Rail Regulation's inspector to enter premises for the purpose of carrying the regulations into effect).
- (2) This paragraph extends to England and Wales and Scotland only.

*Payment Services Regulations 2009 (S.I. 2009/209)*

- 15 (1) Omit regulation 83 of the Payment Services Regulations 2009 (power of an officer of the Financial Services Authority to enter premises used in relation to payment services).
- (2) This paragraph extends to England and Wales, Scotland and Northern Ireland.

PROSPECTIVE

SCHEDULE 3

Section 53

CORRESPONDING CODE OF PRACTICE FOR WELSH DEVOLVED POWERS OF ENTRY

*Code of practice*

- 1 (1) The Welsh Ministers may prepare a code of practice containing guidance about the exercise of—
- (a) powers of entry, or
  - [<sup>F2</sup>(b) associated powers.
- The code may only contain provision that would be within the legislative competence of the National Assembly for Wales if contained in an Act of the Assembly.]
- (2) Such a code may, in particular, include provision about—
- (a) considerations before exercising, or when exercising, any such powers,
  - (b) considerations after exercising any such powers (such as the retention of records, or the publication of information, about the exercise of any such powers).
- (3) Such a code—
- (a) need not contain provision about every type of power of entry or associated power,
  - (b) may make different provision for different purposes.
- (4) In the course of preparing such a code in relation to any powers, the Welsh Ministers must consult—
- (a) such persons appearing to the Welsh Ministers to be representative of the views of persons entitled to exercise the powers concerned as the Welsh Ministers consider appropriate, and
  - (b) such other persons as the Welsh Ministers consider appropriate.

*Status: Point in time view as at 31/01/2017.*

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### Textual Amendments

- F2** Words in [Sch. 3 para. 1\(1\)](#) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\)](#), [Sch. 6 para. 93](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(r\)](#)

#### *Issuing of code*

- 2 (1) The Welsh Ministers must lay before the National Assembly for Wales—
- (a) any code of practice prepared under paragraph 1, and
  - (b) a draft of any order providing for the code to come into force.
- (2) The Welsh Ministers may make the order and issue the code if the draft of the order is approved by a resolution of the National Assembly for Wales.
- (3) The Welsh Ministers must not make the order or issue the code unless the draft of the order is so approved.
- (4) The Welsh Ministers may prepare another code of practice under paragraph 1 if the draft of the order is not so approved.
- (5) A code comes into force in accordance with an order under this paragraph.
- (6) Such an order—
- (a) is to be a statutory instrument, and
  - (b) may contain transitional, transitory or saving provision.

#### *Alteration or replacement of code*

- 3 (1) The Welsh Ministers—
- (a) must keep the devolved powers of entry 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 in relation to any powers, the Welsh Ministers must consult—
- (a) such persons appearing to the Welsh Ministers to be representative of the views of persons entitled to exercise the powers concerned as the Welsh Ministers consider appropriate, and
  - (b) such other persons as the Welsh Ministers consider appropriate.
- (3) The Welsh Ministers must lay before the National Assembly for Wales an alteration or a replacement code prepared under this paragraph.
- (4) If, within the 40-day period, the National Assembly for Wales resolves not to approve the alteration or the replacement code, the Welsh Ministers must not issue the alteration or code.
- (5) If no such resolution is made within that period, the Welsh Ministers 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.

*Status: Point in time view as at 31/01/2017.*

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- (7) Sub-paragraph (4) does not prevent the Welsh Ministers from laying a new alteration or replacement code before the National Assembly for Wales.
- (8) In this paragraph “the 40-day period” means the period of 40 days beginning with the day on which the alteration or replacement code is laid before the National Assembly for Wales.
- (9) In calculating the 40-day period, no account is to be taken of—
  - (a) any period during which the National Assembly for Wales is dissolved, and
  - (b) any period of more than four days during which the National Assembly for Wales is in recess.
- (10) In this paragraph “the devolved powers of entry code” means any code of practice issued under paragraph 2(2) (as altered or replaced from time to time).

#### *Publication of code*

- 4 (1) The Welsh Ministers must publish any code issued under paragraph 2(2).
- (2) The Welsh Ministers must publish any replacement code issued under paragraph 3(5).
- (3) The Welsh Ministers must publish—
  - (a) any alteration issued under paragraph 3(5), or
  - (b) the code or replacement code as altered by it.

#### *Effect of code*

- 5 (1) A relevant person must have regard to the devolved powers of entry code when exercising any functions to which the code relates.
- (2) A failure on the part of any person to act in accordance with any provision of the devolved powers of entry code does not of itself make that person liable to criminal or civil proceedings.
- (3) The devolved powers of entry code is admissible in evidence in any such proceedings.
- (4) A court or tribunal may, in particular, take into account a failure by a relevant person to have regard to the devolved powers of entry code in determining a question in any such proceedings.
- (5) In this paragraph “relevant person” means any person specified or described by the Welsh Ministers in an order made by statutory instrument.
- (6) An order under sub-paragraph (5) may, in particular—
  - (a) restrict the specification or description of a person to that of the person when acting in a specified capacity or exercising specified or described functions,
  - (b) contain transitional, transitory or saving provision.
- (7) So far as an order under sub-paragraph (5) contains a restriction of the kind mentioned in sub-paragraph (6)(a) in relation to a person, the duty in sub-paragraph (1) applies only to the person in that capacity or (as the case may be) only in relation to those functions.

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- (8) Before making an order under sub-paragraph (5) in relation to any person or description of persons, the Welsh Ministers must consult such persons appearing to the Welsh Ministers to be representative of the views of the person or persons in relation to whom the order may be made as the Welsh Ministers consider appropriate.
- (9) No instrument containing the first order under sub-paragraph (5) is to be made unless a draft of it has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (10) Subject to this, an instrument containing an order under sub-paragraph (5) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

#### *Interpretation*

- 6 In this Schedule—
- “the devolved powers of entry code” has the meaning given by paragraph 3(10),
- “power of entry” and “associated power” have the meaning given by section 46.

## SCHEDULE 4

Section 56

### RECOVERY OF UNPAID PARKING CHARGES

#### *Introductory*

- 1 (1) This Schedule applies where—
- (a) the driver of a vehicle is required by virtue of a relevant obligation to pay parking charges in respect of the parking of the vehicle on relevant land; and
- (b) those charges have not been paid in full.
- (2) It is immaterial for the purposes of this Schedule whether or not the vehicle was permitted to be parked (or to remain parked) on the land.

#### **Commencement Information**

- I11** Sch. 4 para. 1 in force at 1.10.2012 for E. by [S.I. 2012/2075](#), [art. 3\(f\)](#)
- I12** Sch. 4 para. 1 in force at 1.10.2012 for W. by [S.I. 2012/2499](#), [art. 2\(1\)\(2\)\(b\)](#)

- 2 (1) In this Schedule—
- “the appropriate national authority” means—
- (a) in relation to relevant land in England, the Secretary of State; and
- (b) in relation to relevant land in Wales, the Welsh Ministers;
- “the creditor” means a person who is for the time being entitled to recover unpaid parking charges from the driver of the vehicle;
- “current address for service” means—
- (a) in the case of the keeper, an address which is either—

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- (i) an address at which documents relating to civil proceedings could properly be served on the person concerned under Civil Procedure Rules; or
  - (ii) the keeper's registered address (if there is one); or
- (b) in the case of the driver, an address at which the driver for the time being resides or can conveniently be contacted;
- “driver” includes, where more than one person is engaged in the driving of the vehicle, any person so engaged;
- “keeper” means the person by whom the vehicle is kept at the time the vehicle was parked, which in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper;
- “notice to driver” means a notice given in accordance with paragraph 7;
- “notice to keeper” means a notice given in accordance with paragraph 8 or 9 (as the case may be);
- “parking charge”—
- (a) in the case of a relevant obligation arising under the terms of a relevant contract, means a sum in the nature of a fee or charge, and
  - (b) in the case of a relevant obligation arising as a result of a trespass or other tort, means a sum in the nature of damages,
- however the sum in question is described;
- “registered address” means, in relation to the keeper of a registered vehicle, the address described in paragraph 11(3)(b) (as provided by the Secretary of State in response to the application for the keeper's details required by paragraph 11);
- “registered keeper”, in relation to a registered vehicle, means the person in whose name the vehicle is registered;
- “registered vehicle” means a vehicle which is for the time being registered under the Vehicle Excise and Registration Act 1994;
- “relevant contract” means a contract (including a contract arising only when the vehicle was parked on the relevant land) between the driver and a person who is—
- (a) the owner or occupier of the land; or
  - (b) authorised, under or by virtue of arrangements made by the owner or occupier of the land, to enter into a contract with the driver requiring the payment of parking charges in respect of the parking of the vehicle on the land;
- “relevant land” has the meaning given by paragraph 3;
- “relevant obligation” means—
- (a) an obligation arising under the terms of a relevant contract; or
  - (b) an obligation arising, in any circumstances where there is no relevant contract, as a result of a trespass or other tort committed by parking the vehicle on the relevant land;
- “vehicle” means a mechanically-propelled vehicle or a vehicle designed or adapted for towing by a mechanically-propelled vehicle.
- (2) The reference in the definition of “parking charge” to a sum in the nature of damages is to a sum of which adequate notice was given to drivers of vehicles (when the vehicle was parked on the relevant land).

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- (3) For the purposes of sub-paragraph (2) “adequate notice” means notice given by—
- (a) the display of one or more notices in accordance with any applicable requirements prescribed in regulations under paragraph 12 for, or for purposes including, the purposes of sub-paragraph (2); or
  - (b) where no such requirements apply, the display of one or more notices which—
    - (i) specify the sum as the charge for unauthorised parking; and
    - (ii) are adequate to bring the charge to the notice of drivers who park vehicles on the relevant land.

#### Commencement Information

**I13** Sch. 4 para. 2 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

**I14** Sch. 4 para. 2 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

- 3 (1) In this Schedule “relevant land” means any land (including land above or below ground level) other than—
- (a) a highway maintainable at the public expense (within the meaning of section 329(1) of the Highways Act 1980);
  - (b) a parking place which is provided or controlled by a traffic authority;
  - (c) any land (not falling within paragraph (a) or (b)) on which the parking of a vehicle is subject to statutory control.
- (2) In sub-paragraph (1)(b)—
- “parking place” has the meaning given by section 32(4)(b) of the Road Traffic Regulation Act 1984;
- “traffic authority” means each of the following—
- (a) the Secretary of State;
  - (b) the Welsh Ministers;
  - (c) Transport for London;
  - (d) the Common Council of the City of London;
  - (e) the council of a county, county borough, London borough or district;
  - (f) a parish or community council;
  - (g) the Council of the Isles of Scilly.
- (3) For the purposes of sub-paragraph (1)(c) the parking of a vehicle on land is “subject to statutory control” if any statutory provision imposes a liability (whether criminal or civil, and whether in the form of a fee or charge or a penalty of any kind) in respect of the parking on that land of vehicles generally or of vehicles of a description that includes the vehicle in question.
- (4) In sub-paragraph (3) “statutory provision” means any provision (apart from this Schedule) contained in—
- (a) any Act (including a local or private Act), whenever passed; or
  - (b) any subordinate legislation, whenever made,
- and for this purpose “subordinate legislation” means an Order in Council or any order, regulations, byelaws or other legislative instrument.

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#### Commencement Information

- I15** Sch. 4 para. 3 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)  
**I16** Sch. 4 para. 3 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

#### *Right to claim unpaid parking charges from keeper of vehicle*

- 4 (1) The creditor has the right to recover any unpaid parking charges from the keeper of the vehicle.
- (2) The right under this paragraph applies only if—
- (a) the conditions specified in paragraphs 5, 6, 11 and 12 (so far as applicable) are met; and
  - (b) the vehicle was not a stolen vehicle at the beginning of the period of parking to which the unpaid parking charges relate.
- (3) For the purposes of the condition in sub-paragraph (2)(b), the vehicle is to be presumed not to be a stolen vehicle at the material time, unless the contrary is proved.
- (4) The right under this paragraph may only be exercised after the end of the period of 28 days beginning with the day on which the notice to keeper is given.
- (5) The maximum sum which may be recovered from the keeper by virtue of the right conferred by this paragraph is the amount specified in the notice to keeper under paragraph 8(2)(c) or (d) or, as the case may be, 9(2)(d) (less any payments towards the unpaid parking charges which are received after the time so specified).
- (6) Nothing in this paragraph affects any other remedy the creditor may have against the keeper of the vehicle or any other person in respect of any unpaid parking charges (but this is not to be read as permitting double recovery).
- (7) The right under this paragraph is subject to paragraph 13 (which provides for the right not to apply in certain circumstances in the case of a hire vehicle).

#### Commencement Information

- I17** Sch. 4 para. 4 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)  
**I18** Sch. 4 para. 4 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

#### *Conditions that must be met for purposes of paragraph 4*

- 5 (1) The first condition is that the creditor—
- (a) has the right to enforce against the driver of the vehicle the requirement to pay the unpaid parking charges; but
  - (b) is unable to take steps to enforce that requirement against the driver because the creditor does not know both the name of the driver and a current address for service for the driver.
- (2) Sub-paragraph (1)(b) ceases to apply if (at any time after the end of the period of 28 days beginning with the day on which the notice to keeper is given) the creditor begins proceedings to recover the unpaid parking charges from the keeper.

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#### Commencement Information

**I19** Sch. 4 para. 5 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

**I20** Sch. 4 para. 5 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

- 6 (1) The second condition is that the creditor (or a person acting for or on behalf of the creditor)—
- (a) has given a notice to driver in accordance with paragraph 7, followed by a notice to keeper in accordance with paragraph 8; or
  - (b) has given a notice to keeper in accordance with paragraph 9.
- (2) If a notice to driver has been given, any subsequent notice to keeper must be given in accordance with paragraph 8.

#### Commencement Information

**I21** Sch. 4 para. 6 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

**I22** Sch. 4 para. 6 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

- 7 (1) A notice which is to be relied on as a notice to driver for the purposes of paragraph 6(1)(a) is given in accordance with this paragraph if the following requirements are met.
- (2) The notice must—
- (a) specify the vehicle, the relevant land on which it was parked and the period of parking to which the notice relates;
  - (b) inform the driver of the requirement to pay parking charges in respect of the specified period of parking and describe those charges, the circumstances in which the requirement arose (including the means by which it was brought to the attention of drivers) and the other facts that made those charges payable;
  - (c) inform the driver that the parking charges relating to the specified period of parking have not been paid in full and specify the total amount of the unpaid parking charges relating to that period, as at a time which is—
    - (i) specified in the notice; and
    - (ii) no later than the time specified under paragraph (f);
  - (d) inform the driver of any discount offered for prompt payment and the arrangements for the resolution of disputes or complaints that are available;
  - (e) identify the creditor and specify how and to whom payment may be made;
  - (f) specify the time when the notice is given and the date.
- (3) The notice must relate only to a single period of parking specified under subparagraph (2)(a) (but this does not prevent the giving of separate notices each specifying different parts of a single period of parking).
- (4) The notice must be given—
- (a) before the vehicle is removed from the relevant land after the end of the period of parking to which the notice relates, and
  - (b) while the vehicle is stationary,
- by affixing it to the vehicle or by handing it to a person appearing to be in charge of the vehicle.



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- (5) In sub-paragraph (2)(d) the reference to arrangements for the resolution of disputes or complaints includes—
- (a) any procedures offered by the creditor for dealing informally with representations by the driver about the notice or any matter contained in it; and
  - (b) any arrangements under which disputes or complaints (however described) may be referred by the driver to independent adjudication or arbitration.

#### Commencement Information

- I23** Sch. 4 para. 7 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)  
**I24** Sch. 4 para. 7 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

- 8 (1) A notice which is to be relied on as a notice to keeper for the purposes of paragraph 6(1)(a) is given in accordance with this paragraph if the following requirements are met.
- (2) The notice must—
- (a) specify the vehicle, the relevant land on which it was parked and the period of parking to which the notice relates;
  - (b) inform the keeper that the driver is required to pay parking charges in respect of the specified period of parking and that the parking charges have not been paid in full;
  - (c) state that a notice to driver relating to the specified period of parking has been given and repeat the information in that notice as required by paragraph 7(2)(b), (c) and (f);
  - (d) if the unpaid parking charges specified in that notice to driver as required by paragraph 7(2)(c) have been paid in part, specify the amount that remains unpaid, as at a time which is—
    - (i) specified in the notice to keeper, and
    - (ii) no later than the end of the day before the day on which the notice is either sent by post or, as the case may be, handed to or left at a current address for service for the keeper (see sub-paragraph (4));
  - (e) state that the creditor does not know both the name of the driver and a current address for service for the driver and invite the keeper—
    - (i) to pay the unpaid parking charges; or
    - (ii) if the keeper was not the driver of the vehicle, to notify the creditor of the name of the driver and a current address for service for the driver and to pass the notice on to the driver;
  - (f) warn the keeper that if, at the end of the period of 28 days beginning with the day after that on which the notice to keeper is given—
    - (i) the amount of the unpaid parking charges (as specified under paragraph (c) or (d)) has not been paid in full, and
    - (ii) the creditor does not know both the name of the driver and a current address for service for the driver,the creditor will (if all the applicable conditions under this Schedule are met) have the right to recover from the keeper so much of that amount as remains unpaid;

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- (g) inform the keeper of any discount offered for prompt payment and the arrangements for the resolution of disputes or complaints that are available;
  - (h) identify the creditor and specify how and to whom payment or notification to the creditor may be made;
  - (i) specify the date on which the notice is sent (if it is sent by post) or given (in any other case).
- (3) The notice must relate only to a single period of parking specified under sub-paragraph (2)(a) (but this does not prevent the giving of separate notices which each specify different parts of a single period of parking).
- (4) The notice must be given by—
- (a) handing it to the keeper, or leaving it at a current address for service for the keeper, within the relevant period; or
  - (b) sending it by post to a current address for service for the keeper so that it is delivered to that address within the relevant period.
- (5) The relevant period for the purposes of sub-paragraph (4) is the period of 28 days following the period of 28 days beginning with the day after that on which the notice to driver was given.
- (6) A notice sent by post is to be presumed, unless the contrary is proved, to have been delivered (and so “given” for the purposes of sub-paragraph (4)) on the second working day after the day on which it is posted; and for this purpose “working day” means any day other than a Saturday, Sunday or a public holiday in England and Wales.
- (7) When the notice is given it must be accompanied by any evidence prescribed under paragraph 10.
- (8) In sub-paragraph (2)(g) the reference to arrangements for the resolution of disputes or complaints includes—
- (a) any procedures offered by the creditor for dealing informally with representations by the keeper about the notice or any matter contained in it; and
  - (b) any arrangements under which disputes or complaints (however described) may be referred by the keeper to independent adjudication or arbitration.

#### **Commencement Information**

**I25** Sch. 4 para. 8 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

**I26** Sch. 4 para. 8 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

- 9 (1) A notice which is to be relied on as a notice to keeper for the purposes of paragraph 6(1)(b) is given in accordance with this paragraph if the following requirements are met.
- (2) The notice must—
- (a) specify the vehicle, the relevant land on which it was parked and the period of parking to which the notice relates;
  - (b) inform the keeper that the driver is required to pay parking charges in respect of the specified period of parking and that the parking charges have not been paid in full;

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- (c) describe the parking charges due from the driver as at the end of that period, the circumstances in which the requirement to pay them arose (including the means by which the requirement was brought to the attention of drivers) and the other facts that made them payable;
  - (d) specify the total amount of those parking charges that are unpaid, as at a time which is—
    - (i) specified in the notice; and
    - (ii) no later than the end of the day before the day on which the notice is either sent by post or, as the case may be, handed to or left at a current address for service for the keeper (see sub-paragraph (4));
  - (e) state that the creditor does not know both the name of the driver and a current address for service for the driver and invite the keeper—
    - (i) to pay the unpaid parking charges; or
    - (ii) if the keeper was not the driver of the vehicle, to notify the creditor of the name of the driver and a current address for service for the driver and to pass the notice on to the driver;
  - (f) warn the keeper that if, after the period of 28 days beginning with the day after that on which the notice is given—
    - (i) the amount of the unpaid parking charges specified under paragraph (d) has not been paid in full, and
    - (ii) the creditor does not know both the name of the driver and a current address for service for the driver,the creditor will (if all the applicable conditions under this Schedule are met) have the right to recover from the keeper so much of that amount as remains unpaid;
  - (g) inform the keeper of any discount offered for prompt payment and the arrangements for the resolution of disputes or complaints that are available;
  - (h) identify the creditor and specify how and to whom payment or notification to the creditor may be made;
  - (i) specify the date on which the notice is sent (where it is sent by post) or given (in any other case).
- (3) The notice must relate only to a single period of parking specified under sub-paragraph (2)(a) (but this does not prevent the giving of separate notices which each specify different parts of a single period of parking).
- (4) The notice must be given by—
- (a) handing it to the keeper, or leaving it at a current address for service for the keeper, within the relevant period; or
  - (b) sending it by post to a current address for service for the keeper so that it is delivered to that address within the relevant period.
- (5) The relevant period for the purposes of sub-paragraph (4) is the period of 14 days beginning with the day after that on which the specified period of parking ended.
- (6) A notice sent by post is to be presumed, unless the contrary is proved, to have been delivered (and so “given” for the purposes of sub-paragraph (4)) on the second working day after the day on which it is posted; and for this purpose “working day” means any day other than a Saturday, Sunday or a public holiday in England and Wales.

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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) When the notice is given it must be accompanied by any evidence prescribed under paragraph 10.
- (8) In sub-paragraph (2)(g) the reference to arrangements for the resolution of disputes or complaints includes—
- (a) any procedures offered by the creditor for dealing informally with representations by the keeper about the notice or any matter contained in it; and
  - (b) any arrangements under which disputes or complaints (however described) may be referred by the keeper to independent adjudication or arbitration.

**Commencement Information**

**I27** Sch. 4 para. 9 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

**I28** Sch. 4 para. 9 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

- 10 (1) The appropriate national authority may by regulations made by statutory instrument prescribe evidence which must accompany a notice which is to be relied on as a notice to keeper for the purposes of paragraph 6(1)(a) or paragraph 6(1)(b) (as the case may be).
- (2) The regulations may in particular make provision as to—
- (a) the means by which any prescribed evidence is to be generated or otherwise produced (which may include a requirement to use equipment of a kind approved for the purpose by a person specified in the regulations); or
  - (b) the circumstances in which any evidence is, or is not, required to accompany a notice to keeper.
- (3) The regulations may—
- (a) include incidental, supplementary, transitional, transitory or saving provision;
  - (b) make different provision for different purposes.

**Commencement Information**

**I29** Sch. 4 para. 10 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

**I30** Sch. 4 para. 10 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

- 11 (1) The third condition is that—
- (a) the creditor (or a person acting for or on behalf of the creditor) has made an application for the keeper's details in relation to the period of parking to which the unpaid parking charges relate;
  - (b) the application was made during the relevant period for the purposes of paragraph 8(4) (where a notice to driver has been given) or 9(4) (where no notice to driver has been given);
  - (c) the information sought by the application is provided by the Secretary of State to the applicant.
- (2) The third condition only applies if the vehicle is a registered vehicle.

*Status: Point in time view as at 31/01/2017.*

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- (3) In this paragraph “application for the keeper's details” means an application for the following information to be provided to the applicant by virtue of regulations made under section 22(1)(c) of the Vehicle Excise and Registration Act 1994—
- (a) the name of the registered keeper of the vehicle during the period of parking to which the unpaid parking charges relate; and
  - (b) the address of that person as it appears on the register (or, if that person has ceased to be the registered keeper, as it last appeared on the register).

#### Commencement Information

- I31** Sch. 4 para. 11 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)  
**I32** Sch. 4 para. 11 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

- 12 (1) The fourth condition is that any applicable requirements prescribed under this paragraph were met at the beginning of the period of parking to which the unpaid parking charges relate.
- (2) The appropriate national authority may by regulations made by statutory instrument prescribe requirements as to the display of notices on relevant land where parking charges may be incurred in respect of the parking of vehicles on the land.
- (3) The provision made under sub-paragraph (2) may, in particular, include provision—
- (a) requiring notices of more than one kind to be displayed on any relevant land;
  - (b) as to the content or form of any notices required to be displayed; and
  - (c) as to the location of any notices required to be displayed.
- (4) Regulations under this paragraph may—
- (a) include incidental, supplementary, transitional, transitory or saving provision;
  - (b) make different provision for different areas or purposes.

#### Commencement Information

- I33** Sch. 4 para. 12 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)  
**I34** Sch. 4 para. 12 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

#### *Hire vehicles*

- 13 (1) This paragraph applies in the case of parking charges incurred in respect of the parking of a vehicle on relevant land if—
- (a) the vehicle was at the time of parking hired to any person under a hire agreement with a vehicle-hire firm; and
  - (b) the keeper has been given a notice to keeper within the relevant period for the purposes of paragraph 8(4) or 9(4) (as the case may be).
- (2) The creditor may not exercise the right under paragraph 4 to recover from the keeper any unpaid parking charges specified in the notice to keeper if, within the period of 28 days beginning with the day after that on which that notice was given, the creditor is given—

*Status: Point in time view as at 31/01/2017.*

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- (a) a statement signed by or on behalf of the vehicle-hire firm to the effect that at the material time the vehicle was hired to a named person under a hire agreement;
  - (b) a copy of the hire agreement; and
  - (c) a copy of a statement of liability signed by the hirer under that hire agreement.
- (3) The statement of liability required by sub-paragraph (2)(c) must—
- (a) contain a statement by the hirer to the effect that the hirer acknowledges responsibility for any parking charges that may be incurred with respect to the vehicle while it is hired to the hirer;
  - (b) include an address given by the hirer (whether a residential, business or other address) as one at which documents may be given to the hirer;
- (and it is immaterial whether the statement mentioned in paragraph (a) relates also to other charges or penalties of any kind).
- (4) A statement required by sub-paragraph (2)(a) or (c) must be in such form (if any) as may be prescribed by the appropriate national authority by regulations made by statutory instrument.
- (5) The documents mentioned in sub-paragraph (2) must be given by—
- (a) handing them to the creditor;
  - (b) leaving them at any address which is specified in the notice to keeper as an address at which documents may be given to the creditor or to which payments may be sent; or
  - (c) sending them by post to such an address so that they are delivered to that address within the period mentioned in that sub-paragraph.
- (6) In this paragraph and paragraph 14—
- (a) “hire agreement” means an agreement which—
    - (i) provides for a vehicle to be let to a person (“the hirer”) for a period of any duration (whether or not the period is capable of extension by agreement between the parties); and
    - (ii) is not a hire-purchase agreement within the meaning of the Consumer Credit Act 1974;
  - (b) any reference to the currency of a hire agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of any period specified in the agreement but otherwise on terms and conditions specified in it; and
  - (c) “vehicle-hire firm” means any person engaged in the hiring of vehicles in the course of a business.

**Commencement Information**

**I35** Sch. 4 para. 13 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

**I36** Sch. 4 para. 13 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

*Status: Point in time view as at 31/01/2017.*

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- (a) the creditor is by virtue of paragraph 13(2) unable to exercise the right to recover from the keeper any unpaid parking charges mentioned in the notice to keeper, and
  - (b) the conditions mentioned in sub-paragraph (2) below are met,
- the creditor may recover those charges (so far as they remain unpaid) from the hirer.
- (2) The conditions are that—
- (a) the creditor has within the relevant period given the hirer a notice in accordance with sub-paragraph (5) (a “notice to hirer”), together with a copy of the documents mentioned in paragraph 13(2) and the notice to keeper;
  - (b) a period of 21 days beginning with the day on which the notice to hirer was given has elapsed; and
  - (c) the vehicle was not a stolen vehicle at the beginning of the period of parking to which the unpaid parking charges relate.
- (3) In sub-paragraph (2)(a) “the relevant period” is the period of 21 days beginning with the day after that on which the documents required by paragraph 13(2) are given to the creditor.
- (4) For the purposes of sub-paragraph (2)(c) a vehicle is to be presumed not to be a stolen vehicle at the material time, unless the contrary is proved.
- (5) The notice to hirer must—
- (a) inform the hirer that by virtue of this paragraph any unpaid parking charges (being parking charges specified in the notice to keeper) may be recovered from the hirer;
  - (b) refer the hirer to the information contained in the notice to keeper;
  - (c) warn the hirer that if, after the period of 21 days beginning with the day after that on which the notice to hirer is given, the amount of unpaid parking charges referred to in the notice to keeper under paragraph 8(2)(f) or 9(2)(f) (as the case may be) has not been paid in full, the creditor will (if any applicable requirements are met) have the right to recover from the hirer so much of that amount as remains unpaid;
  - (d) inform the hirer of any discount offered for prompt payment and the arrangements for the resolution of disputes or complaints that are available;
  - (e) identify the creditor and specify how and to whom payment may be made; and
  - (f) specify the date on which the notice is sent (if it is sent by post) or given (in any other case).
- (6) The documents mentioned in sub-paragraph (2)(a) must be given by—
- (a) handing them to the hirer;
  - (b) leaving them at an address which is either—
    - (i) an address specified in the statement of liability mentioned in paragraph 13(2)(c) as an address at which documents may be given to the hirer; or
    - (ii) an address at which documents relating to civil proceedings could properly be served on the hirer under Civil Procedure Rules; or
  - (c) sending them by post to such an address so that they are delivered to that address within the relevant period for the purposes of sub-paragraph (2)(a).

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- (7) In sub-paragraph (5)(d) the reference to arrangements for the resolution of disputes or complaints includes—
- (a) any procedures offered by the creditor for dealing informally with representations by the hirer about the notice or any matter contained in it; and
  - (b) any arrangements under which disputes or complaints (however described) may be referred by the hirer to independent adjudication or arbitration.

**Commencement Information**

**I37** Sch. 4 para. 14 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

**I38** Sch. 4 para. 14 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

*Application to Crown vehicles etc*

- 15 (1) The provisions of this Schedule apply to—
- (a) vehicles in the public service of the Crown that are required to be registered under the Vehicle Excise and Registration Act 1994 (other than a vehicle exempted by sub-paragraph (2)), and
  - (b) any person in the public service of the Crown who is the keeper of a vehicle falling within paragraph (a).
- (2) But this Schedule does not apply in relation to a vehicle that—
- (a) at the relevant time is used or appropriated for use for naval, military or air force purposes, or
  - (b) belongs to any visiting forces (within the meaning of the Visiting Forces Act 1952) or is at the relevant time used or appropriated for use by such forces.

**Commencement Information**

**I39** Sch. 4 para. 15 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

**I40** Sch. 4 para. 15 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

*Power to amend Schedule*

- 16 (1) The appropriate national authority may by order made by statutory instrument amend this Schedule for the purpose of—
- (a) amending the definition of “relevant land” in paragraph 3;
  - (b) adding to, removing or amending any of the conditions to which the right conferred by paragraph 4 is for the time being subject.
- (2) The power to amend this Schedule for the purpose mentioned in sub-paragraph (1) (b) includes, in particular, power to add to, remove or amend—
- (a) any provisions that are applicable for the purposes of a condition; and
  - (b) any powers of the appropriate national authority to prescribe anything for the purposes of a condition by regulations made by statutory instrument.
- (3) An order under this paragraph may—
- (a) include incidental, supplementary, transitional, transitory or saving provision;



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- (b) make different provision for different purposes.

**Commencement Information**

- I41** Sch. 4 para. 16 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)  
**I42** Sch. 4 para. 16 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

*Parliamentary procedure*

- 17 (1) A statutory instrument containing regulations under any provision of this Schedule is subject to annulment by—
- (a) a resolution of either House of Parliament (in the case of regulations made by the Secretary of State); or
  - (b) a resolution of the National Assembly for Wales (in the case of regulations made by the Welsh Ministers).
- (2) A statutory instrument containing an order made under paragraph 16—
- (a) in the case of an order of the Secretary of State, is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament;
  - (b) in the case of an order of the Welsh Ministers, is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

**Commencement Information**

- I43** Sch. 4 para. 17 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)  
**I44** Sch. 4 para. 17 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

SCHEDULE 5

Section 61(2)

REPLACEMENT POWERS TO STOP AND SEARCH: SUPPLEMENTARY PROVISIONS

**Commencement Information**

- I45** Sch. 5 in force at 10.7.2012 by S.I. 2012/1205, art. 4(g)

After Schedule 6A to the Terrorism Act 2000 insert—

“SCHEDULE 6B

SEARCHES IN SPECIFIED AREAS OR PLACES: SUPPLEMENTARY

*Extent of search powers: supplementary*

- 1 A constable exercising the power conferred by an authorisation under section 47A may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.

*Status: Point in time view as at 31/01/2017.*

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- 2 (1) Sub-paragraph (2) applies if a constable proposes to search a person or vehicle by virtue of section 47A(2) or (3).
- (2) The constable may detain the person or vehicle for such time as is reasonably required to permit the search to be carried out at or near the place where the person or vehicle is stopped.

*Requirements as to writing*

- 3 A senior police officer who gives an authorisation under section 47A orally must confirm it in writing as soon as reasonably practicable.
- 4 (1) Where—
- (a) a vehicle or pedestrian is stopped by virtue of section 47A(2) or (3), and
  - (b) the driver of the vehicle or the pedestrian applies for a written statement that the vehicle was stopped, or that the pedestrian was stopped, by virtue of section 47A(2) or (as the case may be) (3),
- the written statement must be provided.
- (2) An application under sub-paragraph (1) must be made within the period of 12 months beginning with the date on which the vehicle or pedestrian was stopped.

*Duration of authorisations*

- 5 (1) An authorisation under section 47A has effect during the period—
- (a) beginning at the time when the authorisation is given, and
  - (b) ending with the specified date or at the specified time.
- (2) This paragraph is subject as follows.
- 6 The specified date or time must not occur after the end of the period of 14 days beginning with the day on which the authorisation is given.
- 7 (1) The senior police officer who gives an authorisation must inform the Secretary of State of it as soon as reasonably practicable.
- (2) An authorisation ceases to have effect at the end of the period of 48 hours beginning with the time when it is given unless it is confirmed by the Secretary of State before the end of that period.
- (3) An authorisation ceasing to have effect by virtue of sub-paragraph (2) does not affect the lawfulness of anything done in reliance on it before the end of the period concerned.
- (4) When confirming an authorisation, the Secretary of State may—
- (a) substitute an earlier date or time for the specified date or time;
  - (b) substitute a more restricted area or place for the specified area or place.
- 8 The Secretary of State may cancel an authorisation with effect from a time identified by the Secretary of State.
- 9 (1) A senior police officer may—
- (a) cancel an authorisation with effect from a time identified by the officer concerned;
  - (b) substitute an earlier date or time for the specified date or time;
  - (c) substitute a more restricted area or place for the specified area or place.

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- (2) Any such cancellation or substitution in relation to an authorisation confirmed by the Secretary of State under paragraph 7 does not require confirmation by the Secretary of State.
- 10 An authorisation given by a member of the Civil Nuclear Constabulary does not have effect except in relation to times when the specified area or place is a place where members of that Constabulary have the powers and privileges of a constable.
- 11 The existence, expiry or cancellation of an authorisation does not prevent the giving of a new authorisation.

#### *Specified areas or places*

- 12 (1) An authorisation given by a senior police officer who is not a member of the British Transport Police Force, the Ministry of Defence Police or the Civil Nuclear Constabulary may specify an area or place together with—
- (a) the internal waters adjacent to that area or place; or
  - (b) a specified area of those internal waters.
- (2) In sub-paragraph (1) “internal waters” means waters in the United Kingdom that are not comprised in any police area.
- 13 Where an authorisation specifies more than one area or place—
- (a) the power of a senior police officer under paragraph 5(1)(b) to specify a date or time includes a power to specify different dates or times for different areas or places (and the other references in this Schedule to the specified date or time are to be read accordingly), and
  - (b) the power of the Secretary of State under paragraph 7(4)(b), and of a senior police officer under paragraph 9(1)(c), includes a power to remove areas or places from the authorisation.

#### *Interpretation*

- 14 (1) In this Schedule—
- “driver” has the meaning given by section 43A(5);
- “senior police officer” means—
- (a) in relation to an authorisation where the specified area or place is the whole or part of a police area outside Northern Ireland, other than of a police area mentioned in paragraph (b) or (c), a police officer for the area who is of at least the rank of assistant chief constable;
  - (b) in relation to an authorisation where the specified area or place is the whole or part of the metropolitan police district, a police officer for the district who is of at least the rank of commander of the metropolitan police;
  - (c) in relation to an authorisation where the specified area or place is the whole or part of the City of London, a police officer for the City who is of at least the rank of commander in the City of London police force;
  - (d) in relation to an authorisation where the specified area or place is the whole or part of Northern Ireland, a member of the Police Service of Northern Ireland who is of at least the rank of assistant chief constable;
- “specified” means specified in an authorisation.

*Status: Point in time view as at 31/01/2017.*

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- (2) References in this Schedule to a senior police officer are to be read as including—
- (a) in relation to an authorisation where the specified area or place is the whole or part of a police area outside Northern Ireland and is in a place described in section 34(1A), a member of the British Transport Police Force who is of at least the rank of assistant chief constable;
  - (b) in relation to an authorisation where the specified area or place is a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, a member of the Ministry of Defence Police who is of at least the rank of assistant chief constable;
  - (c) in relation to an authorisation where the specified area or place is a place in which members of the Civil Nuclear Constabulary have the powers and privileges of a constable, a member of that Constabulary who is of at least the rank of assistant chief constable;

but such references are not to be read as including a member of the British Transport Police Force, the Ministry of Defence Police or the Civil Nuclear Constabulary in any other case.”

## SCHEDULE 6

Section 63

### STOP AND SEARCH POWERS: NORTHERN IRELAND

- 1 (1) Paragraph 4 of Schedule 3 to the Justice and Security (Northern Ireland) Act 2007 (stopping and searching persons in relation to unlawful munitions and wireless apparatus) is amended as follows.
- (2) In sub-paragraph (1) (power to stop and search without reasonable suspicion) for “An officer” substitute “ A member of Her Majesty's forces who is on duty ”.
- (3) In sub-paragraph (2)—
- (a) for “officer”, in the first place where it appears, substitute “ member of Her Majesty's forces who is on duty ”, and
  - (b) for “officer”, in the second place where it appears, substitute “ member concerned ”.
- (4) After sub-paragraph (3) insert—
- “(4) A constable may search a person (whether or not that person is in a public place) whom the constable reasonably suspects to have munitions unlawfully with him or to have wireless apparatus with him.”
- (5) In the italic cross-heading before paragraph 4, at the end, insert “ : general ”.

#### Commencement Information

**I46** Sch. 6 para. 1 in force at 10.7.2012 by S.I. 2012/1205, art. 4(h)

- 2 After paragraph 4 of that Schedule to that Act insert—

*Status: Point in time view as at 31/01/2017.*

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*“Stopping and searching persons in specified locations*

- 4A (1) A senior officer may give an authorisation under this paragraph in relation to a specified area or place if the officer—
- (a) reasonably suspects (whether in relation to a particular case, a description of case or generally) that the safety of any person might be endangered by the use of munitions or wireless apparatus, and
  - (b) reasonably considers that—
    - (i) the authorisation is necessary to prevent such danger,
    - (ii) the specified area or place is no greater than is necessary to prevent such danger, and
    - (iii) the duration of the authorisation is no longer than is necessary to prevent such danger.
- (2) An authorisation under this paragraph authorises any constable to stop a person in the specified area or place and to search that person.
- (3) A constable may exercise the power conferred by an authorisation under this paragraph only for the purpose of ascertaining whether the person has munitions unlawfully with that person or wireless apparatus with that person.
- (4) But the power conferred by such an authorisation may be exercised whether or not the constable reasonably suspects that there are such munitions or wireless apparatus.
- (5) A constable exercising the power conferred by an authorisation under this paragraph may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.
- (6) Where a constable proposes to search a person by virtue of an authorisation under this paragraph, the constable may detain the person for such time as is reasonably required to permit the search to be carried out at or near the place where the person is stopped.
- (7) A senior officer who gives an authorisation under this paragraph orally must confirm it in writing as soon as reasonably practicable.
- (8) In this paragraph and paragraphs 4B to 4I—  
“senior officer” means an officer of the Police Service of Northern Ireland of at least the rank of assistant chief constable,  
“specified” means specified in an authorisation.
- 4B (1) An authorisation under paragraph 4A has effect during the period—
  - (a) beginning at the time when the authorisation is given, and
  - (b) ending with the specified date or at the specified time.
- (2) This paragraph is subject as follows.
- 4C The specified date or time must not occur after the end of the period of 14 days beginning with the day on which the authorisation is given.

*Status: Point in time view as at 31/01/2017.*

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- 4D (1) The senior officer who gives an authorisation must inform the Secretary of State of it as soon as reasonably practicable.
- (2) An authorisation ceases to have effect at the end of the period of 48 hours beginning with the time when it is given unless it is confirmed by the Secretary of State before the end of that period.
- (3) An authorisation ceasing to have effect by virtue of sub-paragraph (2) does not affect the lawfulness of anything done in reliance on it before the end of the period concerned.
- (4) When confirming an authorisation, the Secretary of State may—
- (a) substitute an earlier date or time for the specified date or time;
  - (b) substitute a more restricted area or place for the specified area or place.
- 4E The Secretary of State may cancel an authorisation with effect from a time identified by the Secretary of State.
- 4F (1) A senior officer may—
- (a) cancel an authorisation with effect from a time identified by the officer concerned;
  - (b) substitute an earlier date or time for the specified date or time;
  - (c) substitute a more restricted area or place for the specified area or place.
- (2) Any such cancellation or substitution in relation to an authorisation confirmed by the Secretary of State under paragraph 4D does not require confirmation by the Secretary of State.
- 4G The existence, expiry or cancellation of an authorisation does not prevent the giving of a new authorisation.
- 4H (1) An authorisation under paragraph 4A given by a senior officer may specify—
- (a) the whole or part of Northern Ireland,
  - (b) the internal waters or any part of them, or
  - (c) any combination of anything falling within paragraph (a) and anything falling within paragraph (b).
- (2) In sub-paragraph (1)(b) “internal waters” means waters in the United Kingdom which are adjacent to Northern Ireland.
- (3) Where an authorisation specifies more than one area or place—
- (a) the power of a senior officer under paragraph 4B(1)(b) to specify a date or time includes a power to specify different dates or times for different areas or places (and the other references in this Schedule to the specified date or time are to be read accordingly), and
  - (b) the power of the Secretary of State under paragraph 4D(4)(b), and of a senior officer under paragraph 4F(1)(c), includes a power to remove areas or places from the authorisation.
- 4I (1) Sub-paragraph (2) applies if any decision of—

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

- (a) a senior officer to give, vary or cancel an authorisation under paragraph 4A, or
  - (b) the Secretary of State to confirm, vary or cancel such an authorisation,
- is challenged on judicial review or in any other legal proceedings.
- (2) The Secretary of State may issue a certificate that—
    - (a) the interests of national security are relevant to the decision, and
    - (b) the decision was justified.
  - (3) The Secretary of State must notify the person making the challenge (“the claimant”) if the Secretary of State intends to rely on a certificate under this paragraph.
  - (4) Where the claimant is notified of the Secretary of State's intention to rely on a certificate under this paragraph—
    - (a) the claimant may appeal against the certificate to the Tribunal established under section 91 of the Northern Ireland Act 1998, and
    - (b) sections 90(3) and (4), 91(2) to (9) and 92 of that Act (effect of appeal, procedure and further appeal) apply but subject to sub-paragraph (5).
  - (5) In its application by virtue of sub-paragraph (4)(b), section 90(3) of the Act of 1998 is to be read as if for the words from “subsection” to “that purpose,” there were substituted “paragraph 4I(4)(a) of Schedule 3 to the Justice and Security (Northern Ireland) Act 2007 the Tribunal determines that—
    - “(a) the interests of national security are relevant to the decision to which the certificate relates, and
    - (b) the decision was justified.”
  - (6) Rules made under section 91 or 92 of the Act of 1998 which are in force immediately before this paragraph comes into force have effect in relation to a certificate under this paragraph—
    - (a) with any necessary modifications, and
    - (b) subject to any later rules made by virtue of sub-paragraph (4)(b).”

**Commencement Information**

I47 Sch. 6 para. 2 in force at 10.7.2012 by S.I. 2012/1205, art. 4(h)

- 3 In paragraph 9(1) of that Schedule to that Act (offence of failing to stop when required to do so) after “paragraph 4” insert “ or by virtue of paragraph 4A ”.

**Commencement Information**

I48 Sch. 6 para. 3 in force at 10.7.2012 by S.I. 2012/1205, art. 4(h)

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

## SCHEDULE 7

Section 78

### SAFEGUARDING OF VULNERABLE GROUPS: NORTHERN IRELAND

#### *Restriction of scope of regulated activities: children*

- 1 (1) Parts 1 and 3 of Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)) (regulated activity relating to children and the period condition) are amended as follows.
- (2) In paragraph 1(1)(b) (frequency and period condition for regulated activity), at the beginning, insert “ except in the case of activities falling within sub-paragraph (1A), ”.
- (3) After paragraph 1(1) insert—
- “(1A) The following activities fall within this sub-paragraph—
- (a) relevant personal care, and
- (b) health care provided by, or under the direction or supervision of, a health care professional.
- (1B) In this Part of this Schedule “relevant personal care” means—
- (a) physical assistance which is given to a child who is in need of it by reason of illness or disability and is given in connection with eating or drinking (including the administration of parenteral nutrition),
- (b) physical assistance which is given to a child who is in need of it by reason of age, illness or disability and is given in connection with—
- (i) toileting (including in relation to the process of menstruation),
- (ii) washing or bathing, or
- (iii) dressing,
- (c) the prompting (together with supervision) of a child, who is in need of it by reason of illness or disability, in relation to the performance of the activity of eating or drinking where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,
- (d) the prompting (together with supervision) of a child, who is in need of it by reason of age, illness or disability, in relation to the performance of any of the activities listed in paragraph (b)(i) to (iii) where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,
- (e) any form of training, instruction, advice or guidance which—
- (i) relates to the performance of the activity of eating or drinking,
- (ii) is given to a child who is in need of it by reason of illness or disability, and
- (iii) does not fall within paragraph (c), or
- (f) any form of training, instruction, advice or guidance which—
- (i) relates to the performance of any of the activities listed in paragraph (b)(i) to (iii),



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- (ii) is given to a child who is in need of it by reason of age, illness or disability, and
- (iii) does not fall within paragraph (d).

(1C) In this Part of this Schedule —

“health care” includes all forms of health care provided for children, whether relating to physical or mental health and also includes palliative care for children and procedures that are similar to forms of medical or surgical care but are not provided for children in connection with a medical condition,

“health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.

(1D) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to a child by any person acting on behalf of an organisation established for the purpose of providing first aid.”

(4) In paragraph 1(2)(c) (work activities at certain establishments to be regulated activity) for “any form of work (whether or not for gain)” substitute “ any work falling within sub-paragraph (2A) or (2B) ”.

(5) After paragraph 1(2) insert—

“(2A) Work falls within this sub-paragraph if it is any form of work for gain, other than any such work which—

- (a) is undertaken in pursuance of a contract for the provision of occasional or temporary services, and
- (b) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)).

(2B) Work falls within this sub-paragraph if it is any form of work which is not for gain, other than—

- (a) any such work which—
  - (i) is carried out on a temporary or occasional basis, and
  - (ii) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)), or
- (b) any such work which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.

(2C) The reference in sub-paragraph (2B)(b) to day to day supervision is a reference to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.”

(6) Also in paragraph 1—

(a) after sub-paragraph (6) insert—

“(6A) The exercise of a function of a controller appointed in respect of a child under Article 101 of the Mental Health (Northern Ireland) Order 1986 (NI 4) is a regulated activity relating to children.”,

*Status: Point in time view as at 31/01/2017.*

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(b) omit sub-paragraph (7) (exercise of functions of persons mentioned in paragraph 4(1) to be regulated activity), and

(c) after sub-paragraph (12) insert—

“(13) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person who would be carrying out an activity mentioned in sub-paragraph (1) or (2) but for the exclusion for supervised activity in paragraph 2(3A) or (3B) (b) or sub-paragraph (2B)(b) above is a regulated activity relating to children.”

(7) In paragraph 2 (activities referred to in paragraph 1(1))—

(a) in sub-paragraph (1) omit paragraph (d) (treatment and therapy provided for a child),

(b) in sub-paragraph (2)—

(i) for “, (c) and (d)” substitute “ and (c) ”, and

(ii) omit paragraph (d), and

(c) after sub-paragraph (3) insert—

“(3A) Sub-paragraph (1)(a) does not include any form of teaching, training or instruction of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.

(3B) Sub-paragraph (1)(b)—

(a) does not include any health care provided otherwise than by (or under the direction or supervision of) a health care professional, and

(b) does not, except in the case of relevant personal care or of health care provided by (or under the direction or supervision of) a health care professional, include any form of care for or supervision of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.

(3C) The references in sub-paragraphs (3A) and (3B)(b) to day to day supervision are references to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.

(3D) Sub-paragraph (1)(c) does not include any legal advice.”

(8) Omit paragraph 4 (list of persons referred to in paragraph 1(7)).

(9) In paragraph 10(2) (the period condition) for “, (c) or (d)” substitute “ or (c) ”.

#### **Commencement Information**

**I49** [Sch. 7 para. 1](#) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234, art. 2\(z\)\(i\)](#)

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

*Restriction of definition of vulnerable adults*

- 2 (1) In Article 2 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (interpretation of Order), in the first paragraph (2)—
- (a) after the definition of “the 2003 Order” insert—
- ““adult” means a person who has attained the age of 18;”, and
- (b) in the definition of “vulnerable adult”, for the words “must be construed in accordance with Article 3” substitute “ means any adult to whom an activity which is a regulated activity relating to vulnerable adults by virtue of any paragraph of paragraph 7(1) of Schedule 2 is provided ”.
- (2) Omit Article 3 of the Order of 2007 (definition of vulnerable adults).

**Commencement Information**

**I50** Sch. 7 para. 2 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(z\)\(i\)](#)

*Restriction of scope of regulated activities: vulnerable adults*

- 3 (1) Parts 2 and 3 of Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (regulated activity relating to vulnerable adults and the period condition) are amended as follows.
- (2) For paragraph 7(1) to (3) (main activities which are regulated activity) substitute—
- “(1) Each of the following is a regulated activity relating to vulnerable adults—
- (a) the provision to an adult of health care by, or under the direction or supervision of, a health care professional,
- (b) the provision to an adult of relevant personal care,
- (c) the provision by a social care worker of relevant social work to an adult who is a client or potential client,
- (d) the provision of assistance in relation to general household matters to an adult who is in need of it by reason of age, illness or disability,
- (e) any relevant assistance in the conduct of an adult's own affairs,
- (f) the conveying by persons of a prescribed description in such circumstances as may be prescribed of adults who need to be conveyed by reason of age, illness or disability,
- (g) such activities—
- (i) involving, or connected with, the provision of health care or relevant personal care to adults, and
- (ii) not falling within any of the above paragraphs,
- as are of a prescribed description.
- (2) Health care includes all forms of health care provided for individuals, whether relating to physical or mental health and also includes palliative care and procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition.

*Status: Point in time view as at 31/01/2017.*

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- (3) A health care professional is a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.
- (3A) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to an adult by any person acting on behalf of an organisation established for the purpose of providing first aid.
- (3B) Relevant personal care means—
- (a) physical assistance, given to a person who is in need of it by reason of age, illness or disability, in connection with—
    - (i) eating or drinking (including the administration of parenteral nutrition),
    - (ii) toileting (including in relation to the process of menstruation),
    - (iii) washing or bathing,
    - (iv) dressing,
    - (v) oral care, or
    - (vi) the care of skin, hair or nails,
  - (b) the prompting, together with supervision, of a person who is in need of it by reason of age, illness or disability in relation to the performance of any of the activities listed in paragraph (a) where the person is unable to make a decision in relation to performing such an activity without such prompting and supervision, or
  - (c) any form of training, instruction, advice or guidance which—
    - (i) relates to the performance of any of the activities listed in paragraph (a),
    - (ii) is given to a person who is in need of it by reason of age, illness or disability, and
    - (iii) does not fall within paragraph (b).
- (3C) Relevant social work has the meaning given by section 2(4) of the Health and Personal Social Services Act (Northern Ireland) 2001 and social care worker means a person who is a social care worker by virtue of section 2(2) (a) of that Act.
- (3D) Assistance in relation to general household matters is day to day assistance in relation to the running of the household of the person concerned where the assistance is the carrying out of one or more of the following activities on behalf of that person—
- (a) managing the person's cash,
  - (b) paying the person's bills,
  - (c) shopping.
- (3E) Relevant assistance in the conduct of a person's own affairs is anything done on behalf of the person by virtue of—
- (a) an enduring power of attorney (within the meaning of the Enduring Powers of Attorney (Northern Ireland) Order 1987 (NI 16)) in respect of the person which is—
    - (i) registered in accordance with that Order, or

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- (ii) the subject of an application to be so registered,
  - (b) an order made under Article 99 or 101 of the Mental Health (Northern Ireland) Order 1986 (NI 4) by the High Court in relation to the person or the person's property or affairs, or
  - (c) the appointment of a representative to receive payments on behalf of the person in pursuance of regulations made under the Social Security Administration (Northern Ireland) Act 1992.”
- (3) Omit paragraph 7(4) (certain activities in residential care or nursing homes to be regulated activity).
- (4) In paragraph 7(5) (day to day management or supervision of certain activities to be regulated activity) omit “, (4)”.
- (5) Omit paragraph 7(9) (functions of certain persons to be regulated activity).
- (6) Omit paragraph 8 (the persons referred to in paragraph 7(9) whose functions are to be regulated activity).
- (7) In paragraph 10(2) (the period condition)—
- (a) omit “or 7(1)(a), (b), (c), (d) or (g)”, and
  - (b) in paragraph (b), omit “or vulnerable adults (as the case may be)”.

#### Commencement Information

- I51** Sch. 7 para. 3 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by S.I. 2012/2234, art. 2(z)(i)
- I52** Sch. 7 para. 3(2) in force at 10.8.2012 for specified purposes by S.I. 2012/2075, art. 2(b)

#### *Alteration of test for barring decisions*

- 4 (1) For sub-paragraphs (2) and (3) of paragraph 1 of Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (automatic inclusion of person to whom paragraph applies in children's barred list) substitute—
- “(2) If the Secretary of State has reason to believe that this paragraph might apply to a person, the Secretary of State must refer the matter to ISA.
- (3) If (whether or not on a reference under sub-paragraph (2)) ISA is satisfied that this paragraph applies to a person, it must include the person in the children's barred list.”
- (2) For sub-paragraphs (2) to (4) of paragraph 2 of that Schedule to that Order (inclusion of person to whom paragraph applies in children's barred list with right to make representation afterwards) substitute—
- “(2) If the Secretary of State has reason to believe that—
- (a) this paragraph might apply to a person, and
  - (b) the person is or has been, or might in future be, engaged in regulated activity relating to children,
- the Secretary of State must refer the matter to ISA.

*Status: Point in time view as at 31/01/2017.*

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- (3) Sub-paragraph (4) applies if (whether or not on a reference under sub-paragraph (2)) it appears to ISA that—
- (a) this paragraph applies to a person, and
  - (b) the person is or has been, or might in future be, engaged in regulated activity relating to children.
- (4) ISA must give the person the opportunity to make representations as to why the person should not be included in the children's barred list.
- (5) Sub-paragraph (6) applies if—
- (a) the person does not make representations before the end of any time prescribed for the purpose, or
  - (b) the duty in sub-paragraph (4) does not apply by virtue of paragraph 16(2).
- (6) If ISA—
- (a) is satisfied that this paragraph applies to the person, and
  - (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,
- it must include the person in the list.
- (7) Sub-paragraph (8) applies if the person makes representations before the end of any time prescribed for the purpose.
- (8) If ISA—
- (a) is satisfied that this paragraph applies to the person,
  - (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children, and
  - (c) is satisfied that it is appropriate to include the person in the children's barred list,
- it must include the person in the list.”
- (3) In paragraph 3 of that Schedule to that Order (inclusion in children's barred list on behaviour grounds)—
- (a) in sub-paragraph (1)(a) for the words from “has” to “conduct,” substitute “—
    - (i) has (at any time) engaged in relevant conduct, and
    - (ii) is or has been, or might in future be, engaged in regulated activity relating to children,”
  - (b) in sub-paragraph (3), after paragraph (a) (and before the word “and” at the end of the paragraph), insert—
    - “(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,” and
  - (c) in sub-paragraph (3)(b) for “appears to ISA” substitute “ is satisfied ”.
- (4) In paragraph 5 of that Schedule to that Order (inclusion in children's barred list because of risk of harm)—
- (a) in sub-paragraph (1)(a) for “falls within sub-paragraph (4)” substitute “—
    - (i) falls within sub-paragraph (4), and
    - (ii) is or has been, or might in future be, engaged in regulated activity relating to children,”

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- (b) in sub-paragraph (3), after paragraph (a) (and before the word “and” at the end of the paragraph), insert—
    - “(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,” and
  - (c) in sub-paragraph (3)(b) for “appears to ISA” substitute “ is satisfied ”.
- (5) For sub-paragraphs (2) and (3) of paragraph 7 of that Schedule to that Order (automatic inclusion of person to whom paragraph applies in adults' barred list) substitute—
- “(2) If the Secretary of State has reason to believe that this paragraph might apply to a person, the Secretary of State must refer the matter to ISA.
  - (3) If (whether or not on a reference under sub-paragraph (2)) ISA is satisfied that this paragraph applies to a person, it must include the person in the adults' barred list.”
- (6) For sub-paragraphs (2) to (4) of paragraph 8 of that Schedule to that Order (inclusion of person to whom paragraph applies in adults' barred list with right to make representation afterwards) substitute—
- “(2) If the Secretary of State has reason to believe that—
    - (a) this paragraph might apply to a person, and
    - (b) the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,the Secretary of State must refer the matter to ISA.
  - (3) Sub-paragraph (4) applies if (whether or not on a reference under sub-paragraph (2)) it appears to ISA that—
    - (a) this paragraph applies to a person, and
    - (b) the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults.
  - (4) ISA must give the person the opportunity to make representations as to why the person should not be included in the adults' barred list.
  - (5) Sub-paragraph (6) applies if—
    - (a) the person does not make representations before the end of any time prescribed for the purpose, or
    - (b) the duty in sub-paragraph (4) does not apply by virtue of paragraph 16(2).
  - (6) If ISA—
    - (a) is satisfied that this paragraph applies to the person, and
    - (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,it must include the person in the list.
  - (7) Sub-paragraph (8) applies if the person makes representations before the end of any time prescribed for the purpose.
  - (8) If ISA—

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- (a) is satisfied that this paragraph applies to the person,
  - (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults, and
  - (c) is satisfied that it is appropriate to include the person in the adults' barred list,
- it must include the person in the list.”
- (7) In paragraph 9 of that Schedule to that Order (inclusion in adults' barred list on behaviour grounds)—
- (a) in sub-paragraph (1)(a) for the words from “has” to “conduct,” substitute “—
    - (i) has (at any time) engaged in relevant conduct, and
    - (ii) is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,”
  - (b) in sub-paragraph (3), after paragraph (a) (and before the word “and” at the end of the paragraph), insert—
    - “(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,” and
  - (c) in sub-paragraph (3)(b) for “appears to ISA” substitute “ is satisfied ”.
- (8) In paragraph 11 of that Schedule to that Order (inclusion in adults' barred list because of risk of harm)—
- (a) in sub-paragraph (1)(a) for “falls within sub-paragraph (4)” substitute “—
    - (i) falls within sub-paragraph (4), and
    - (ii) is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,”
  - (b) in sub-paragraph (3), after paragraph (a) (and before the word “and” at the end of the paragraph), insert—
    - “(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,” and
  - (c) in sub-paragraph (3)(b) for “appears to ISA” substitute “ is satisfied ”.

#### **Commencement Information**

**I53** [Sch. 7 para. 4](#) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(z\)\(i\)](#) (with [arts. 6-16](#)) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

#### *Abolition of controlled activity*

- 5 Omit Articles 25 to 27 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (controlled activity).



*Status: Point in time view as at 31/01/2017.*

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#### Commencement Information

**I54** [Sch. 7 para. 5](#) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(z\)\(i\)](#)

#### *Abolition of monitoring*

- 6 Omit Articles 28 to 31 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (monitoring).

#### Commencement Information

**I55** [Sch. 7 para. 6](#) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(z\)\(i\)](#)

#### *Information for purposes of making barring decisions*

- 7 (1) In paragraph 19 of Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (information required by ISA about persons to whom grounds for barring apply)—
- (a) in sub-paragraph (1)—
    - (i) in paragraph (a) after “applies” insert “ or appears to apply ”,
    - (ii) in paragraph (b) for “apply” substitute “ applies or appears to apply ”, and
    - (iii) omit paragraph (d),
  - (b) in sub-paragraphs (2) and (3) for “thinks might” substitute “ reasonably believes to ”, and
  - (c) in sub-paragraph (6)—
    - (i) omit the words from “which” to “it is”, and
    - (ii) omit “or paragraph 20(2)”.
- (2) In paragraph 20 of that Schedule to that Order (provision of information by Secretary of State to ISA) for sub-paragraph (3) substitute—
- “(3) Where the Secretary of State is under a duty under paragraph 1, 2, 7 or 8 to refer a matter to ISA, the Secretary of State must provide to ISA any prescribed details of relevant matter (within the meaning of section 113A of the Police Act 1997) of a prescribed description which has been made available to the Secretary of State for the purposes of Part 5 of that Act.”

#### Commencement Information

**I56** [Sch. 7 para. 7](#) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(z\)\(i\)](#)

*Status: Point in time view as at 31/01/2017.*

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### *Review of barring decisions*

- 8 After paragraph 18 of Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (power to apply for review of a person's inclusion in a barred list) insert—
- “18A (1) Sub-paragraph (2) applies if a person's inclusion in a barred list is not subject to—
- (a) a review under paragraph 18, or
  - (b) an application under that paragraph,
- which has not yet been determined.
- (2) ISA may, at any time, review the person's inclusion in the list.
- (3) On any such review, ISA may remove the person from the list if, and only if, it is satisfied that, in the light of—
- (a) information which it did not have at the time of the person's inclusion in the list,
  - (b) any change of circumstances relating to the person concerned, or
  - (c) any error by ISA,
- it is not appropriate for the person to be included in the list.”

#### **Commencement Information**

**I57** [Sch. 7 para. 8](#) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(z\)\(i\)](#)

### *Information about barring decisions*

- 9 (1) For Articles 32 to 34 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (provision of vetting information and information about cessation of monitoring) substitute—

#### **Provision of barring information on request**

- “32A(1) The Secretary of State must provide a person (A) with the information mentioned in paragraph (3) in relation to another (B) if—
- (a) A makes an application for the information and pays any fee payable in respect of the application,
  - (b) the application contains the appropriate declaration, and
  - (c) the Secretary of State has no reason to believe that the declaration is false.
- (2) The appropriate declaration is a declaration by A—
- (a) that A falls within column 1 of the table in Schedule 5 in relation to B,
  - (b) that column 2 of the entry by virtue of which A falls within column 1 refers to children or (as the case may be) vulnerable adults, and
  - (c) that B has consented to the provision of the information to A.
- (3) The information is—

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- (a) if A's declaration states that column 2 of the relevant entry refers to children, whether B is barred from regulated activity relating to children, and
  - (b) if A's declaration states that column 2 of the relevant entry refers to vulnerable adults, whether B is barred from regulated activity relating to vulnerable adults.
- (4) If B consents to the provision of information to A in relation to an application under this Article, the consent also has effect in relation to any subsequent such application by A.
- (5) The Secretary of State may prescribe any fee payable in respect of an application under this Article.
- (6) Fees received by the Secretary of State by virtue of this Article must be paid into the Consolidated Fund of the United Kingdom.
- (7) The Secretary of State may determine the form, manner and contents of an application for the purposes of this Article (including the form and manner of a declaration contained in such an application).

#### **Provision of barring information on registration**

- 32B (1) The Secretary of State must establish and maintain a register for the purposes of this Article.
- (2) The Secretary of State must register a person (A) in relation to another (B) if—
- (a) A makes an application to be registered in relation to B and pays any fee payable in respect of the application,
  - (b) the application contains the appropriate declaration, and
  - (c) the Secretary of State has no reason to believe that the declaration is false.
- (3) The appropriate declaration is a declaration by A—
- (a) that A falls within column 1 of the table in Schedule 5 in relation to B,
  - (b) that column 2 of the entry by virtue of which A falls within column 1 refers to children or (as the case may be) vulnerable adults, and
  - (c) that B has consented to the application.
- (4) A's application and registration relate—
- (a) if A's declaration states that column 2 of the relevant entry refers to children, to regulated activity relating to children;
  - (b) if A's declaration states that column 2 of the relevant entry refers to vulnerable adults, to regulated activity relating to vulnerable adults.
- (5) The Secretary of State must notify A if B is barred from regulated activity to which A's registration relates.
- (6) The requirement under paragraph (5) is satisfied if notification is sent to any address recorded against A's name in the register.

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- (7) If B consents to the provision of information to A under Article 32A, the consent also has effect as consent to any application by A to be registered in relation to B under this Article.
- (8) The Secretary of State may prescribe any fee payable in respect of an application under this Article.
- (9) Fees received by the Secretary of State by virtue of this Article must be paid into the Consolidated Fund of the United Kingdom.
- (10) The Secretary of State may determine the form, manner and contents of an application for the purposes of this Article (including the form and manner of a declaration contained in such an application).”
- (2) In Article 35 of that Order (cessation of registration)—
- (a) in paragraph (1) for “34” substitute “ 32B ”,
  - (b) in paragraph (2) for “(6)” substitute “ (5) ”, and
  - (c) after paragraph (3) insert—
    - “(3A) Circumstances prescribed by virtue of paragraph (3) may, in particular, include that—
      - (a) the Secretary of State has asked the registered person (A) to make a renewed declaration within the prescribed period in relation to the person (B) in relation to whom A is registered, and
      - (b) either—
        - (i) A has failed to make the declaration within that period, or
        - (ii) A has made the declaration within that period but the Secretary of State has reason to believe that it is false.
    - (3B) A renewed declaration is a declaration by A—
      - (a) that A falls within column 1 of the table in Schedule 5 in relation to B,
      - (b) that column 2 of the entry by virtue of which A falls within column 1 refers to children or (as the case may be) vulnerable adults, and
      - (c) that B consents to the registration of A in relation to B.
    - (3C) If B consents to the provision of information to A under Article 32A, the consent also has effect as consent to the registration of A in relation to B.
    - (3D) Article 36 applies in relation to the making of a declaration in response to a request from the Secretary of State of the kind mentioned in paragraph (3A)(a) as it applies in relation to the making of a declaration in an application made for the purposes of Article 32B.”
- (3) In Article 36 of that Order (declarations under Articles 32 and 34)—
- (a) in the heading for “32 and 34” substitute “ 32A and 32B ”, and
  - (b) in paragraph (1) for “32 or 34” substitute “ 32A or 32B ”.

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- (4) Omit entry 19 in the table in paragraph 1 of Schedule 5 to that Order (power to add entries to the table).
- (5) In paragraph 2 of Schedule 5 to that Order (power to amend entries in the table) for the words from “any” to the end substitute “ this Schedule ”.
- (6) Omit paragraph 3(1)(b) of Schedule 5 to that Order (barring information where certain activities carried on for the purposes of the armed forces of the Crown) and the word “or” before it.

#### Commencement Information

**I58** Sch. 7 para. 9(4)-(6) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by S.I. 2012/2234, art. 2(z)(ii)

PROSPECTIVE

#### *Duty to check whether person barred*

10 After Article 36 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (declarations relating to the provision of barring information) insert—

#### **Duty to check whether person barred**

“36ZA) A regulated activity provider who is considering whether to permit an individual (B) to engage in regulated activity relating to children or vulnerable adults must ascertain that B is not barred from the activity concerned before permitting B to engage in it.

- (2) A personnel supplier who—
  - (a) is considering whether to supply an individual (B) to another (P), and
  - (b) knows, or has reason to believe, that P will make arrangements for B (if supplied) to engage in regulated activity relating to children or vulnerable adults,

must ascertain that B is not barred from the activity concerned before supplying B to P.

- (3) A person is, in particular, to be treated as having met the duty in paragraph (1) or (2) if condition 1, 2 or 3 is met.
- (4) Condition 1 is that the person has, within the prescribed period, been informed under Article 32A that B is not barred from the activity concerned.
- (5) Condition 2 is that—
  - (a) the person has, within the prescribed period, checked a relevant enhanced criminal record certificate of B which has been obtained within that period, and

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- (b) the certificate does not show that B is barred from the activity concerned.
- (6) Condition 3 is that—
- (a) the person has, within the prescribed period, checked—
    - (i) a relevant enhanced criminal record certificate of B, and
    - (ii) up-date information given, within that period, under section 116A of the Police Act 1997 in relation to the certificate,
  - (b) the certificate does not show that B is barred from the activity concerned, and
  - (c) the up-date information is not advice to request B to apply for a new enhanced criminal record certificate.
- (7) The Secretary of State may by regulations provide for—
- (a) the duty under paragraph (1) not to apply in relation to persons of a prescribed description,
  - (b) the duty under paragraph (2) not to apply in relation to persons of a prescribed description.
- (8) In this Article—
- “enhanced criminal record certificate” means an enhanced criminal record certificate issued under section 113B of the Police Act 1997,
- “relevant enhanced criminal record certificate” means—
- (a) in the case of regulated activity relating to children, an enhanced criminal record certificate which includes, by virtue of section 113BA of the Police Act 1997, suitability information relating to children, and
  - (b) in the case of regulated activity relating to vulnerable adults, an enhanced criminal record certificate which includes, by virtue of section 113BB of that Act, suitability information relating to vulnerable adults.”

PROSPECTIVE

*Restrictions on duplication with barred lists in England and Wales and Scotland*

- 11 (1) Before paragraph 6 of Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (restriction on inclusion in children's barred list for Scottish cases), and after the italic cross-heading before that paragraph, insert—
- “5A (1) ISA must not include a person in the children's barred list if ISA knows that the person is included in a corresponding list.
- (2) ISA must remove a person from the children's barred list if ISA knows that the person is included in a corresponding list.
- (3) A corresponding list is a list maintained under the law of England and Wales or Scotland which the Secretary of State specifies by order as corresponding to the children's barred list.”

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- (2) In paragraph 6(1)(a) of that Schedule to that Order—
- (a) after “if” insert “ ISA knows that ”,
  - (b) after “authority” insert “—  
(i)”,  
and
  - (c) for the words from “(whether” to “list)” substitute “, and  
(ii) has decided not to include the person in the list”.
- (3) Before paragraph 12 of that Schedule to that Order (restriction on inclusion in adults' barred list for Scottish cases), and after the italic cross-heading before that paragraph, insert—
- “11A (1) ISA must not include a person in the adults' barred list if ISA knows that the person is included in a corresponding list.
- (2) ISA must remove a person from the adults' barred list if ISA knows that the person is included in a corresponding list.
- (3) A corresponding list is a list maintained under the law of England and Wales or Scotland which the Secretary of State specifies by order as corresponding to the adults' barred list.”
- (4) In paragraph 12(1)(a) of that Schedule to that Order—
- (a) after “if” insert “ ISA knows that ”,
  - (b) after “authority” insert “—  
(i)”,  
and
  - (c) for the words from “(whether” to “list)” substitute “, and  
(ii) has decided not to include the person in the list”.

#### *Professional bodies*

- 12 (1) In Article 43 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (registers: duty to refer)—
- (a) in paragraph (1)—
    - (i) for “must” substitute “ may ”, and
    - (ii) omit “prescribed”,
  - (b) in paragraph (4)—
    - (i) in sub-paragraph (a), for “engaged or may engage” substitute “ or has been, or might in future be, engaged ”,
    - (ii) also in sub-paragraph (a), omit “or controlled activity”, and
    - (iii) in sub-paragraph (b) for “, 2, 7 or 8” substitute “ or 7 ”,
  - (c) omit paragraphs (4A) to (4C),
  - (d) in paragraph (5) omit “prescribed”, and
  - (e) in the heading for “duty” substitute “ power ”.
- (2) In Article 45 of that Order (registers: notice of barring etc.) for paragraphs (1) to (5) substitute—
- “(1) Paragraph (2) applies if—

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- (a) ISA knows or thinks that a person (A) appears on a relevant register, and
  - (b) either—
    - (i) A is included in a barred list, or
    - (ii) ISA is aware that A is subject to a relevant disqualification.
- (2) ISA must—
- (a) notify the keeper of the register of the circumstances mentioned in paragraph (1)(b)(i) or (as the case may be) (ii), and
  - (b) in the case where A is included in a barred list, provide the keeper of the register with such of the information on which ISA relied in including A in the list as ISA considers—
    - (i) to be relevant to the exercise of any function of the keeper, and
    - (ii) otherwise appropriate to provide.
- (3) Paragraph (4) applies if the keeper of a relevant register applies to ISA to ascertain in relation to a person (A) whether—
- (a) A is included in a barred list, or
  - (b) ISA is aware that A is subject to a relevant disqualification.
- (4) ISA must notify the keeper of the register as to whether the circumstances are as mentioned in paragraph (3)(a) or (as the case may be) (b).
- (5) ISA may (whether on an application by the keeper or otherwise) provide to the keeper of a relevant register such relevant information as ISA considers appropriate.
- (5A) Paragraph (5B) applies if—
- (a) a keeper of a register has applied to the Secretary of State to be notified in relation to a person (A) if—
    - (i) A is included in a barred list, or
    - (ii) the Secretary of State is aware that A is subject to a relevant disqualification, and
  - (b) the application has not been withdrawn.
- (5B) The Secretary of State must notify the keeper of the register if the circumstances are, or become, as mentioned in paragraph (5A)(a)(i) or (as the case may be) (ii).
- (5C) For the purposes of paragraph (5A)(b) an application is withdrawn if—
- (a) the keeper of the register notifies the Secretary of State that the keeper no longer wishes to be notified if the circumstances are, or become, as mentioned in paragraph (5A)(a)(i) or (as the case may be) (ii) in relation to A, or
  - (b) the Secretary of State cancels the application on either of the following grounds—
    - (i) that the keeper has not answered, within such reasonable period as was required by the Secretary of State, a request from the Secretary of State as to whether the keeper still wishes to be notified if the circumstances are, or become, as



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- mentioned in paragraph (5A)(a)(i) or (as the case may be) (ii), or
- (ii) that A neither appears in the register nor is being considered for inclusion in the register.
- (5D) A keeper of a relevant register may apply for information under this Article, or to be notified under this Article, in relation to a person (A) only if—
- (a) A appears in the register, or
- (b) A is being considered for inclusion in the register.
- (5E) The duties in paragraphs (2), (4) and (5B) do not apply if ISA or (as the case may be) the Secretary of State is satisfied that the keeper of the register already has the information concerned.
- (5F) The Secretary of State may determine the form, manner and contents of an application for the purposes of this Article.
- (5G) In this Article relevant information is information—
- (a) which—
- (i) relates to the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular, and
- (ii) is relevant to the exercise of any function of the keeper of the register, but
- (b) which is not—
- (i) information that the circumstances are as mentioned in paragraph (1)(b)(i) or (ii) in relation to a person,
- (ii) any information provided under paragraph (2)(b), or
- (iii) information falling within paragraph 19(5) of Schedule 1.
- (5H) The Secretary of State may by order amend paragraph (5G).”
- (3) In the heading of Article 45 of that Order for “notice of barring and cessation of monitoring” substitute “ provision of barring information to keepers of registers ”.
- (4) Omit Article 46 of that Order (registers: power to apply for vetting information).

#### **Commencement Information**

- I59** Sch. 7 para. 12(1) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by S.I. 2012/2234, art. 2(z)(iii)
- I60** Sch. 7 para. 12(2) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) for specified purposes by S.I. 2012/2234, art. 2(z)(iv)
- I61** Sch. 7 para. 12(3)(4) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by S.I. 2012/2234, art. 2(z)(v)

#### *Supervisory authorities*

- 13 (1) In Article 47 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (duty of supervisory authorities to refer)—

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- (a) in paragraph (1)—
    - (i) for “must” substitute “ may ”, and
    - (ii) omit “prescribed”,
  - (b) in paragraph (4)—
    - (i) in sub-paragraph (a), for “engaged or may engage” substitute “ or has been, or might in future be, engaged ”,
    - (ii) also in sub-paragraph (a), omit “or controlled activity”, and
    - (iii) in sub-paragraph (b) for “, 2, 7 or 8” substitute “ or 7 ”,
  - (c) in paragraph (5) omit “prescribed”,
  - (d) omit paragraph (6), and
  - (e) in the heading for “duty” substitute “ power ”.
- (2) In Article 49 of that Order (supervisory authorities: power to apply for vetting information)—
- (a) in the heading for “vetting” substitute “ certain barring ”,
  - (b) in paragraph (1) for “the Secretary of State”, in both places where it occurs, substitute “ ISA ”,
  - (c) in paragraph (2) omit sub-paragraphs (b) to (e),
  - (d) in paragraph (3) omit sub-paragraphs (b) to (e),
  - (e) omit paragraph (5), and
  - (f) in paragraph (7) for “prescribe” substitute “ determine ”.
- (3) In Article 50 of that Order (supervisory authorities: notification of barring etc. in respect of children)—
- (a) in paragraph (1)—
    - (i) for “This Article” substitute “ Paragraph (2) ”,
    - (ii) in sub-paragraph (a) omit “newly”,
    - (iii) at the end of sub-paragraph (a) insert “ or ”,
    - (iv) in sub-paragraph (b) for “becomes” substitute “ is ”, and
    - (v) omit sub-paragraph (c) and the word “or” before it,
  - (b) in paragraph (2) for “, (b) or (c)” substitute “ or (b) ”,
  - (c) after paragraph (2) insert—
 

“(2A) The duty in paragraph (2) does not apply in relation to an interested supervisory authority if the Secretary of State is satisfied that the authority already has the information concerned.”,
  - (d) in paragraph (3)(a) for the words from “if” to “occurs” substitute “ of any circumstance mentioned in paragraph (1) ”,
  - (e) in paragraph (5)—
    - (i) after “withdrawn if” insert “—  
(a)”,  
and
    - (ii) for the words from “if”, where it appears for the second time, to “occurs” substitute “ of any circumstance mentioned in paragraph (1) ”,
  - (f) also in paragraph (5), at the end, insert “, or  
(b) the Secretary of State cancels the application on either of the following grounds—

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- (i) that the supervisory authority has not answered, within such reasonable period as was required by the Secretary of State, a request from the Secretary of State as to whether the supervisory authority still wishes to be notified of any circumstance mentioned in paragraph (1) in relation to the person, or
      - (ii) that the notification is not required in connection with the exercise of a function of the supervisory authority mentioned in Article 47(7).”, and
    - (g) in paragraph (8) for “prescribe” substitute “determine”.
- (4) In Article 51 of that Order (supervisory authorities: notification of barring etc. in respect of vulnerable adults)—
  - (a) in paragraph (1)—
    - (i) for “This Article” substitute “Paragraph (2)”,
    - (ii) in sub-paragraph (a) omit “newly”,
    - (iii) at the end of sub-paragraph (a) insert “or”,
    - (iv) in sub-paragraph (b) for “becomes” substitute “is”, and
    - (v) omit sub-paragraph (c) and the word “or” before it,
  - (b) in paragraph (2) for “, (b) or (c)” substitute “or (b)”,
  - (c) after paragraph (2) insert—
    - “(2A) The duty in paragraph (2) does not apply in relation to an interested supervisory authority if the Secretary of State is satisfied that the authority already has the information concerned.”,
  - (d) in paragraph (3)(a) for the words from “if” to “occurs” substitute “of any circumstance mentioned in paragraph (1)”,
  - (e) in paragraph (5)—
    - (i) after “withdrawn if” insert “—
      - (a)”,
      - and
    - (ii) for the words from “if”, where it appears for the second time, to “occurs” substitute “of any circumstance mentioned in paragraph (1)”,
  - (f) also in paragraph (5), at the end, insert “, or
    - (b) the Secretary of State cancels the application on either of the following grounds—
      - (i) that the supervisory authority has not answered, within such reasonable period as was required by the Secretary of State, a request from the Secretary of State as to whether the supervisory authority still wishes to be notified of any circumstance mentioned in paragraph (1) in relation to the person, or
      - (ii) that the notification is not required in connection with the exercise of a function of the supervisory authority mentioned in Article 47(7).”, and
  - (g) in paragraph (8) for “prescribe” substitute “determine”.

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- (5) In Article 52 of that Order (provision of information to supervisory authorities)—
- (a) in paragraph (2) for “must” substitute “ may (whether on an application by the authority or otherwise) ”,
  - (b) in paragraph (3)—
    - (i) in sub-paragraph (b), after “the authority” insert “ which is mentioned in Article 47(7) ”, and
    - (ii) for the words from “or information” to “occurred” substitute “ or of any circumstance mentioned in Article 50(1) or 51(1) ”, and
  - (c) after paragraph (3) insert—
 

“(4) A supervisory authority may apply to ISA under this Article only if the information is required in connection with the exercise of a function of the supervisory authority which is mentioned in Article 47(7).

(5) The Secretary of State may determine the form, manner and contents of an application for the purposes of this Article.”

#### Commencement Information

**I62** Sch. 7 para. 13(1)(2)(3)(g)(4)(g)(5) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by S.I. 2012/2234, art. 2(z)(vi)

#### Minor amendments

- 14 (1) Omit section 90(2) of the Policing and Crime Act 2009 (which, if commenced, would insert Articles 36A to 36C into the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 in connection with the notification of proposals to include persons in barred lists).
- (2) After Article 10(8) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (regulated activity providers) insert—
- “(8A) An authority that is an authority for the purposes of section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (c.6) or Article 18C of the Children Order (direct payments) does not make arrangements for another to engage in a regulated activity by virtue of anything the authority does under that section or Article.”
- (3) In Article 41 of the Order of 2007 (education and library boards and HSC bodies: duty to refer)—
- (a) in paragraph (1)—
    - (i) for “must” substitute “ may ”, and
    - (ii) omit “prescribed”,
  - (b) in paragraph (4)—
    - (i) in sub-paragraph (a), for “engaged or may engage” substitute “ or has been, or might in future be, engaged ”,
    - (ii) also in sub-paragraph (a), omit “or controlled activity”, and
    - (iii) in sub-paragraph (b) for “ , 2, 7 or 8” substitute “ or 7 ”,
  - (c) in paragraph (5) omit “prescribed”, and

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- (d) in the heading for “duty” substitute “ power ”.
- (4) In Article 52A(1) of that Order (power for ISA to provide information to the police for use for certain purposes)—
- (a) for the words “or the chief constable of a police force in England, Wales or Scotland” substitute “ , a chief officer of police or the chief constable of a police force in Scotland ”, and
- (b) after sub-paragraph (b), insert—
- “ (c) the appointment of persons who are under the direction and control of the chief constable or (as the case may be) chief officer;
- (d) any prescribed purpose”.
- (5) After Article 52A(1) of that Order insert—
- “(1A) ISA must, for use for any of the purposes mentioned in paragraph (1), provide to any chief constable or chief officer mentioned in that paragraph who has requested it a barred list or information as to whether a particular person is barred.
- (1B) ISA may, for use for the purposes of the protection of children or vulnerable adults, provide to a relevant authority any information which ISA reasonably believes to be relevant to that authority.
- (1C) ISA must, for use for the purposes of the protection of children or vulnerable adults, provide to any relevant authority who has requested it information as to whether a particular person is barred.
- (1D) In this Article “relevant authority” means—
- (a) the Department of Justice, exercising functions in relation to prisons and youth justice,
- (b) the Probation Board for Northern Ireland, or
- (c) an HSC body.”
- (6) After paragraph 5 of Schedule 2 to that Order (regulated activity relating to children) insert—

*“Guidance*

- 5A (1) The Secretary of State must give guidance for the purpose of assisting regulated activity providers and personnel suppliers in deciding whether supervision is of such a kind that, as a result of paragraph 1(2B)(b), 2(3A) or 2(3B)(b), the person being supervised would not be engaging in regulated activity relating to children.
- (2) The Secretary of State must publish guidance given under this paragraph.
- (3) A regulated activity provider or a personnel supplier must, in exercising any functions under this Order, have regard to guidance for the time being given under this paragraph.”

*Status: Point in time view as at 31/01/2017.*

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#### Commencement Information

- I63** Sch. 7 para. 14 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by S.I. 2012/2234, art. 2(z)(vii)
- I64** Sch. 7 para. 14(4) in force at 10.8.2012 for specified purposes by S.I. 2012/2075, art. 2(b)

## SCHEDULE 8

Section 87(3)

### DISCLOSURE AND BARRING SERVICE

#### *Membership*

- 1 (1) DBS is to consist of—
- (a) a person who has the function of chairing DBS, and
  - (b) such number of other members as the Secretary of State decides.
- (2) A person falling within sub-paragraph (1)(a) or (b) (in this Schedule “an appointed member”) is be appointed by the Secretary of State.
- (3) In appointing any such person, the Secretary of State must have regard to the desirability of ensuring that at least some of the appointed members of DBS are persons who appear to the Secretary of State to have knowledge or experience of an aspect of child protection or the protection of vulnerable adults.
- (4) The Secretary of State must consult the Welsh Ministers and a Northern Ireland Minister before making any appointment under this paragraph.
- (5) In sub-paragraph (4) “Northern Ireland Minister” includes the First Minister and deputy First Minister in Northern Ireland.

#### Commencement Information

- I65** Sch. 8 para. 1 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

#### *Terms of appointment of members*

- 2 (1) Subject as follows, an appointed member holds and vacates office in accordance with the terms of appointment.
- (2) A period of appointment may not exceed 5 years.
  - (3) An appointed member may resign by giving notice in writing to the Secretary of State.
  - (4) The Secretary of State may by notice in writing remove an appointed member who—
    - (a) has, without reasonable excuse, failed, for a continuous period of three months, to carry out the person's functions,
    - (b) has been convicted (whether before or after the person's appointment) of a criminal offence,

*Status: Point in time view as at 31/01/2017.*

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- (c) is an undischarged bankrupt, or whose estate has been sequestrated and the person has not been discharged,
  - (d) is a person in relation to whom a moratorium period, under a debt relief order made under Part 7A of the Insolvency Act 1986 or Part 7A of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)), applies,
  - (e) is the subject of a bankruptcy restrictions order or an interim order under Schedule 4A to the Insolvency Act 1986 or an order to similar effect made under any corresponding enactment in force in Scotland or Northern Ireland,
  - (f) is the subject of a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986 or Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989,
  - (g) has made a composition or arrangement with, or granted a trust deed for, the person's creditors,
  - (h) has failed to comply with the terms of the person's appointment, or
  - (i) is otherwise unable or unfit to carry out the person's functions.
- (5) A person who ceases to be an appointed member is eligible for re-appointment unless the cessation is by virtue of sub-paragraph (4).

#### Commencement Information

**I66** Sch. 8 para. 2 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

#### *Remuneration etc: members*

- 3
- (1) DBS may pay to the person who has the function of chairing it and each of the other appointed members such remuneration and such allowances as the Secretary of State may decide.
  - (2) Sub-paragraph (3) applies if—
    - (a) a person ceases to be an appointed member of DBS, and
    - (b) the Secretary of State considers that there are special circumstances which make it right for the person to receive compensation.
  - (3) The Secretary of State may require DBS to pay the person such amount as the Secretary of State may decide.

#### Commencement Information

**I67** Sch. 8 para. 3 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

#### *Staff*

- 4
- (1) DBS must appoint a person to be chief executive.
  - (2) The period of appointment must not exceed 5 years (but a person may be re-appointed).
  - (3) DBS must consult the Secretary of State before appointing a chief executive.
  - (4) The person who has the function of chairing DBS may, with the approval of the Secretary of State, be appointed as chief executive.

*Status: Point in time view as at 31/01/2017.*

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- (5) The chief executive is an employee of DBS.
- (6) DBS may appoint such number of other staff as it considers appropriate.
- (7) DBS may make arrangements for persons to be seconded to DBS to serve as members of its staff.
- (8) A member of a police force on temporary service with DBS is to be under the direction and control of DBS.

#### Commencement Information

**I68** Sch. 8 para. 4 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

#### *Remuneration, pensions etc of staff*

- 5
- (1) DBS may pay to its staff such remuneration and such allowances as it may, with the approval of the Secretary of State, decide.
  - (2) DBS may—
    - (a) pay such pensions, allowances or gratuities to or in respect of any member of staff or former member of staff, or
    - (b) pay such sums towards the provision for the payment of pensions, allowances or gratuities to or in respect of any member of staff or former member of staff,
 as it may, with the approval of the Secretary of State, decide.
  - (3) Employment with DBS is included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) insert at the appropriate place— “ Employment by the Disclosure and Barring Service. ”
  - (4) DBS must pay to the Minister for the Civil Service, at such times as the Minister may direct in writing, such sums as the Minister may decide in respect of any increase attributable to this paragraph in the sums payable out of money provided by Parliament under the Act of 1972.

#### Commencement Information

**I69** Sch. 8 para. 5 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

#### *Delegation of functions*

- 6
- DBS may, to such extent as it may decide, delegate any of its functions to—
    - (a) any of its appointed members,
    - (b) a member of its staff,
    - (c) a committee consisting of any of its appointed members, members of its staff or both appointed members and members of staff.



*Status: Point in time view as at 31/01/2017.*

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**Commencement Information**

**I70** Sch. 8 para. 6 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

- 7 DBS may, to such extent as it may decide, delegate any of its functions, other than a core function, to—
- (a) a person who is neither an appointed member nor a member of staff,
  - (b) a committee (including a committee which comprises or includes persons who are neither appointed members nor members of staff).

**Commencement Information**

**I71** Sch. 8 para. 7 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

- 8 (1) In this Schedule a core function is—
- (a) deciding whether it is appropriate for a person to be included in a barred list under the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)),
  - (b) deciding whether to remove a person from such a list,
  - (c) considering representations made for the purposes of Schedule 3 to that Act or (as the case may be) Schedule 1 to that Order, or
  - (d) any function under, or in connection with, Part 5 of the Police Act 1997 which is specified for this purpose in an order made by the Secretary of State.
- (2) An order under sub-paragraph (1)(d) is to be made by statutory instrument which is to be subject to annulment in pursuance of a resolution of either House of Parliament.

**Commencement Information**

**I72** Sch. 8 para. 8 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

*Business plans*

- 9 (1) As soon as possible after the beginning of each financial year, DBS must issue a business plan in relation to the proposed exercise of its functions during that year.
- (2) DBS must consult the Secretary of State before issuing the plan.
- (3) DBS must arrange for the plan to be published in such manner as it considers appropriate.
- (4) In this Schedule “financial year” is—
- (a) the period—
    - (i) starting with the day on which DBS is established, and
    - (ii) ending with the next 31st March or, if the period ending with that date is 3 months or less, ending with the next 31st March after that date, and
  - (b) each succeeding period of 12 months.

*Status: Point in time view as at 31/01/2017.*

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**Commencement Information**

**I73** Sch. 8 para. 9 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

*Reports*

- 10 (1) As soon as possible after the end of each financial year, DBS must issue a report on the exercise of its functions during that year.
- (2) DBS must arrange for the report to be published in such manner as it considers appropriate.

**Commencement Information**

**I74** Sch. 8 para. 10 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

*Funding*

- 11 The Secretary of State may make payments to DBS of such amounts, at such times and on such conditions (if any), as the Secretary of State considers appropriate.

**Commencement Information**

**I75** Sch. 8 para. 11 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

*Accounts*

- 12 (1) DBS must keep its accounts in such form as the Secretary of State decides.
- (2) DBS must prepare annual accounts in respect of each financial year in such form as the Secretary of State decides.
- (3) Before the end of the specified period following the end of each financial year to which the annual accounts relate DBS must send a copy of the accounts to the Secretary of State and the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on the annual accounts, and
  - (b) send a copy of the certified accounts and of the report to the Secretary of State.
- (5) The Secretary of State must lay before Parliament each document received under sub-paragraph (4)(b).
- (6) The specified period is such period as the Secretary of State directs in writing.

**Commencement Information**

**I76** Sch. 8 para. 12 in force at 1.12.2012 by S.I. 2012/2521, art. 3(b)

*Status: Point in time view as at 31/01/2017.*

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#### *Guidance*

- 13 (1) The Secretary of State may, from time to time, issue guidance in writing to DBS in relation to the exercise of any of its functions.
- (2) DBS must have regard to any such guidance before exercising any function to which it relates.

#### **Commencement Information**

**I77** Sch. 8 para. 13 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

#### *Directions*

- 14 (1) The Secretary of State may give directions in writing to DBS in relation to the exercise of any of its functions other than a core function mentioned in paragraph 8(1)(a), (b) or (c).
- (2) The Secretary of State may vary or revoke any such directions.
- (3) DBS must comply with any directions given under this paragraph.

#### **Commencement Information**

**I78** Sch. 8 para. 14 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

#### *Status*

- 15 (1) DBS is not to be regarded—
- (a) as a servant or agent of the Crown, or
- (b) as enjoying any status, immunity or privilege of the Crown.
- (2) DBS's property is not to be regarded as property of, or property held on behalf of, the Crown.

#### **Commencement Information**

**I79** Sch. 8 para. 15 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

#### *Use of information*

- 16 Information obtained by DBS in connection with the exercise of any of its functions may be used by DBS in connection with the exercise of any of its other functions.

#### **Commencement Information**

**I80** Sch. 8 para. 16 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

#### *Payments in connection with maladministration*

- 17 (1) Sub-paragraph (2) applies if DBS considers—

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- (a) that action taken by or on behalf of DBS amounts to maladministration, and
  - (b) that a person has been adversely affected by the action.
- (2) DBS may, with the approval of the Secretary of State, make such payment (if any) to the person as it considers appropriate.
- (3) In sub-paragraph (1) “action” includes failure to act.

#### Commencement Information

**181** Sch. 8 para. 17 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

#### *Incidental powers*

- 18 (1) In connection with the exercise of any of its functions DBS may—
- (a) enter into contracts and other agreements (whether legally binding or not),
  - (b) acquire and dispose of property (including land),
  - (c) borrow money,
  - (d) do such other things as DBS considers necessary or expedient.
- (2) The power conferred by sub-paragraph (1)(b) includes accepting—
- (a) gifts of money, and
  - (b) gifts or loans of other property,
- on such terms as DBS considers appropriate.
- (3) But DBS may exercise the power conferred by sub-paragraph (1)(b) or (c) only with the approval of the Secretary of State.
- (4) Such approval may be given—
- (a) with respect to a particular case or with respect to a class of cases,
  - (b) subject to such conditions as the Secretary of State considers appropriate.

#### Commencement Information

**182** Sch. 8 para. 18 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

#### *Documents*

- 19 A document purporting to be signed on behalf of DBS is to be received in evidence and, unless the contrary is proved, is to be taken to be so signed.

#### Commencement Information

**183** Sch. 8 para. 19 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

#### *Transitional*

- 20 (1) The Secretary of State (instead of DBS) may—
- (a) appoint the first chief executive, and

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- (b) decide the terms and conditions of service as an employee of DBS which are applicable to the first chief executive on appointment.
- (2) The period of any such appointment must not exceed 5 years (but the person may be re-appointed under paragraph 4).
- (3) The person who has the function of chairing DBS may be appointed as chief executive by the Secretary of State under this paragraph.

**Commencement Information**

**184** Sch. 8 para. 20 in force at 15.10.2012 by S.I. 2012/2521, art. 2(d)

SCHEDULE 9

Section 115(1)

CONSEQUENTIAL AMENDMENTS

**PART 1**

DESTRUCTION, RETENTION AND USE OF FINGERPRINTS ETC.

*House of Commons Disqualification Act 1975*

- 1 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) insert at the appropriate place— “ Commissioner for the Retention and Use of Biometric Material ”.

**Commencement Information**

**185** Sch. 9 para. 1 in force at 31.10.2013 by S.I. 2013/2104, art. 3(c)

*Northern Ireland Assembly Disqualification Act 1975*

- 2 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) insert at the appropriate place— “ Commissioner for the Retention and Use of Biometric Material ”.

**Commencement Information**

**186** Sch. 9 para. 2 in force at 31.10.2013 by S.I. 2013/2104, art. 3(c)

*Police and Criminal Evidence Act 1984*

- 3 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
  - (2) In section 63 (non-intimate samples), in subsection (3A)(c)(i) (as amended by section 2 of the Crime and Security Act 2010), for “64ZA” substitute “ 63R ”.

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- (3) Omit section 64 (as not substituted by section 14(1) of the Crime and Security Act 2010) (destruction of fingerprints and samples).

**Commencement Information**

**I87** Sch. 9 para. 3 in force at 31.10.2013 by S.I. 2013/2104, art. 3(c)

*Crime and Security Act 2010*

- 4 (1) The Crime and Security Act 2010 is amended as follows.
- (2) Omit sections 14, 16 to 19 and 21 to 23 (retention, destruction and use of fingerprints and samples etc.).
- (3) In section 58 (extent) omit subsections (4) and (6) to (8).

**Commencement Information**

**I88** Sch. 9 para. 4 in force at 31.10.2013 by S.I. 2013/2104, art. 3(c)

**PART 2**

THE SURVEILLANCE CAMERA COMMISSIONER

*House of Commons Disqualification Act 1975*

- 5 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) insert at the appropriate place—“ Surveillance Camera Commissioner ”.

**Commencement Information**

**I89** Sch. 9 para. 5 in force at 1.7.2012 by S.I. 2012/1205, art. 3(aa)

**PART 3**

SAFEGUARDS FOR CERTAIN SURVEILLANCE UNDER RIPA

*Regulation of Investigatory Powers Act 2000*

- 6 The Regulation of Investigatory Powers Act 2000 is amended as follows.

**Commencement Information**

**I90** Sch. 9 para. 6 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

*Status: Point in time view as at 31/01/2017.*

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- 7 In section 22(6) (duty of postal or telecommunications operator to comply with notice to obtain and disclose communications data) after “shall” insert “, subject to section 23A, ”.

**Commencement Information**

**I91** Sch. 9 para. 7 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

- 8 After section 23(2) (form and duration of authorisations and notices relating to communications data) insert—
- “(2A) The words in paragraph (a) of subsections (1) and (2) from “or” to the end of the paragraph do not apply in relation to—
- (a) an authorisation under section 22(3), (3B) or (3F) to which section 23A applies, or
  - (b) a notice under section 22(4) to which section 23A applies.”

**Commencement Information**

**I92** Sch. 9 para. 8 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

- 9 (1) Section 43 (general rules about grant, renewal and duration of authorisations relating to surveillance and human intelligence sources) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Subsection (1)(a) does not apply in relation to an authorisation under section 28 or 29 to which section 32A applies.”
- (3) In subsection (9)(c) after “section” insert “ 32A or ”.

**Commencement Information**

**I93** Sch. 9 para. 9 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

- 10 (1) Section 57 (Interception of Communications Commissioner) is amended as follows.
- (2) In subsection (2) for “subsection (4)” substitute “ subsections (4) and (4A) ”.
- (3) After subsection (4) insert—
- “(4A) It shall not be the function of the Interception of Communications Commissioner to keep under review the exercise by the relevant judicial authority (within the meaning of section 23A) of functions under that section or section 23B.”

**Commencement Information**

**I94** Sch. 9 para. 10 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

- 11 After section 62(2) (functions of Chief Surveillance Commissioner) insert—

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“(2A) It shall not by virtue of this section be the function of the Chief Surveillance Commissioner to keep under review the exercise by a judicial authority of functions under section 32A or 32B.”

**Commencement Information**

**I95** Sch. 9 para. 11 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

12 (1) Section 65 (the Tribunal) is amended as follows.

(2) In subsection (7) after “but” insert “, subject to subsection (7ZA),”.

(3) After subsection (7) insert—

“(7ZA) The exception in subsection (7) so far as conduct is authorised by, or takes place with the permission of, a judicial authority does not include conduct authorised by an approval given under section 23A or 32A.”

**Commencement Information**

**I96** Sch. 9 para. 12 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

13 In section 67(7) (powers of the Tribunal), at the end of paragraph (a) (and before “and”), insert—

“(aa) an order quashing an order under section 23A or 32A by the relevant judicial authority (within the meaning of that section);”.

**Commencement Information**

**I97** Sch. 9 para. 13 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

14 In section 71(2) (issue and revision of codes of practice) after “Commissioners” insert “ or the relevant judicial authority (within the meaning of section 23A or 32A) ”.

**Commencement Information**

**I98** Sch. 9 para. 14 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

15 After section 77 (Ministerial expenditure etc.) insert—

**“77A Procedure for order of sheriff under section 23A or 32A: Scotland**

(1) This section applies to an application to the sheriff for an order under section 23A or 32A.

(2) Rules of court must make provision for the purposes of ensuring that an application to which this section applies is dealt with in private and must, in particular—

- (a) require the sheriff to determine an application in private,
- (b) secure that any hearing is to be held in private, and



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- (c) ensure that notice of an application (or of any order being made) is not given to—
  - (i) the person to whom the authorisation or notice which is the subject of the application or order relates, or
  - (ii) such a person's representatives.
- (3) The Court of Session's power under section 32 of the Sheriff Courts (Scotland) Act 1971 to regulate and prescribe the procedure and practice to be followed in relation to an application to which this section applies is subject to, but is not otherwise constrained by, sections 23B and 32B and this section.

### **77B Procedure for order of district judge under section 23A or 32A: Northern Ireland**

- (1) The Lord Chancellor may by order make further provision about the procedure and practice to be followed in relation to an application to a district judge (magistrates' courts) in Northern Ireland for an order under section 23A or 32A.
- (2) Such an order may, in particular, provide—
  - (a) for the manner in which, and time within which, an application may be made,
  - (b) that the district judge (magistrates' courts) is to determine an application—
    - (i) in chambers,
    - (ii) in the absence of the person to whom the authorisation or notice which is the subject of the application relates,
  - (c) that any hearing is to be held in private,
  - (d) that notice of an order given is not to be given to—
    - (i) the person to whom the authorisation or notice which is the subject of the order relates, or
    - (ii) such a person's legal representatives.
- (3) An order of the Lord Chancellor under this section may not make provision which, if it were contained in an Act of the Northern Ireland Assembly, would be within the legislative competence of the Northern Ireland Assembly and would deal with a transferred matter (within the meaning of section 4(1) of the Northern Ireland Act 1998).
- (4) The power of the Magistrates' Courts Rules Committee under Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) to regulate and prescribe the procedure and practice to be followed in relation to an application to a district judge (magistrates' courts) in Northern Ireland for an order under section 23A or 32A is subject to, but is not otherwise constrained by, sections 23B and 32B and any order made under this section.”

#### **Commencement Information**

**199** Sch. 9 para. 15 in force at 1.11.2012 for specified purposes by S.I. 2012/2075, art. 4(e)

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

- 16 In section 78 (orders, regulations and rules)—
- (a) in subsection (1) after “the Secretary of State” insert “ or the Lord Chancellor ”,
  - (b) in subsection (3)(a)—
    - (i) after “22(9),” insert “ 23A(6), ”, and
    - (ii) after “30(7),” insert “ 32A(7), ”, and
  - (c) in subsection (5) after “the Secretary of State” insert “ or (as the case may be) the Lord Chancellor ”.

**Commencement Information**

**I100** Sch. 9 para. 16 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

- 17 After section 81(8) (general interpretation) insert—
- “(9) References in this Act to provision which, if it were contained in an Act of the Northern Ireland Assembly, would deal with a Northern Ireland transferred matter or (as the case may be) a transferred matter (see sections 23A(7)(b), 32A(8)(c) and 77B(3)) do not include references to any such provision which would be 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).”

**Commencement Information**

**I101** Sch. 9 para. 17 in force at 1.11.2012 by S.I. 2012/2075, art. 4(d)

**PART 4**

VEHICLES LEFT ON LAND

*Road Traffic Regulation Act 1984*

- 18 (1) Section 102 of the Road Traffic Regulation Act 1984 (charges for removal, storage and disposal of vehicles) is amended as follows.
- (2) In subsection (1)(b) for “, or from land in the open air,” substitute “ or other land ”.
  - (3) In subsection (8), in the definition of “appropriate authority”, in paragraph (b), for “land in the open air” substitute “ other land ”.

**Commencement Information**

**I102** Sch. 9 para. 18 in force at 1.10.2012 by S.I. 2012/2075, art. 3(g)

*Airports Act 1986*

- 19 (1) Section 66 of the Airports Act 1986 (functions of operators of designated airports as respects abandoned vehicles) is amended as follows.

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

- (2) In subsection (2)(a) for the words from “from roads if” to “abandoned” substitute “illegally, obstructively or dangerously parked, or abandoned or broken down”.
- (3) In subsection (3)—
  - (a) omit paragraph (b) (but not the word “or” at the end of the paragraph), and
  - (b) in paragraph (c), for “any of those sections” substitute “that section”.
- (4) In the heading, after “abandoned vehicles” insert “ etc. ”.

**Commencement Information**

**I103** Sch. 9 para. 19 in force at 1.10.2012 by S.I. 2012/2075, art. 3(g)

*Private Security Industry Act 2001*

- 20 (1) The Private Security Industry Act 2001 is amended as follows.
- (2) In section 3(2) (conduct subject to a licence)—
    - (a) after paragraph (h) insert “ or ”, and
    - (b) omit paragraph (j) and the word “or” before it.
  - (3) In section 4A(2) (licensable conduct)—
    - (a) omit paragraph (a),
    - (b) omit paragraph (b) and the word “or” at the end of the paragraph, and
    - (c) in paragraph (c), omit “other”.
  - (4) Omit section 6 (offence of using unlicensed wheel-clampers).
  - (5) Omit section 22A (charges for vehicle release: appeals).
  - (6) In section 24(4) (orders and regulations) omit the words from “(except” to “or 22A)”.
  - (7) In section 25(1) (interpretation) omit the definition of “motor vehicle”.
  - (8) In Schedule 2 (activities liable to control) omit the following—
    - (a) paragraph 3,
    - (b) paragraph 3A,
    - (c) paragraph 9, and
    - (d) paragraph 9A.

**Commencement Information**

**I104** Sch. 9 para. 20 in force at 1.10.2012 by S.I. 2012/2075, art. 3(g)

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

## PART 5

### COUNTER-TERRORISM POWERS

#### *Police and Criminal Evidence Act 1984*

21 After section 66(2) of the Police and Criminal Evidence Act 1984 (codes of practice in relation to statutory search powers etc.) insert—

“(3) Nothing in this section requires the Secretary of State to issue a code of practice in relation to any matter falling within the code of practice issued under section 47AB(2) of the Terrorism Act 2000 (as that code is altered or replaced from time to time) (code of practice in relation to terrorism powers to search persons and vehicles and to stop and search in specified locations).”

#### Commencement Information

**I105** Sch. 9 para. 21 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

#### *Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))*

22 In Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (codes of practice in relation to statutory search powers etc.)—

- (a) the existing provisions become paragraph (1), and
- (b) after that paragraph insert—

“(2) Nothing in this Article requires the issuing of a code of practice in relation to any matter falling within the code of practice issued under section 47AB(2) of the Terrorism Act 2000 (as that code is altered or replaced from time to time) (code of practice in relation to terrorism powers to search persons and vehicles and to stop and search in specified locations).”

#### Commencement Information

**I106** Sch. 9 para. 22 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

#### *Terrorism Act 2000*

23 The Terrorism Act 2000 is amended as follows.

#### Commencement Information

**I107** Sch. 9 para. 23 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

24 In the italic cross-heading before section 40, after “Suspected terrorists” insert “ etc. ”.

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

**Commencement Information**

**I108** Sch. 9 para. 24 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

- 25 (1) Section 123 (orders and regulations) is amended as follows.
- (2) In subsection (4), after paragraph (aa), insert—
- “(ab) section 47AB;”.
- (3) In subsection (5), after “paragraph (aa)” insert “, (ab)”.

**Commencement Information**

**I109** Sch. 9 para. 25 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

- 26 (1) Schedule 8 (detention) is amended as follows.
- (2) In paragraph 36, in sub-paragraph (1A), for the words from “is” to the end of the sub-paragraph substitute “ is a judicial authority ”.
- (3) In paragraph 36 omit—
- (a) sub-paragraph (1B),
- (b) in sub-paragraph (3AA), the words “or senior judge” in both places where they appear,
- (c) in sub-paragraph (4), the words from “but” onwards,
- (d) in sub-paragraph (5), the words “or senior judge”, and
- (e) sub-paragraph (7).
- (4) In paragraph 37(2) omit “or senior judge”.

**Commencement Information**

**I110** Sch. 9 para. 26 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

*Regulation of Investigatory Powers Act 2000*

- 27 In paragraph 6(3) of Schedule 2 to the Regulation of Investigatory Powers Act 2000 (general requirements relating to the appropriate permission)—
- (a) in paragraph (a)—
- (i) for “section 44” substitute “ section 47A ”, and
- (ii) after “(power to stop and search)” insert “ (including that section as it had effect by virtue of the Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631) ”,
- (b) in paragraph (b)—
- (i) at the beginning insert “ section 44 of the Terrorism Act 2000 or ”, and
- (ii) for the words from “had” to “section 44 of the Terrorism Act 2000” substitute “ previously had effect for similar purposes ”, and
- (c) after “mentioned in” insert “ paragraph 14(1) and (2) of Schedule 6B to that Act of 2000 (see the definition of “senior police officer”), ”.

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

**Commencement Information**

**I111** Sch. 9 para. 27 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

*Criminal Justice and Police Act 2001*

28 In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (powers of seizure to which section 50 of that Act applies), after paragraph 69 and the italic cross-heading relating to the Terrorism Act 2000, insert—

“69A The power of seizure conferred by section 43(4B)(b) of the Terrorism Act 2000 (seizure on the occasion of a search of a vehicle in relation to a person suspected of being a terrorist).

69B The power of seizure conferred by section 43A(3) of the Terrorism Act 2000 (seizure on the occasion of a search of a vehicle suspected of being used for the purposes of terrorism).”

**Commencement Information**

**I112** Sch. 9 para. 28 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

29 In Part 2 of that Schedule to that Act (powers of seizure to which section 51 of that Act applies) after paragraph 82 insert—

“82A The power of seizure conferred by section 43A(3) of the Terrorism Act 2000 (seizure on the occasion of a search of a vehicle suspected of being used for the purposes of terrorism).”.

**Commencement Information**

**I113** Sch. 9 para. 29 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

*Police Reform Act 2002*

F330 .....

**Textual Amendments**

**F3** Sch. 9 para. 30 omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 12 para. 28

*Police (Northern Ireland) Act 2003*

31 In paragraph 16 of Schedule 2A to the Police (Northern Ireland) Act 2003 (powers of stop and search for community support officers)—

- (a) in sub-paragraph (1)—
  - (i) for “sections 44(1)(a) and (d) and (2)(b) and 45(2)” substitute “section 47A(2)(a) and (d), (3)(b) and (6)”,

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- (ii) in paragraph (d) for “any article” substitute “ anything which is ”, and
- (iii) also in paragraph (d), for “section 44(1) or (2) of that Act” substitute “ section 47A(2) or (3) of that Act and which he reasonably suspects may constitute evidence that the vehicle concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1)(b) of that Act ”, and
- (b) in sub-paragraph (2) for “subsections (1) and (4) of section 45 of” substitute “ subsections (4) and (5) of section 47A of, and paragraphs 1 and 2 of Schedule 6B to, ”.

**Commencement Information**

**I114** Sch. 9 para. 31 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

*Terrorism Act 2006*

- 32 In section 36 of the Terrorism Act 2006 (review of terrorism legislation)—
- (a) in subsections (3) and (4) for “under this section” substitute “ under subsection (2) ”,
  - (b) in subsection (5) after “Parliament” insert “ as soon as the Secretary of State is satisfied that doing so will not prejudice any criminal proceedings ”,
  - (c) in subsection (6) for “to carry out a review under this section” substitute “ under subsection (1) ”, and
  - (d) after subsection (6) insert—  
“(6A) The expenses mentioned in subsection (6) include, in particular, any expenses incurred by the person appointed under subsection (1) in ensuring that another person carries out a review of the kind mentioned in subsection (4A) and reports on it.”

**Commencement Information**

**I115** Sch. 9 para. 32 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

*Counter-Terrorism Act 2008*

- 33 In section 1(1) of the Counter-Terrorism Act 2008 (power to remove documents for examination), after paragraph (b), insert—
- “(ba) section 43(4B) of that Act (search of vehicle in relation to suspected terrorist);
  - (bb) section 43A of that Act (search of vehicle suspected of being used for the purposes of terrorism);”.

**Commencement Information**

**I116** Sch. 9 para. 33 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

*Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631)*

34 The Terrorism Act 2000 (Remedial) Order 2011 is revoked.

**Commencement Information**

**I117** Sch. 9 para. 34 in force at 10.7.2012 by S.I. 2012/1205, art. 4(k)

**PART 6**

SAFEGUARDING OF VULNERABLE GROUPS

**Modifications etc. (not altering text)**

- C1** Sch. 9 Pt. 6 extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(2)(3) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Guernsey\) \(Amendment\) Order 2012 \(S.I. 2012/1762\)](#), art. 4(3), [Sch. 2](#)
- C2** Sch. 9 Pt. 6 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(2)(3) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Jersey\) \(Amendment\) Order 2012 \(S.I. 2012/2591\)](#), arts. 1(2)(3), 4(1)(3), [Sch. 2](#) (with art. 5)
- C3** Sch. 9 Pt. 6 extended (Isle of Man) (with modifications) (with effect in accordance with art. 1(3)(4) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Isle of Man\) \(Amendment\) Order 2012 \(S.I. 2012/2598\)](#), arts. 1(2), 4(2), [Sch. 2](#)

*Police Act 1997*

35 The Police Act 1997 is amended as follows.

**Commencement Information**

**I118** Sch. 9 para. 35 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

36 In section 113A (criminal record certificates) omit subsection (10).

**Commencement Information**

**I119** Sch. 9 para. 36 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

37 In section 113B (enhanced criminal record certificates) omit subsection (13).

**Commencement Information**

**I120** Sch. 9 para. 37 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)



*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

- 38 In section 113BA(2) (suitability information relating to children) omit paragraphs (b) to (d).

**Commencement Information**

**I121** Sch. 9 para. 38 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

- 39 In section 113BB(2) (suitability information relating to vulnerable adults) omit paragraphs (b) to (d).

**Commencement Information**

**I122** Sch. 9 para. 39 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

- 40 (1) Section 119 (sources of information) is amended as follows.
- (2) In subsection (2) omit “or for the purposes of section 24 of the Safeguarding Vulnerable Groups Act 2006”.
- (3) In subsection (8)—
- (a) omit paragraph (c), and
  - (b) in paragraph (d) for “that Act” substitute “ the Safeguarding Vulnerable Groups Act 2006 ”.

**Commencement Information**

**I123** Sch. 9 para. 40 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

- 41 In section 119B(5) (independent monitor) omit paragraphs (d) and (e).

**Commencement Information**

**I124** Sch. 9 para. 41 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

- 42 (1) Section 120A (refusal and cancellation of registration on grounds related to disclosure) is amended as follows.
- (2) In subsection (3A) omit paragraphs (b) and (c).
- (3) Omit subsections (3B) and (3C).
- (4) In subsection (3D)—
- (a) for “subsections (3A) to (3C)” substitute “ subsection (3A) ”,
  - (b) for “those subsections” substitute “ that subsection ”, and

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

- (c) omit the words from “, except” to the end of the subsection.

**Commencement Information**

**I125** Sch. 9 para. 42 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(i\)](#)

*Safeguarding Vulnerable Groups Act 2006*

- 43 The Safeguarding Vulnerable Groups Act 2006 is amended as follows.

**Commencement Information**

**I126** Sch. 9 para. 43 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 44 In section 4(1) (appeals)—
- (a) omit paragraph (a),
  - (b) in paragraph (b)—
    - (i) after “paragraph” insert “ 2, ”,
    - (ii) after “5,” insert “ 8, ”, and
    - (iii) for “that Schedule” substitute “ Schedule 3 ”, and
  - (c) in paragraph (c) for “or 18” substitute “, 18 or 18A ”.

**Commencement Information**

**I127** Sch. 9 para. 44 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 45 In section 5(4) (regulated activity)—
- (a) omit “section 10(3);”, and
  - (b) omit “paragraph 4 of Schedule 6”.

**Commencement Information**

**I128** Sch. 9 para. 45 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 46 In section 6(8) (regulated activity providers)—
- (a) in paragraph (a), for “paragraph 4(1)(a), (b), (g), (h), (i), (j) or (m) or 8(1) (a), (d) or (e)” substitute “ paragraph 1(9) or 7(9) ”,
  - (b) omit paragraph (c), and
  - (c) in paragraph (d)—
    - (i) for “paragraph (a), (b) or (f) of section 59(10)” substitute “ paragraph 7(3E)(a) or (b) of Schedule 4 ”, and

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

(ii) for “mentioned in that paragraph” substitute “exercisable by virtue of that position”.

**Commencement Information**

**I129** Sch. 9 para. 46 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

47 In section 7(5) (barred person not to engage in regulated activity) omit paragraphs (b) and (c).

**Commencement Information**

**I130** Sch. 9 para. 47 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

48 Omit section 8 (person not to engage in regulated activity unless subject to monitoring).

**Commencement Information**

**I131** Sch. 9 para. 48 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

49 In section 9(5) (use of barred person for regulated activity) omit paragraphs (b) and (c).

**Commencement Information**

**I132** Sch. 9 para. 49 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

50 Omit section 10 (use of person not subject to monitoring for regulated activity).

**Commencement Information**

**I133** Sch. 9 para. 50 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

51 Omit section 11 and Schedule 5 (regulated activity provider: failure to check).

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

#### Commencement Information

**I134** Sch. 9 para. 51 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

52 Omit section 12 and Schedule 6 (personnel suppliers: failure to check).

#### Commencement Information

**I135** Sch. 9 para. 52 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

53 Omit section 13 (educational establishments: check on members of governing body).

#### Commencement Information

**I136** Sch. 9 para. 53 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

54 Omit section 14 (office holders: offences).

#### Commencement Information

**I137** Sch. 9 para. 54 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

55 Omit section 15 (sections 13 and 14: checks).

#### Commencement Information

**I138** Sch. 9 para. 55 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

56 Omit section 16 (exception to requirement to make monitoring check).

#### Commencement Information

**I139** Sch. 9 para. 56 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

57 Omit section 17 (NHS employment).

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

#### Commencement Information

**I140** Sch. 9 para. 57 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

58 (1) Section 18 (offences: companies etc.) is amended as follows.

(2) In subsection (1)—

- (a) omit “, 10, 11, 23, 27”, and
- (b) omit “or Schedule 6”.

(3) In subsection (2)—

- (a) omit “, 10, 11, 23, 27”, and
- (b) omit “or Schedule 6”.

#### Commencement Information

**I141** Sch. 9 para. 58 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

59 (1) Section 19 (offences: other persons) is amended as follows.

(2) Omit subsection (1).

(3) Omit subsections (3) and (4).

(4) Omit subsections (6) and (7).

(5) In subsection (8)—

- (a) for “subsections (2)(b) and (3)(b)” substitute “ subsection (2)(b) ”, and
- (b) omit paragraphs (b) and (c).

(6) Omit subsection (9).

#### Commencement Information

**I142** Sch. 9 para. 59 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

60 In section 20 (section 19: exclusions and defences) omit subsections (2) to (7).

#### Commencement Information

**I143** Sch. 9 para. 60 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

61 In section 35 (regulated activity providers: duty to refer)—

- (a) in subsection (1), omit paragraph (b), and

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- (b) omit subsection (6).

**Commencement Information**

**I144** Sch. 9 para. 61 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 62 (1) Section 36 (personnel suppliers: duty to refer) is amended as follows.
- (2) In subsection (1) omit “or controlled activity”.
- (3) In subsection (3)(a) omit “or controlled”.

**Commencement Information**

**I145** Sch. 9 para. 62 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 63 (1) Section 37 (regulated activity providers: duty to provide information on request etc.) is amended as follows.
- (2) In subsection (2)—
- (a) omit paragraph (b), and
- (b) in paragraph (d), omit “or controlled”.
- (3) In subsection (4) omit “or controlled”.
- (4) In subsection (5) omit “or controlled”.

**Commencement Information**

**I146** Sch. 9 para. 63 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 64 In section 41(7) (registers: duty to refer), in the table, in column 1 of entry 3 for “Either of” substitute “ Any of ”.

**Commencement Information**

**I147** Sch. 9 para. 64 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 65 (1) Section 50A (provision of information to the police) is amended as follows.
- (2) In subsection (2) for “power conferred by subsection (1) does” substitute “ powers conferred by this section do ”.
- (3) In subsection (3) for “subsection (1)” substitute “ this section ”.

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

- (4) In the heading to section 50A, and in the italic cross-heading before it, after “police” insert “ etc. ”.

**Commencement Information**

**I148** Sch. 9 para. 65 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 66 In section 51(5) (Crown application) omit paragraph (b).

**Commencement Information**

**I149** Sch. 9 para. 66 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 67 (1) Section 54 (devolution: alignment) is amended as follows.
- (2) In subsection (2) omit paragraph (a).
- (3) In subsection (3) omit paragraph (b) (but not the word “or” at the end of it).
- (4) In subsection (4) omit paragraph (b) (but not the word “or” at the end of it).
- (5) Omit subsection (5).

**Commencement Information**

**I150** Sch. 9 para. 67 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ii\)](#)

- 68 (1) Section 56 (devolution: Wales) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsection (2)—
- (a) in paragraph (a) for “45(1), (5) or (9)” substitute “ 45(9) ”,
- (b) omit paragraph (c), and
- (c) in paragraphs (d) and (e), omit “or (8)”.
- (4) In subsection (3)—
- (a) omit paragraphs (b) to (f),
- (b) after paragraph (f) insert—
- “(fa) section 34ZA(7),”
- (c) omit paragraph (j),
- (d) in paragraph (l) for “41(1), (5) or (8)” substitute “ 41(8) ”,
- (e) omit paragraph (n),
- (f) in paragraph (r) for “7(1)(f)” substitute “ 7(1)(f) or (g) ”, and
- (g) omit paragraphs (s) and (t).

*Status: Point in time view as at 31/01/2017.*

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#### Commencement Information

**I151** Sch. 9 para. 68(1)-(3) (4)(a) (4)(c)-(g) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iii\)](#)

69 In section 57(1)(c) (damages) omit “prescribed”.

#### Commencement Information

**I152** Sch. 9 para. 69 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iv\)](#)

- 70 (1) Section 60 (interpretation) is amended as follows.
- (2) In subsection (1), in paragraph (b) of the definition of “personnel supplier”, omit “or controlled”.
- (3) Omit subsection (3).

#### Commencement Information

**I153** Sch. 9 para. 70 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iv\)](#)

- 71 In section 61(3) (orders and regulations)—
- (a) omit paragraphs (b) to (e),
- (b) at the end of paragraph (h) insert “ or ”, and
- (c) omit paragraph (j) and the word “or” before it.

#### Commencement Information

**I154** Sch. 9 para. 71 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iv\)](#)

- 72 (1) Schedule 3 (barred lists) is amended as follows.
- (2) In paragraph 24, omit sub-paragraphs (8) and (9).
- (3) In paragraph 25(1) after “will” insert “ or (as the case may be) may ”.

#### Commencement Information

**I155** Sch. 9 para. 72 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iv\)](#)

- 73 (1) Schedule 7 (vetting information) is amended as follows.



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- (2) In paragraph 1—
  - (a) for “sections 30 and 32” substitute “ sections 30A and 30B ”, and
  - (b) omit entries 3, 4, 7, 8 and 17 in the table.
- (3) Omit paragraph 3(3).
- (4) In the heading to the Schedule for “VETTING INFORMATION” substitute “ BARRING INFORMATION ”.

**Commencement Information**

**I156** Sch. 9 para. 73 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iv\)](#)

- 74 In Schedule 8 (transitional provisions) omit paragraph 5.

**Commencement Information**

**I157** Sch. 9 para. 74 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(iv\)](#)

*Safeguarding Vulnerable Groups (Northern Ireland) Order 2007*

- 75 The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)) is amended as follows.

**Commencement Information**

**I158** Sch. 9 para. 75 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 76 (1) Article 2 (interpretation) is amended as follows.
- (2) In the first paragraph (2)—
    - (a) omit the definition of “institution of further education”, and
    - (b) in the definition of “personnel supplier”, in sub-paragraph (b), omit “or controlled”.
  - (3) Renumber the second paragraph (2) as paragraph (2A).
  - (4) Omit paragraph (3).

**Commencement Information**

**I159** Sch. 9 para. 76 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

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- 77 In Article 8(1) (appeals)—
- (a) omit sub-paragraph (a),
  - (b) in sub-paragraph (b)—
    - (i) after “paragraph” insert “ 2, ”,
    - (ii) after “5,” insert “ 8, ”, and
    - (iii) for “that Schedule” substitute “ Schedule 1 ”, and
  - (c) in sub-paragraph (c) for “or 18” substitute “ , 18 or 18A ”.

**Commencement Information**

**I160** Sch. 9 para. 77 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 78 In Article 9(4) (regulated activity), omit sub-paragraphs (c) and (e).

**Commencement Information**

**I161** Sch. 9 para. 78 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 79 In Article 10(8) (regulated activity providers)—
- (a) omit sub-paragraphs (a) and (c), and
  - (b) in sub-paragraph (d)—
    - (i) for “sub-paragraph (a) or (c) of Article 3(10)” substitute “ paragraph 7(3E)(a) or (c) of Schedule 2 ”, and
    - (ii) for “mentioned in that paragraph” substitute “ exercisable by virtue of that position ”.

**Commencement Information**

**I162** Sch. 9 para. 79 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 80 In Article 11(5) (barred person not to engage in regulated activity) omit sub-paragraphs (b) and (c).

**Commencement Information**

**I163** Sch. 9 para. 80 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 81 Omit Article 12 (person not to engage in regulated activity unless subject to monitoring).

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**Commencement Information**

**I164** Sch. 9 para. 81 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

82 In Article 13(5) (use of barred person for regulated activity) omit sub-paragraphs (b) and (c).

**Commencement Information**

**I165** Sch. 9 para. 82 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

83 Omit Article 14 (use of person not subject to monitoring for regulated activity).

**Commencement Information**

**I166** Sch. 9 para. 83 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

84 Omit Article 15 and Schedule 3 (regulated activity provider: failure to check).

**Commencement Information**

**I167** Sch. 9 para. 84 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

85 Omit Article 16 and Schedule 4 (personnel suppliers: failure to check).

**Commencement Information**

**I168** Sch. 9 para. 85 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

86 Omit Article 17 (educational establishments: check on members of governing body).

**Commencement Information**

**I169** Sch. 9 para. 86 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

87 Omit Article 18 (office holders: offences).

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#### Commencement Information

**I170** Sch. 9 para. 87 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

88 Omit Article 19 (Articles 17 and 18: checks).

#### Commencement Information

**I171** Sch. 9 para. 88 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

89 Omit Article 20 (exception to requirement to make monitoring check).

#### Commencement Information

**I172** Sch. 9 para. 89 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

90 Omit Article 21 (HSS employment).

#### Commencement Information

**I173** Sch. 9 para. 90 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

91 (1) Article 22 (offences: companies etc.) is amended as follows.

- (2) In paragraph (1)—
- (a) omit “, 14, 15, 27, 31”, and
  - (b) omit “or Schedule 4”.

- (3) In paragraph (2)—
- (a) omit “, 14, 15, 27, 31”, and
  - (b) omit “or Schedule 4”.

#### Commencement Information

**I174** Sch. 9 para. 91 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

92 (1) Article 23 (offences: other persons) is amended as follows.

- (2) Omit paragraph (1).
- (3) Omit paragraphs (3) and (4).

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- (4) Omit paragraphs (6) and (7).
- (5) In paragraph (8)—
  - (a) for “paragraphs (2)(b) and (3)(b)” substitute “ paragraph (2)(b) ”, and
  - (b) omit sub-paragraphs (b) and (c).
- (6) Omit paragraph (9).

**Commencement Information**

**I175** Sch. 9 para. 92 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 93 In Article 24 (Article 23: exclusions and defences), omit paragraphs (2) to (7).

**Commencement Information**

**I176** Sch. 9 para. 93 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 94 In Article 37 (regulated activity providers: duty to refer)—
  - (a) in paragraph (1), omit sub-paragraph (b), and
  - (b) omit paragraph (6).

**Commencement Information**

**I177** Sch. 9 para. 94 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 95 (1) Article 38 (personnel suppliers: duty to refer) is amended as follows.  
(2) In paragraph (1) omit “or controlled activity”.  
(3) In paragraph (3)(a) omit “or controlled”.

**Commencement Information**

**I178** Sch. 9 para. 95 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 96 (1) Article 39 (regulated activity providers: duty to provide information on request etc.) is amended as follows.  
(2) In paragraph (2)—
  - (a) omit sub-paragraph (b), and
  - (b) in sub-paragraph (d), omit “or controlled”.  
(3) In paragraph (4) omit “or controlled”.

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(4) In paragraph (5) omit “or controlled”.

**Commencement Information**

**I179** Sch. 9 para. 96 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 97 (1) Article 52A (provision of information to the police) is amended as follows.
- (2) In paragraph (2) for “power conferred by paragraph (1) does” substitute “ powers conferred by this Article do ”.
- (3) In the heading to Article 52A, after “Police”, insert “ etc. ”.

**Commencement Information**

**I180** Sch. 9 para. 97 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 98 In Article 53(5) (Crown application), omit sub-paragraph (b).

**Commencement Information**

**I181** Sch. 9 para. 98 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 99 (1) Article 56 (alignment with rest of UK) is amended as follows.
- (2) In paragraph (2) omit sub-paragraph (a).
- (3) In paragraph (3) omit sub-paragraph (b) (but not the word “or” at the end of it).
- (4) In paragraph (4) omit sub-paragraph (b) (but not the word “or” at the end of it).
- (5) Omit paragraph (5).

**Commencement Information**

**I182** Sch. 9 para. 99 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 100 In Article 57(1)(c) (damages) omit “prescribed”.

**Commencement Information**

**I183** Sch. 9 para. 100 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

*Status: Point in time view as at 31/01/2017.*

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- 101 (1) Schedule 1 (barred lists) is amended as follows.
- (2) In paragraph 24, omit sub-paragraphs (8) and (9).
- (3) In paragraph 25(1) after “will” insert “or (as the case may be) “ may ”.

**Commencement Information**

**I184** Sch. 9 para. 101 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 102 (1) Schedule 5 (vetting information) is amended as follows.
- (2) In paragraph 1—
- (a) for “Articles 32 and 34” substitute “ Articles 32A and 32B ”, and
- (b) omit entries 3, 4, 7, 8 and 17 in the table.
- (3) Omit paragraph 3(3).
- (4) In the heading to the Schedule for “VETTING INFORMATION” substitute “ BARRING INFORMATION ”.

**Commencement Information**

**I185** Sch. 9 para. 102 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

- 103 In Schedule 6 (transitional provisions) omit paragraph 5.

**Commencement Information**

**I186** Sch. 9 para. 103 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(v\)](#)

**PART 7**

CRIMINAL RECORDS

**Modifications etc. (not altering text)**

- C4** Sch. 9 Pt. 7 extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(2) (3) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Guernsey\) \(Amendment\) Order 2012 \(S.I. 2012/1762\)](#), [art. 4\(4\)](#), [Sch. 3](#)
- C5** Sch. 9 Pt. 7 extended (Jersey) (with modifications) (17.10.2012 coming into force in accordance with art. 1(2)(3)) by [The Police Act 1997 \(Criminal Records\) \(Jersey\) \(Amendment\) Order 2012 \(S.I. 2012/2591\)](#), [art. 1\(2\)\(3\)4\(1\)\(4\)](#), [Sch. 3](#) (with art. 5)

*Status: Point in time view as at 31/01/2017.*

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- C6** Sch. 9 Pt. 7 extended (Isle of Man) (with modifications) (with effect in accordance with art. 1(3)(4) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Isle of Man\) \(Amendment\) Order 2012 \(S.I. 2012/2598\)](#), arts. 1(2), 4(3), [Sch. 3](#)

*Police Act 1997*

- 104 The Police Act 1997 is amended as follows.

**Commencement Information**

- I187** Sch. 9 para. 104 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(vi\)](#)

- 105 In section 113BC(1) (suitability information: power to amend), after paragraph (b), insert “;
- (c) amend section 120AC(4)(b) in consequence of an order made under paragraph (a) or (b).”

**Commencement Information**

- I188** Sch. 9 para. 105 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(vi\)](#)

- 106 In section 114(3) (application of other provisions of Part 5 to an application under that section), for “Section 113A(3) to (6)” substitute “ Sections 113A(3) to (6), 120AC and 120AD ”.

**Commencement Information**

- I189** Sch. 9 para. 106 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(vi\)](#)

- 107 In section 116(3) (application of other provisions of Part 5 to an application under that section), for “and 113BA to 113BC” substitute “ , 113BA to 113BC, 120AC and 120AD ”.

**Commencement Information**

- I190** Sch. 9 para. 107 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(vi\)](#)

- 108 (1) Section 117 (disputes about accuracy of certificates) is amended as follows.
- (2) In the title, for “accuracy of certificates” substitute “ certificates and up-date information ”.
- (3) After subsection (1A) insert—



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“(1B) Where a person believes that the wrong up-date information has been given under section 116A in relation to the person's certificate, the person may make an application in writing to the Secretary of State for corrected up-date information.”

(4) In subsection (2)—

- (a) after “inaccurate” insert “, or that the wrong up-date information has been given,”, and
- (b) after “new certificate” insert “ or (as the case may be) corrected up-date information ”.

(5) After subsection (2) insert—

“(2A) In this section—

“corrected up-date information”, in relation to a certificate, means information which includes—

- (a) information that the wrong up-date information was given in relation to the certificate on a particular date, and
  - (b) new up-date information in relation to the certificate,
- “up-date information” has the same meaning as in section 116A.”

#### **Commencement Information**

**1191** Sch. 9 para. 108 in force at 17.6.2013 by [S.I. 2013/1180](#), **art. 2(e)(i)**

109 (1) Section 118 (evidence of identity) is amended as follows.

(2) In subsection (1)—

- (a) after “consider” insert “ an application as mentioned in section 116A(4)(a) or (5)(a) or ”, and
- (b) after “117” insert “, 117A ”.

(3) After subsection (3) insert—

“(3A) The Secretary of State by notice given in writing may require a person who has a certificate which is subject to up-date arrangements under section 116A to attend at a place and time specified in the notice to provide fingerprints for the sole purpose of enabling the Secretary of State to verify whether information in the possession of the Secretary of State that the Secretary of State considers may be relevant to the person's certificate does relate to that person.

(3B) If a person fails to comply with a requirement imposed under subsection (3A), the Secretary of State by notice given in writing may inform that person that, from a date specified in the notice, the person's certificate is to cease to be subject to up-date arrangements.”

(4) In subsection (4) after “117” insert “ or 117A ”.

*Status: Point in time view as at 31/01/2017.*

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#### Commencement Information

**I192** Sch. 9 para. 109(1)(2)(b)(4) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(vii\)](#)

**I193** Sch. 9 para. 109(2)(a)(3) in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(ii\)](#)

- 110 (1) Section 119 (sources of information) is amended as follows.
- (2) In subsection (1A), after paragraph (a) (but before the word “or” at the end of the paragraph) insert—
- “(aa) the provision of up-date information under section 116A;”.
- (3) In subsection (1B), for the words from “determining” to the end substitute “deciding whether to make a request to that chief officer under section 113B(4)”.
- (4) After subsection (2) insert—
- “(2A) Where, in connection with the provision of up-date information under section 116A, the chief officer of a police force receives a request for information of the kind mentioned in section 113B(4), the chief officer of police must comply with it as soon as practicable.”
- (5) In subsection (4), at the end of paragraph (a), after “registration;” insert—
- “(aa) any application as mentioned in section 116A(4)(a) or (5)(a);”.
- (6) In subsection (8), at the end of paragraph (a), insert—
- “(aa) under this Part in relation to any request under section 116A(1);”.

#### Commencement Information

**I194** Sch. 9 para. 110(1)(3) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(viii\)](#)

**I195** Sch. 9 para. 110(2)(4)-(6) in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(ii\)](#)

- 111 (1) Section 119B (independent monitor) is amended as follows.
- (2) Omit subsection (5)(a).
- (3) In subsection (5)(c), omit the words from “or disclosed” to the end.
- (4) After subsection (5)(c) insert—
- “(ca) a sample of cases in which the chief officer of a police force has decided that information should be disclosed or not disclosed to the Secretary of State for the purpose of the provision by the Secretary of State of up-date information under section 116A.”
- (5) After subsection (8) insert—
- “(8A) The independent monitor has the functions conferred on the monitor by section 117A.”
- (6) In subsection (9) after “section” insert “ or section 117A ”.

*Status: Point in time view as at 31/01/2017.*

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#### Commencement Information

- I196** Sch. 9 para. 111(1)-(3)(5)(6) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(ix\)](#)
- I197** Sch. 9 para. 111(4) in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(ii\)](#)

- 112 (1) Section 120 (registered persons) is amended as follows.
- (2) In subsection (2)—
- (a) for the words from the beginning to “the”, where it first occurs, substitute “The”,
  - (b) after paragraph (a) insert “ and ”, and
  - (c) omit paragraph (c) and the word “and” before it.
- (3) After that subsection insert—
- “(2A) Subsection (2) is subject to—
- (a) regulations under section 120ZA,
  - (b) section 120A, and
  - (c) section 120AA and regulations made under that section.”

#### Commencement Information

- I198** Sch. 9 para. 112 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(x\)](#)

- 113 After section 122(1) (code of practice) insert—
- “(1A) The reference in subsection (1) to the use of information provided to registered persons under this Part includes a reference to the use of information provided in accordance with section 116A(1) to relevant persons (within the meaning of that section) who are not registered persons under this Part.”

#### Commencement Information

- I199** Sch. 9 para. 113 in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(iii\)](#)

#### PROSPECTIVE

- 114 Omit section 122(3A)(a) (power of Secretary of State to refuse to issue certificate where failure to comply with code of practice by, or in connection with, registered person).
- 115 (1) Section 124 (offences: disclosure) is amended as follows.
- (2) In subsection (4)—
- (a) in paragraph (b), omit “(5) or”, and
  - (b) for “subsections (5) and (6)” substitute “ subsection (6) ”.

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(3) Omit subsection (5).

#### Commencement Information

**I200** Sch. 9 para. 115 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(x\)](#)

116 (1) Section 124A (offences relating to disclosure of information obtained in connection with delegated function) is amended as follows.

(2) In subsection (1)(c) omit “or registered person”.

(3) After subsection (6) insert—

“(6A) For the purposes of this section the reference to an applicant includes a person who makes a request under section 116A(1), 120AC(1) or 120AD(2).”

#### Commencement Information

**I201** Sch. 9 para. 116(1)(3) in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(xi\)](#)

117 After section 125B(2) (form of applications) insert—

“(3) In this section “application” includes a request under section 116A(1), 120AC(1) or 120AD(2).”

#### Commencement Information

**I202** Sch. 9 para. 117 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(xii\)](#)

118 In section 126(1) (interpretation of Part 5), in the definition of “certificate”, after “application” insert “but does not include any documents issued in response to—

(a) a request under section 116A(1),

(b) an application as mentioned in section 116A(4)(a) or (5)(a), or

(c) a request under section 120AC or 120AD.”

#### Commencement Information

**I203** Sch. 9 para. 118 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) for specified purposes by [S.I. 2012/2234](#), [art. 2\(aa\)\(xiii\)](#)

**I204** Sch. 9 para. 118 in force at 17.6.2013 in so far as not already in force by [S.I. 2013/1180](#), [art. 2\(e\)\(iv\)](#)

*Status: Point in time view as at 31/01/2017.*

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### *Gambling Act 2005*

- 119 In section 73(3) of the Gambling Act 2005 (procedure on consideration of application for licence)—
- (a) for “section 115” substitute “ section 113B ”, and
  - (b) at the end (and on a new line below paragraph (b)) insert “ or the production of up-date information (within the meaning given by section 116A of that Act) in relation to such a certificate, ”.

#### **Commencement Information**

**I205** Sch. 9 para. 119(a) in force at 17.6.2013 for E.W. by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

**I206** Sch. 9 para. 119(b) in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

### *National Health Service Act 2006*

- 120 The National Health Service Act 2006 is amended as follows.

#### **Commencement Information**

**I207** Sch. 9 para. 120 in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

- 121 In section 129(6) (regulations as to pharmaceutical services), in paragraph (i), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

#### **Commencement Information**

**I208** Sch. 9 para. 121 in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

- 122 In section 132(4) (persons authorised to provide pharmaceutical services), in paragraph (c), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

#### **Commencement Information**

**I209** Sch. 9 para. 122 in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

- 123 In section 147A(3) (performers of pharmaceutical services and assistants), in paragraph (i), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

#### **Commencement Information**

**I210** Sch. 9 para. 123 in force at 17.6.2013 by [S.I. 2013/1180](#), [art. 2\(e\)\(v\)](#)

*Status: Point in time view as at 31/01/2017.*

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*National Health Service (Wales) Act 2006*

124 The National Health Service (Wales) Act 2006 is amended as follows.

**Commencement Information**

**I211** Sch. 9 para. 124 in force at 17.6.2013 by [S.I. 2013/1180](#), **art. 2(e)(v)**

125 In section 72(3) (regulations as to general ophthalmic services), in paragraph (c), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

**Commencement Information**

**I212** Sch. 9 para. 125 in force at 17.6.2013 by [S.I. 2013/1180](#), **art. 2(e)(v)**

126 In section 83(6) (regulations as to pharmaceutical services), in paragraph (i), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

**Commencement Information**

**I213** Sch. 9 para. 126 in force at 17.6.2013 by [S.I. 2013/1180](#), **art. 2(e)(v)**

127 In section 86(4) (persons authorised to provide pharmaceutical services), in paragraph (c), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

**Commencement Information**

**I214** Sch. 9 para. 127 in force at 17.6.2013 by [S.I. 2013/1180](#), **art. 2(e)(v)**

128 In section 105(3) (supplementary lists), in paragraph (g), for the words from “section 113” to the end of the paragraph substitute “ section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act, ”.

**Commencement Information**

**I215** Sch. 9 para. 128 in force at 17.6.2013 by [S.I. 2013/1180](#), **art. 2(e)(v)**

*Safeguarding Vulnerable Groups Act 2006*

129 (1) Paragraph 19 of Schedule 3 to the Safeguarding Vulnerable Groups Act 2006 (barred lists: information) is amended as follows.

*Status: Point in time view as at 31/01/2017.*

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- (2) In sub-paragraph (1)(c) for “chief officer of a relevant police force” substitute “relevant chief officer”.
- (3) In sub-paragraph (3) after “which the” insert “relevant”.
- (4) In sub-paragraph (5) for “chief officer of the relevant police force” substitute “relevant chief officer”.
- (5) In sub-paragraph (7) for the definition of “relevant police force” substitute—  
““the relevant chief officer” means any chief officer of a police force who is identified by the Secretary of State for the purposes of this paragraph;”.
- (6) After sub-paragraph (7) insert—  
“(7A) Subsections (10) and (11) of section 113B of the Police Act 1997 apply for the purposes of the definition of “the relevant chief officer” as they apply for the purposes of that section.”
- (7) In sub-paragraph (8) for “which police forces are relevant police forces” substitute “who is the relevant chief officer”.

#### Commencement Information

**I216** Sch. 9 para. 129 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by [S.I. 2012/2234](#), [art. 2\(aa\)\(xiv\)](#)

## PART 8

### THE DISCLOSURE AND BARRING SERVICE

#### *Parliamentary Commissioner Act 1967*

- 130 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) insert at the appropriate place— “ Disclosure and Barring Service. ”

#### Commencement Information

**I217** Sch. 9 para. 130 in force at 15.10.2012 by [S.I. 2012/2521](#), [art. 2\(e\)](#)

#### *House of Commons Disqualification Act 1975*

- 131 (1) Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) is amended as follows.
- (2) In Part 2 (bodies of which all members are disqualified) insert at the appropriate place— “ The Disclosure and Barring Service. ”
  - (3) In Part 3 (other disqualifying offices) insert at the appropriate place— “ Member of the staff of the Disclosure and Barring Service. ”

*Status: Point in time view as at 31/01/2017.*

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**Commencement Information**

**I218** Sch. 9 para. 131 in force at 15.10.2012 by S.I. 2012/2521, art. 2(e)

*Northern Ireland Assembly Disqualification Act 1975*

- 132 (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices) is amended as follows.
- (2) In Part 2 (bodies of which all members are disqualified) insert at the appropriate place— “ The Disclosure and Barring Service. ”
- (3) In Part 3 (other disqualifying offices) insert at the appropriate place— “ Member of the staff of the Disclosure and Barring Service. ”

**Commencement Information**

**I219** Sch. 9 para. 132 in force at 15.10.2012 by S.I. 2012/2521, art. 2(e)

*Freedom of Information Act 2000*

- 133 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) insert at the appropriate place— “ The Disclosure and Barring Service. ”

**Commencement Information**

**I220** Sch. 9 para. 133 in force at 15.10.2012 by S.I. 2012/2521, art. 2(e)

**PART 9**

DISREGARDING CERTAIN CONVICTIONS FOR BUGGERY ETC.

*Rehabilitation of Offenders Act 1974*

- 134 (1) Section 1 of the Rehabilitation of Offenders Act 1974 (rehabilitated persons and spent convictions) is amended as follows.
- (2) In subsection (1) for “subsection (2)” substitute “ subsections (2), (5) and (6) ”.
- (3) After subsection (4) insert—
- “(5) This Act does not apply to any disregarded conviction or caution within the meaning of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012.
- (6) Accordingly, references in this Act to a conviction or caution do not include references to any such disregarded conviction or caution.”



*Status: Point in time view as at 31/01/2017.*

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**Commencement Information**

**I221** Sch. 9 para. 134 in force at 1.10.2012 by S.I. 2012/2234, art. 3(o)

*Police Act 1997*

135 In section 113A(6) of the Police Act 1997 (criminal record certificates), in paragraph (b) of the definition of “relevant matter”, after “that Act” insert “ but excluding a disregarded caution within the meaning of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 ”.

**Commencement Information**

**I222** Sch. 9 para. 135 in force at 1.10.2012 by S.I. 2012/2234, art. 3(o)

**PART 10**

TRAFFICKING PEOPLE FOR EXPLOITATION

*Children and Young Persons Act 1933*

<sup>F4</sup>136 .....

**Textual Amendments**

**F4** Sch. 9 para. 136 omitted (31.7.2015) by virtue of Modern Slavery Act 2015 (c. 30), s. 61(1), Sch. 5 para. 9(3); S.I. 2015/1476, reg. 2(j) (with regs. 38)

**Commencement Information**

**I223** Sch. 9 para. 136 in force at 6.4.2013 by S.I. 2013/470, art. 2(d) (with arts. 3(b), 5-8)

*Police and Criminal Evidence Act 1984*

137 In section 65A of the Police and Criminal Evidence Act 1984 (questioning and treatment of persons by police: meaning of “qualifying offence”), in subsection (2) (p), for “59” substitute “ 59A ”.

**Commencement Information**

**I224** Sch. 9 para. 137 in force at 6.4.2013 by S.I. 2013/470, art. 2(d) (with arts. 5-8)

*Proceeds of Crime Act 2002*

<sup>F5</sup>138 .....

*Status: Point in time view as at 31/01/2017.*

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#### Textual Amendments

**F5** Sch. 9 para. 138 omitted (31.7.2015) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 9\(3\)](#); S.I. 2015/1476, [reg. 2\(j\)](#) (with [regs. 38](#))

#### Commencement Information

**I225** Sch. 9 para. 138 in force at 6.4.2013 by [S.I. 2013/470](#), [art. 2\(d\)](#) (with [arts. 3\(b\)](#), 5-8)

#### *Criminal Justice Act 2003*

139 In Part 2 of Schedule 15 to the Criminal Justice Act 2003 (sentencing of dangerous offenders: specified sexual offences), after paragraph 143, insert—

“143A An offence under section 59A of that Act (trafficking for sexual exploitation).”

#### Commencement Information

**I226** Sch. 9 para. 139 in force at 6.4.2013 by [S.I. 2013/470](#), [art. 2\(d\)](#) (with [arts. 5-8](#))

#### *Sexual Offences Act 2003*

140 (1) The Sexual Offences Act 2003 is amended as follows.

<sup>F6</sup>(2) .....

<sup>F7</sup>(3) .....

(4) In Schedule 5 (relevant offences for the purposes of notification and orders), in paragraph 63, for “59” substitute “59A”.

#### Textual Amendments

**F6** Sch. 9 para. 140(2) omitted (31.7.2015) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 9\(3\)](#); S.I. 2015/1476, [reg. 2\(j\)](#) (with [regs. 38](#))

**F7** Sch. 9 para. 140(3) omitted (31.7.2015) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 9\(3\)](#); S.I. 2015/1476, [reg. 2\(j\)](#) (with [regs. 38](#))

#### Commencement Information

**I227** Sch. 9 para. 140 in force at 6.4.2013 by [S.I. 2013/470](#), [art. 2\(d\)](#) (with [arts. 3\(b\)](#), 5-8)

#### *Asylum and Immigration (Treatment of Claimants, etc) Act 2004*

<sup>F8</sup>141 .....

#### Textual Amendments

**F8** Sch. 9 para. 141 omitted (31.7.2015) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 9\(3\)](#); S.I. 2015/1476, [reg. 2\(j\)](#) (with [regs. 38](#))

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**Commencement Information**

**I228** Sch. 9 para. 141 in force at 6.4.2013 by S.I. 2013/470, art. 2(d) (with arts. 5-8)

*Serious Crime Act 2007*

- 142 In Part 1 of Schedule 1 to the Serious Crime Act 2007 (serious offences: England and Wales), in paragraph 2(2), for “59” substitute “ 59A ”.

**Commencement Information**

**I229** Sch. 9 para. 142 in force at 6.4.2013 by S.I. 2013/470, art. 2(d) (with arts. 5-8)

**PART 11**

STALKING

*Protection from Harassment Act 1997*

- 143 (1) The Protection from Harassment Act 1997 is amended as follows.
- (2) In section 1(2) (circumstances in which a person ought to know that a course of conduct amounts to harassment) after “this section” insert “ or section 2A(2)(c) ”.
- (3) In section 4 (putting people in fear of violence)—
- (a) in subsection (5) after “section 2” insert “ or 2A ”, and
  - (b) in subsection (6) after “section 2” insert “ or 2A ”.

**Commencement Information**

**I230** Sch. 9 para. 143 in force at 25.11.2012 by S.I. 2012/2075, art. 5(d)

*Crime and Disorder Act 1998*

- 144 (1) Section 32 of the Crime and Disorder Act 1998 (racially or religiously aggravated harassment etc.) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a)—
    - (i) after “section 2” insert “ or 2A ”, and
    - (ii) for “offence of harassment” substitute “ offences of harassment and stalking ”, and
  - (b) in paragraph (b)—
    - (i) after “section 4” insert “ or 4A ”, and
    - (ii) after “violence” insert “ and stalking involving fear of violence or serious alarm or distress ”.
- (3) In subsection (5) for “the basic offence” substitute “ either basic offence ”.

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

**Commencement Information**

**I231** Sch. 9 para. 144 in force at 25.11.2012 by S.I. 2012/2075, art. 5(d)

*Criminal Justice and Police Act 2001*

- 145 In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (powers of seizure to which section 50 of that Act applies), after paragraph 63, insert—

*“Protection from Harassment Act 1997*

- 63A The power of seizure conferred by section 2B(2) of the Protection from Harassment Act 1997 (seizure of material relevant to stalking).”

**Commencement Information**

**I232** Sch. 9 para. 145 in force at 25.11.2012 by S.I. 2012/2075, art. 5(d)

*Sexual Offences Act 2003*

- 146 In Schedule 5 to the Sexual Offences Act 2003 (relevant offences for the purposes of notification and orders)—
- (a) in paragraph 56A—
    - (i) after “section 2” insert “ or 2A ”, and
    - (ii) for “offence of harassment” substitute “ offences of harassment and stalking ”, and
  - (b) in paragraph 57—
    - (i) after “section 4” insert “ or 4A ”, and
    - (ii) after “violence” insert “ and stalking involving fear of violence or serious alarm or distress ”.

**Commencement Information**

**I233** Sch. 9 para. 146 in force at 25.11.2012 by S.I. 2012/2075, art. 5(d)

*Criminal Justice Act 2003*

- 147 In Part 1 of Schedule 15 to the Criminal Justice Act 2003 (sentencing of dangerous offenders: specified violent offences), in paragraph 57—
- (a) after “section 4” insert “ or 4A ”, and
  - (b) after “violence” insert “ and stalking involving fear of violence or serious alarm or distress ”.

**Commencement Information**

**I234** Sch. 9 para. 147 in force at 25.11.2012 by S.I. 2012/2075, art. 5(d)

*Status: Point in time view as at 31/01/2017.*

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## PART 12

### REPEAL OF PROVISIONS FOR CONDUCTING CERTAIN FRAUD CASES WITHOUT JURY

#### *Criminal Justice Act 2003*

- 148 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 45 (procedure for applications for cases to be conducted without a jury)—
- (a) in the heading, for “sections 43 and” substitute “ section ”,
  - (b) in subsection (1), omit paragraph (a) and the word “and” at the end of the paragraph, and
  - (c) in subsections (5) and (9), omit the words “43 or”.
- (3) In section 46(7) (discharge of jury because of jury tampering) omit “43 or”.
- (4) In section 48(1) (further provision about trials without a jury) omit “43,”.
- (5) Omit section 330(5)(b) (procedure for order bringing section 43 into force).

## SCHEDULE 10

Section 115(2)

### REPEALS AND REVOCATIONS

## PART 1

### DESTRUCTION, RETENTION AND USE OF FINGERPRINTS ETC.

#### **Commencement Information**

**I235** Sch. 10 Pt. 1 in force at 31.10.2013 by S.I. 2013/2104, art. 3(d)

<i>Short title</i>	<i>Extent of repeal</i>
Police and Criminal Evidence Act 1984	Section 64.
Criminal Justice Act 1988	Section 148.
Criminal Justice and Public Order Act 1994	Section 57.
Police Act 1996	In Part 2 of Schedule 7, paragraph 37.
Terrorism Act 2000	In Schedule 8— <ul style="list-style-type: none"><li>(a) paragraph 14,</li><li>(b) in paragraph 20, in sub-paragraph (3), the words from “but” to the end of the sub-paragraph, and</li><li>(c) paragraph 20(4)</li></ul>
Criminal Justice and Police Act 2001	Section 82. Section 84.

*Status: Point in time view as at 31/01/2017.*

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Serious Organised Crime and Police Act 2005	Section 117(6) to (10). Section 118(4).
Counter-Terrorism Act 2008	Section 14(4) to (6). Section 16. Section 17.
Crime and Security Act 2010	Section 14. Sections 16 to 19. Sections 21 to 23. Section 58(4) and (6) to (8).

## PART 2

### POWERS OF ENTRY

#### Commencement Information

**I236** Sch. 10 Pt. 2 in force at 1.7.2012 by S.I. 2012/1205, art. 3(bb)

<i>Short title</i>	<i>Extent of repeal or revocation</i>
Distribution of German Enemy Property (No 1) Order 1950 (S.I. 1950/1642)	Article 22.
Hypnotism Act 1952	Section 4.
Dairy Herd Conversion Premium Regulations 1973 (S.I. 1973/1642)	In regulation 2(1), the definition of “authorised officer”. Regulation 5. Regulation 7(b) and the word “or” before it.
Public Health (Control of Disease) Act 1984	Section 50.
Milk (Cessation of Production) Act 1985	Section 2(1). Section 3(1)(b) and the word “or” before it.
Landlord and Tenant Act 1985	Section 8(2).
Cereals Co-responsibility Levy Regulations 1988 (S.I. 1988/1001)	Regulation 8. In regulation 9, the words “or 8”.
Oilseeds Producers (Support System) Regulations 1992 (S.I. 1992/695)	In regulation 2(1), the definitions of “authorised officer”, “oilseeds” and “specified control measure”. Regulations 5, 6, 9 and 10.
Merchant Shipping Act 1995	Section 258(4).

*Status: Point in time view as at 31/01/2017.*

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Gas Appliances (Safety) Regulations Regulation 24(6).  
1995 (S.I. 1995/1629)

Older Cattle (Disposal) (England) Regulation 5.  
Regulations 2005 (S.I. 2005/3522)

Salmonella in Turkey Flocks and Regulation 6.  
Slaughter Pigs (Survey Powers)  
(England) Regulations 2006 (S.I.  
2006/2821)

Health and Social Care Act 2008 In Schedule 11, paragraph 9.

Cross-border Railway Services In Schedule 2, paragraph 2(2)(a), (b) and (c).  
(Working Time) Regulations 2008  
(S.I. 2008/1660)

Payment Services Regulations 2009 Regulation 83.  
(S.I. 2009/209)

- (1) The repeals and revocations in the following provisions extend to England and Wales only—
- (a) the Hypnotism Act 1952,
  - (b) the Dairy Herd Conversion Premium Regulations 1973,
  - (c) the Public Health (Control of Disease) Act 1984,
  - (d) the Milk (Cessation of Production) Act 1985,
  - (e) the Landlord and Tenant Act 1985,
  - (f) the Cereals Co-responsibility Levy Regulations 1988,
  - (g) the Oilseeds Producers (Support System) Regulations 1992, and
  - (h) the Health and Social Care Act 2008.
- (2) The revocations in the Cross-border Railway Services (Working Time) Regulations 2008 extend to England and Wales and Scotland only.
- (3) The repeals and revocations in the following provisions extend to England and Wales, Scotland and Northern Ireland—
- (a) the Distribution of German Enemy Property (No 1) Order 1950,
  - (b) the Merchant Shipping Act 1995,
  - (c) the Gas Appliances (Safety) Regulations 1995,
  - (d) the Older Cattle (Disposal) (England) Regulations 2005,
  - (e) the Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers) (England) Regulations 2006, and
  - (f) the Payment Services Regulations 2009.
- (4) The repeal of section 258(4) of the Merchant Shipping Act 1995 is subject to paragraph 2(2) of Schedule 2 to this Act.

### PART 3

#### VEHICLES LEFT ON LAND

#### Commencement Information

I237 Sch. 10 Pt. 3 in force at 1.10.2012 by S.I. 2012/2075, art. 3(h)

<i>Short title</i>	<i>Extent of repeal or revocation</i>
Airports Act 1986	In section 66(3), paragraph (b) (but not the word “or” at the end of the paragraph).
Private Security Industry Act 2001	In section 3(2), paragraph (j) and the word “or” before the paragraph.

*Status: Point in time view as at 31/01/2017.*

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In section 4A(2)—  
(a) paragraph (a),  
(b) paragraph (b) and the word “or” at the end of the paragraph, and  
(c) in paragraph (c), the word “other”.

Section 6.

Section 22A.

In section 24(4), the words from “(except” to “or 22A)”.

In section 25(1), the definition of “motor vehicle”.

In Schedule 2, paragraphs 3, 3A, 9 and 9A (and the italic cross-headings before them).

Serious Organised Crime and Police Act 2005 In Schedule 15, paragraph 14(a).

Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2005 (S.I. 2005/224) The whole instrument.

Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2006 (S.I. 2006/1831) Articles 3 and 4.

Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2007 (S.I. 2007/2201) Articles 3 and 4.

Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2009 (S.I. 2009/3043) Articles 3 and 4.

Crime and Security Act 2010 Section 42(3).

Section 44.

In Schedule 1, paragraphs 3(5) and 7.

## PART 4

### COUNTER-TERRORISM POWERS

#### Commencement Information

**I238** Sch. 10 Pt. 4 in force at 10.7.2012 by S.I. 2012/1205, art. 4(1)

<i>Short title</i>	<i>Extent of repeal or revocation</i>
Terrorism Act 2000	Section 43(3). Sections 44 to 47 (including the italic cross-heading before section 44).



*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

In Schedule 8—

- (a) paragraph 36(1B),
- (b) in paragraph 36(3AA), the words “or senior judge” in both places where they appear,
- (c) in paragraph 36(4), the words from “but” onwards,
- (d) in paragraph 36(5), the words “or senior judge”,
- (e) paragraph 36(7), and
- (f) in paragraph 37(2), the words “or senior judge”.

Anti-terrorism, Crime and Security Act 2001 In Schedule 7, paragraph 31.

Railways and Transport Safety Act 2003 In Schedule 5, in paragraph 4(2)(k), the word “44,”.

Energy Act 2004 Section 57.

The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573) In article 12(6), sub-paragraph (c) (but not the word “and” at the end of the sub-paragraph).

Terrorism Act 2006 Section 23(8) to (10).  
Section 25.  
Section 30.

Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631) The whole instrument.

## PART 5

### SAFEGUARDING OF VULNERABLE GROUPS

#### Modifications etc. (not altering text)

- C7** Sch. 10 Pt. 5 extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(2)(3) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Guernsey\) \(Amendment\) Order 2012 \(S.I. 2012/1762\)](#), art. 4(5), [Sch. 4](#)
- C8** Sch. 10 Pt. 5 extended (Jersey) (with modifications) (coming into force in accordance with art. 1(2)(3) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Jersey\) \(Amendment\) Order 2012 \(S.I. 2012/2591\)](#), arts. 1(2)(3), 4(1)(5), [Sch. 4](#) (with art. 5)
- C9** Sch. 10 Pt. 5 extended (Isle of Man) (with modifications) (with effect in accordance with art. 1(3)(4) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Isle of Man\) \(Amendment\) Order 2012 \(S.I. 2012/2598\)](#), arts. 1(2), 4(4), [Sch. 4](#)

#### Commencement Information

- I239** Sch. 10 Pt. 5 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) for specified purposes by [S.I. 2012/2234](#), [art. 2\(bb\)](#)

*Short title*

*Extent of repeal or revocation*

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*Status: Point in time view as at 31/01/2017.*

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Police Act 1997	<p>Section 113A(10).</p> <p>Section 113B(13).</p> <p>Section 113BA(2)(b) to (d).</p> <p>Section 113BB(2)(b) to (d).</p> <p>In section 119—</p> <p>(a) in subsection (2), the words “or for the purposes of section 24 of the Safeguarding Vulnerable Groups Act 2006”, and</p> <p>(b) subsection (8)(c).</p> <p>Section 119B(5)(d) and (e).</p> <p>In section 120A—</p> <p>(a) subsection (3A)(b) and (c),</p> <p>(b) subsections (3B) and (3C), and</p> <p>(c) in subsection (3D), the words from “, except” to the end of the subsection.</p>
Safeguarding Vulnerable Groups Act 2006	<p>Section 4(1)(a).</p> <p>In section 5(4)—</p> <p>(a) the words “section 10(3);”, and</p> <p>(b) the words “paragraph 4 of Schedule 6”.</p> <p>Section 6(8)(c).</p> <p>Section 7(5)(b) and (c).</p> <p>Section 8.</p> <p>Section 9(5)(b) and (c).</p> <p>Sections 10 to 17.</p> <p>In section 18(1) and (2)—</p> <p>(a) the words “, 10, 11, 23, 27”, and</p> <p>(b) the words “or Schedule 6”.</p> <p>In section 19—</p> <p>(a) subsections (1), (3), (4), (6) and (7),</p> <p>(b) subsection (8)(b) and (c), and</p> <p>(c) subsection (9).</p> <p>Section 20(2) to (7).</p> <p>Sections 21 to 27.</p> <p>In section 35—</p> <p>(a) subsection (1)(b), and</p> <p>(b) subsection (6).</p> <p>In section 36—</p> <p>(a) in subsection (1), the words “or controlled activity”, and</p> <p>(b) in subsection (3)(a), the words “or controlled”.</p> <p>In section 37—</p> <p>(a) subsection (2)(b),</p> <p>(b) in subsection (2)(d), the words “or controlled”,</p>

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- (c) in subsections (4) and (5), the words “or controlled”.

In section 39—

- (a) in subsections (1) and (5), the word “prescribed”, and
- (b) in subsection (4)(a), the words “or controlled activity”.

In section 41—

- (a) in subsections (1) and (5), the word “prescribed”, and
- (b) in subsection (4)(a), the words “or controlled activity”.

In section 43(6)(a), the words “of entry 1 or 8”.

Section 44.

In section 45—

- (a) in subsections (1) and (5), the word “prescribed”,
- (b) in subsection (4)(a), the words “or controlled activity”, and
- (c) subsection (6).

In section 47—

- (a) subsection (2)(b) to (e),
- (b) subsection (3)(b) to (e), and
- (c) subsection (5).

In section 48(1)—

- (a) in paragraph (a), the word “newly”, and
- (b) paragraph (c) and the word “or” before it.

In section 49(1)—

- (a) in paragraph (a), the word “newly”, and
- (b) paragraph (c) and the word “or” before it.

Section 51(5)(b).

In section 54—

- (a) subsection (2)(a),
- (b) in subsection (3), paragraph (b) (but not the word “or” at the end of it),
- (c) in subsection (4), paragraph (b) (but not the word “or” at the end of it), and
- (d) subsection (5).

In section 56—

- (a) subsection (1),
- (b) subsection (2)(c),
- (c) in subsection (2)(d) and (e), the words “or (8)”, and
- (d) subsection (3)(b) to (f), (j), (n), (s) and (t).

In section 57(1)(c), the word “prescribed”.

Section 59.

*Status: Point in time view as at 31/01/2017.*

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In section 60—

- (a) in subsection (1), in paragraph (b) of the definition of “personnel supplier”, the words “or controlled”, and
- (b) subsection (3).

In section 61(3)—

- (a) paragraphs (b) to (e), and
- (b) paragraph (j) and the word “or” before it.

In Schedule 3—

- (a) paragraph 19(1)(d),
- (b) in paragraph 19(6) the words from “which” to “it is” and the words “or paragraph 20(2)”, and
- (c) paragraph 24(8) and (9).

In Schedule 4—

- (a) paragraph 1(8),
- (b) paragraph 1(9B)(a),
- (c) in paragraph 1(9B)(f), the words “18B or”,
- (d) in paragraph 1(9B)(m), the words “48 or”,
- (e) paragraph 1(9B)(p) to (t),
- (f) paragraph 1(10)(a), (ba), (d) and (e),
- (g) paragraph 1(12A),
- (h) paragraph 1(13A),
- (i) paragraph 2(1)(d) and (2)(d),
- (j) paragraph 3(1)(c),
- (k) paragraph 4 (including the italic cross-heading before it),
- (l) paragraph 7(4),
- (m) in paragraph 7(5), the words “or (4)”,
- (n) in paragraph 7(7)(f), the words “English local authority social services or”,
- (o) paragraph 7(8A),
- (p) paragraph 8, and
- (q) in paragraph 10(2), the words “or 7(1)(a), (b), (c), (d) or (g)” and, in paragraph (b), the words “or vulnerable adults (as the case may be)”.

Schedules 5 and 6.

In Schedule 7—

- (a) in paragraph 1, entries 3, 4, 7, 8, 17 and 19 in the table,
- (b) in paragraph 3(1), paragraph (b) and the word “or” before it, and
- (c) paragraph 3(3).

In Schedule 8, paragraph 5 (including the italic cross-heading before it).

In Schedule 9, paragraph 14(7)(c).

Safeguarding Vulnerable Groups In Article 2—

- (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11))
- (a) in the first paragraph (2), the definition of “institution of further education” and, in sub-

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paragraph (b) of the definition of “personnel supplier”, the words “or controlled”, and  
(b) paragraph (3).

Article 3.

Article 8(1)(a).

Article 9(4)(c) and (e).

Article 10(8)(a) and (c).

Article 11(5)(b) and (c).

Article 12.

Article 13(5)(b) and (c).

Articles 14 to 21.

In Article 22(1) and (2)—

(a) the words “, 14, 15, 27, 31” and

(b) the words “or Schedule 4”.

Article 23—

(a) paragraphs (1), (3), (4), (6) and (7),

(b) paragraph (8)(b) and (c), and

(c) paragraph (9).

Article 24(2) to (7).

Articles 25 to 27 (and the italic cross-heading before them).

Articles 28 to 31 (and the italic cross-heading before them).

In Article 37—

(a) paragraph (1)(b), and

(b) paragraph (6).

In Article 38—

(a) in paragraph (1), the words “or controlled activity”, and

(b) in paragraph (3)(a), the words “or controlled”.

In Article 39—

(a) paragraph (2)(b),

(b) in paragraph (2)(d), the words “or controlled”, and

(c) in paragraphs (4) and (5), the words “or controlled”.

In Article 41—

(a) in paragraphs (1) and (5), the word “prescribed”, and

(b) in paragraph (4)(a), the words “or controlled activity”.

In Article 43—

(a) in paragraphs (1) and (5), the word “prescribed”,

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- (b) in paragraph (4)(a), the words “or controlled activity”, and
- (c) paragraphs (4A) to (4C).

Article 46.

In Article 47—

- (a) in paragraphs (1) and (5), the word “prescribed”,
- (b) in paragraph (4)(a), the words “or controlled activity”, and
- (c) paragraph (6).

In Article 49—

- (a) paragraph (2)(b) to (e),
- (b) paragraph (3)(b) to (e), and
- (c) paragraph (5).

In Article 50(1)—

- (a) in sub-paragraph (a), the word “newly”, and
- (b) sub-paragraph (c) and the word “or” before it.

In Article 51(1)—

- (a) in sub-paragraph (a), the word “newly”, and
- (b) sub-paragraph (c) and the word “or” before it.

Article 53(5)(b).

In Article 56—

- (a) paragraph (2)(a),
- (b) in paragraph (3), sub-paragraph (b) (but not the word “or” at the end of it),
- (c) in paragraph (4), sub-paragraph (b) (but not the word “or” at the end of it), and
- (d) paragraph (5).

In Article 57(1)(c), the word “prescribed”.

In Schedule 1—

- (a) paragraph 19(1)(d),
- (b) in paragraph 19(6), the words from “which” to “it is” and the words “or paragraph 20(2)”, and
- (c) paragraph 24(8) and (9).

In Schedule 2—

- (a) paragraph 1(7),
- (b) paragraph 2(1)(d) and (2)(d),
- (c) paragraph 4,
- (d) paragraph 7(4),
- (e) in paragraph 7(5), the word “, (4)”,
- (f) paragraph 7(9),
- (g) paragraph 8, and
- (h) in paragraph 10(2), the words “or 7(1)(a), (b), (c), (d) or (g)” and, in paragraph (b), the words “or vulnerable adults (as the case may be)”.

Schedules 3 and 4.

In Schedule 5—

*Status: Point in time view as at 31/01/2017.*

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	(a) in paragraph 1, entries 3, 4, 7, 8, 17 and 19 in the table,
	(b) in paragraph 3(1), paragraph (b) and the word “or” before it, and
	(c) paragraph 3(3).
	In Schedule 6, paragraph 5 (including the italic cross-heading before it).
Health and Social Care Act 2008	In Schedule 5, paragraphs 92 and 93.
Education and Skills Act 2008	Section 147(8).
	In Schedule 1, paragraphs 41(3) and 89 (including the italic cross-heading before paragraph 89).
The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912)	In Schedule 1, paragraph 21.
Health Act 2009	In Schedule 1, paragraphs 14 and 15.
Apprenticeships, Skills, Children and Learning Act 2009	In Schedule 12, paragraph 43.
Policing and Crime Act 2009	In section 81(3)(m)— (a) in sub-paragraph (i), the words “, 6, 15, 25”, (b) sub-paragraph (v), and (c) sub-paragraph (vi) (but not the word “and” at the end of it).
	Sections 82 to 87.
	Sections 89, 90 and 92.
	In Part 8 of Schedule 8, the entry relating to the Safeguarding Vulnerable Groups Act 2006.
The Police Act 1997 (Criminal Records) (Electronic Communications) Order 2009 (S.I. 2009/203)	Articles 12 to 15.
The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182)	Article 1(6)(e). In Schedule 5, paragraph 9 (and the heading before it) and Part 3.
The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009 (S.I. 2009/2610)	Article 26. Part 8. Articles 28, 29 and 30(a).
The Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 304/2009)	Articles 10, 24 and 25.

*Status: Point in time view as at 31/01/2017.*

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The Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 305/2009) Article 7(4).

The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813) Article 19(3), (4) and (5).

Safeguarding Vulnerable Groups Act 2006 (Controlled Activity and Miscellaneous Provisions) Regulations 2010 (S.I. 2010/1146) Regulation 4(2).  
Regulation 8.

The Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Devolution and Miscellaneous Provisions) Order 2010 (S.I. 2010/1154) Article 3(5) and (6).  
Article 5.  
Article 7(4).  
Articles 8 and 11.

The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158) In Schedule 2, paragraph 62 (and the heading before it).

Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 30/2010) Articles 6, 9, 11, 14, 16, 17, 18, 19, 20 and 21.  
Article 22(a) and the word “and” at the end of it.  
Article 24.

## PART 6

### CRIMINAL RECORDS

#### Modifications etc. (not altering text)

- C10** Sch. 10 Pt. 6 extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(2) (3) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Guernsey\) \(Amendment\) Order 2012 \(S.I. 2012/1762\)](#), art. 4(6), **Sch. 5**
- C11** Sch. 10 Pt. 6 extended (Jersey) (with modifications) (17.10.2012 coming into force in accordance with art. 1(2)(3)) by [The Police Act 1997 \(Criminal Records\) \(Jersey\) \(Amendment\) Order 2012 \(S.I. 2012/2591\)](#), art. 1(2)(3)4(1)(5), **Sch. 5** (with art. 5)
- C12** Sch. 10 Pt. 6 extended (Isle of Man) (with modifications) (with effect in accordance with art. 1(3)(4) of the amending S.I.) by [The Police Act 1997 \(Criminal Records\) \(Isle of Man\) \(Amendment\) Order 2012 \(S.I. 2012/2598\)](#), arts. 1(2), 4(5), **Sch. 5**

#### Commencement Information

- I240** Sch. 10 Pt. 6 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) for specified purposes by [S.I. 2012/2234](#), art. 2(cc)
- I241** Sch. 10 Pt. 6 in force at 17.6.2013 in so far as not already in force by [S.I. 2013/1180](#), art. 2(f)



*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

<i>Short title</i>	<i>Extent of repeal</i>
Police Act 1997	Section 113A(4). In section 113B— (a) in subsection (4), the words “, in the chief officer's opinion”, (b) subsections (5) and (6), and (c) in subsection (9), the definition of “relevant police force”. In section 119B— (a) subsection (5)(a), and (b) in subsection (5)(c), the words from “or disclosed” to the end. In section 120(2), paragraph (c) and the word “and” before it. Section 122(3A)(a). In section 124— (a) in subsection (4)(b), the words “(5) or”, and (b) subsection (5). In section 124A(1)(c), the words “or registered person”.
Safeguarding Vulnerable Groups Act 2006	In Schedule 9, paragraph 14(5) and (6).
Policing and Crime Act 2009	Section 93.

## PART 7

### FREEDOM OF INFORMATION

#### Commencement Information

**I242** Sch. 10 Pt. 7 in force at 1.7.2012 for specified purposes by S.I. 2012/1205, art. 3(cc)

<i>Short title</i>	<i>Extent of repeal</i>
Freedom of Information Act 2000	In section 6(1), at the end of paragraph (a), the word “or”. Section 80A.
Constitutional Reform and Governance Act 2010	In Schedule 7, paragraph 6.

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

## PART 8

### THE INFORMATION COMMISSIONER

#### Commencement Information

**I243** Sch. 10 Pt. 8 in force at 16.3.2015 for specified purposes by S.I. 2015/587, art. 2(c)

<i>Short title</i>	<i>Extent of repeal or revocation</i>
Data Protection Act 1998	In section 51(8), the words “with the consent of the Secretary of State”.  In Schedule 5— (a) paragraph 2(4) and (5), and (b) paragraph 4(5).
Freedom of Information Act 2000	Section 18(5) to (7).  In section 47(4), the words “with the consent of the Secretary of State”.
The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887)	In Schedule 2, in paragraph 12(1)(a), the word “, 47”.

## PART 9

### TRAFFICKING PEOPLE FOR EXPLOITATION

#### Commencement Information

**I244** Sch. 10 Pt. 9 in force at 6.4.2013 by S.I. 2013/470, art. 2(f) (with arts. 3(a), 4-8)

<i>Short title</i>	<i>Extent of repeal</i>
Sexual Offences Act 2003	Section 60(2).
Asylum and Immigration (Treatment of Claimants, etc) Act 2004	In section 4(4)(b), the words “under the Human Organ Transplants Act 1989 (c. 31) or”.  In section 5— (a) subsection (1), (b) in subsection (11), the words “In so far as section 4 extends to England and Wales,”, and (c) subsections (12) and (13).
UK Borders Act 2007	Section 31.

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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)*

## PART 10

### REPEAL OF PROVISIONS FOR CONDUCTING CERTAIN FRAUD CASES WITHOUT JURY

<i>Short title</i>	<i>Extent of repeal</i>
Criminal Justice Act 1987	In section 9(11), the words “43 or” (so far as inserted into that section).
Criminal Procedure Investigations Act 1996	and In section 35(1), the words “43 or” (so far as inserted into that section).
Criminal Justice Act 2003	Section 43. In section 45— (a) in subsection (1), paragraph (a) and the word “and” at the end of the paragraph, and (b) in subsections (5) and (9), the words “43 or”. In section 46(7), the words “43 or”. In section 48(1), the word “43.”. Section 330(5)(b).

PROSPECTIVE

## PART 11

### REMOVAL OF RESTRICTIONS ON TIMES FOR MARRIAGE OR CIVIL PARTNERSHIP

<i>Short title</i>	<i>Extent of repeal</i>
Marriage Act 1949	Section 4. Section 75(1)(a).
Civil Partnership Act 2004	In section 17(2), the words “between 8 o'clock in the morning and 6 o'clock in the evening”. Section 31(2)(ab).

**Status:**

Point in time view as at 31/01/2017.

**Changes to legislation:**

Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 22 June 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.