



Protection of Freedoms Act 2012

CHAPTER 9

PROTECTION OF FREEDOMS ACT 2012

PART 1

REGULATION OF BIOMETRIC DATA

CHAPTER 1

DESTRUCTION, RETENTION AND USE OF FINGERPRINTS ETC.

Destruction rule for fingerprints and DNA profiles subject to PACE

1 Destruction of fingerprints and DNA profiles

Modification of rule for particular circumstances

- 2 Material retained pending investigation or proceedings
- 3 Persons arrested for or charged with a qualifying offence
- 4 Persons arrested for or charged with a minor offence
- 5 Persons convicted of a recordable offence
- 6 Persons convicted of an offence outside England and Wales
- 7 Persons under 18 convicted of first minor offence
- 8 Persons given a penalty notice
- 9 Material retained for purposes of national security
- 10 Material given voluntarily
- 11 Material retained with consent
- 12 Material obtained for one purpose and used for another
- 13 Destruction of copies

Destruction rules for samples and impressions of footwear subject to PACE

- 14 Destruction of samples

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15 Destruction of impressions of footwear

Supplementary provision for material subject to PACE

16 Use of retained material

17 Exclusions for certain regimes

18 Interpretation and minor amendments of PACE

Amendments of regimes other than PACE

19 Amendments of regimes other than PACE

The Commissioner for the Retention and Use of Biometric Material

20 Appointment and functions of Commissioner

21 Reports by Commissioner

Other provisions

22 Guidance on making national security determinations

23 Inclusion of DNA profiles on National DNA Database

24 National DNA Database Strategy Board

25 Material taken before commencement

CHAPTER 2

PROTECTION OF BIOMETRIC INFORMATION OF CHILDREN IN SCHOOLS ETC.

26 Requirement to notify and obtain consent before processing biometric information

27 Exceptions and further provision about consent and notification

28 Interpretation: Chapter 2

PART 2

REGULATION OF SURVEILLANCE

CHAPTER 1

REGULATION OF CCTV AND OTHER SURVEILLANCE CAMERA TECHNOLOGY

Code of practice

29 Code of practice for surveillance camera systems

Procedural requirements

30 Issuing of code

31 Alteration or replacement of code

32 Publication of code

Enforcement and Commissioner

33 Effect of code

34 Commissioner in relation to code

35 Reports by Commissioner

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Interpretation

- 36 Interpretation: Chapter 1

CHAPTER 2

SAFEGUARDS FOR CERTAIN SURVEILLANCE UNDER RIPA

- 37 Judicial approval for obtaining or disclosing communications data
38 Judicial approval for directed surveillance and covert human intelligence sources

PART 3

PROTECTION OF PROPERTY FROM DISPROPORTIONATE ENFORCEMENT ACTION

CHAPTER 1

POWERS OF ENTRY

Repealing, adding safeguards or rewriting powers of entry

- 39 Repealing etc. unnecessary or inappropriate powers of entry
40 Adding safeguards to powers of entry
41 Rewriting powers of entry
42 Duty to review certain existing powers of entry
43 Consultation requirements before modifying powers of entry
44 Procedural and supplementary provisions
45 Devolution: Scotland and Northern Ireland
46 Sections 39 to 46: interpretation

Codes of practice in relation to powers of entry

- 47 Code of practice in relation to non-devolved powers of entry
48 Issuing of code
49 Alteration or replacement of code
50 Publication of code
51 Effect of code
52 Sections 47 to 51: interpretation
53 Corresponding code in relation to Welsh devolved powers of entry

CHAPTER 2

VEHICLES LEFT ON LAND

Offence of immobilising etc. vehicles

- 54 Offence of immobilising etc. vehicles

Alternative remedies in relation to vehicles left on land

- 55 Extension of powers to remove vehicles from land
56 Recovery of unpaid parking charges

PART 4

COUNTER-TERRORISM POWERS

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Pre-charge detention of terrorist suspects

- 57 Maximum detention period of 14 days
- 58 Emergency power for temporary extension and review of extensions

Stop and search powers: general

- 59 Repeal of existing stop and search powers
- 60 Replacement powers to stop and search persons and vehicles
- 61 Replacement powers to stop and search in specified locations
- 62 Code of practice

Stop and search powers: Northern Ireland

- 63 Stop and search powers in relation to Northern Ireland

PART 5

SAFEGUARDING VULNERABLE GROUPS, CRIMINAL RECORDS ETC.

CHAPTER 1

SAFEGUARDING OF VULNERABLE GROUPS

Restrictions on scope of regulation: England and Wales

- 64 Restriction of scope of regulated activities: children
- 65 Restriction of definition of vulnerable adults
- 66 Restriction of scope of regulated activities: vulnerable adults
- 67 Alteration of test for barring decisions

Abolition of other areas of regulation: England and Wales

- 68 Abolition of controlled activity
- 69 Abolition of monitoring

Main amendments relating to new arrangements: England and Wales

- 70 Information for purposes of making barring decisions
- 71 Review of barring decisions
- 72 Information about barring decisions
- 73 Duty to check whether person barred
- 74 Restrictions on duplication with Scottish and Northern Ireland barred lists

Other amendments relating to new arrangements: England and Wales

- 75 Professional bodies
- 76 Supervisory authorities
- 77 Minor amendments

Corresponding amendments relating to Northern Ireland

- 78 Corresponding amendments in relation to Northern Ireland

CHAPTER 2

CRIMINAL RECORDS

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Safeguards in relation to certificates

- 79 Restriction on information provided to certain persons
- 80 Minimum age for applicants for certificates or to be registered
- 81 Additional grounds for refusing an application to be registered
- 82 Enhanced criminal record certificates: additional safeguards

Up-dating and content of certificates

- 83 Up-dating certificates
- 84 Criminal conviction certificates: conditional cautions

Other

- 85 Inclusion of cautions etc. in national police records
- 86 Out of date references to certificates of criminal records

CHAPTER 3

THE DISCLOSURE AND BARRING SERVICE

General

- 87 Formation and constitution of DBS
- 88 Transfer of functions to DBS and dissolution of ISA

Supplementary

- 89 Orders under section 88
- 90 Transfer schemes in connection with orders under section 88
- 91 Tax in connection with transfer schemes

CHAPTER 4

DISREGARDING CERTAIN CONVICTIONS FOR BUGGERY ETC.: ENGLAND AND WALES

General

- 92 Power of Secretary of State to disregard convictions or cautions
- 93 Applications to the Secretary of State
- 94 Procedure for decisions by the Secretary of State

Effect of disregard

- 95 Effect of disregard on police and other records
- 96 Effect of disregard for disclosure and other purposes
- 97 Saving for Royal pardons etc.
- 98 Section 96: supplementary

Appeals and other supplementary provision

- 99 Appeal against refusal to disregard convictions or cautions
- 100 Advisers
- 101 Interpretation: Chapter 4

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CHAPTER 5

DISREGARDING CERTAIN CONVICTIONS FOR BUGGERY ETC: NORTHERN IRELAND

General

- 101A Power of Department of Justice to disregard certain convictions or cautions
- 101B Applications to the Department of Justice
- 101C Procedure for decisions by the Department of Justice

Effect of disregard

- 101D Effect of disregard on police and other records
- 101E Effect of disregard for disclosure and other purposes
- 101F Saving for Royal pardons etc
- 101G Section 101E: supplementary

Appeals and other supplementary provision

- 101H Appeal against refusal to disregard convictions or caution
- 101I Advisers
- 101J Interpretation: Chapter 5

PART 6

FREEDOM OF INFORMATION AND DATA PROTECTION

Publication of certain datasets

- 102 Release and publication of datasets held by public authorities

Other amendments relating to freedom of information

- 103 Meaning of “publicly-owned company”
- 104 Extension of certain provisions to Northern Ireland bodies

The Information Commissioner

- 105 Appointment and tenure of Information Commissioner
- 106 Alteration of role of Secretary of State in relation to guidance powers
- 107 Removal of Secretary of State consent for fee-charging powers etc.
- 108 Removal of Secretary of State approval for staff numbers, terms etc.

PART 7

MISCELLANEOUS AND GENERAL

Trafficking people for exploitation

- 109 Trafficking people for sexual exploitation
- 110 Trafficking people for labour and other exploitation

Stalking

- 111 Offences in relation to stalking
- 112 Power of entry in relation to stalking

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Miscellaneous repeals of enactments

- 113 Repeal of provisions for conducting certain fraud cases without jury
- 114 Removal of restrictions on times for marriage or civil partnership

General

- 115 Consequential amendments, repeals and revocations
- 116 Transitional, transitory or saving provision
- 117 Financial provisions
- 118 Channel Islands and Isle of Man
- 119 Extent
- 120 Commencement
- 121 Short title

SCHEDULES

- SCHEDULE 1 — 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...
 - Part 2 — MATERIAL SUBJECT TO THE INTERNATIONAL CRIMINAL COURT ACT 2001
 - 2 In Schedule 4 of the International Criminal Court Act 2001...
 - Part 3 — MATERIAL SUBJECT TO SECTION 18 OF THE COUNTER-TERRORISM ACT 2008
 - 3 The Counter-Terrorism Act 2008 is amended as follows.
 - 4 For section 18 (material not subject to existing statutory restrictions)...
 - 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...
 - Part 5 — MATERIAL SUBJECT TO THE CRIMINAL PROCEDURE (SCOTLAND) ACT 1995
 - 6 (1) The Criminal Procedure (Scotland) Act 1995 is amended as...
 - Part 6 — MATERIAL SUBJECT TO THE POLICE AND CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1989
 - 7 (1) This paragraph applies to the following material—
 - Part 7 — CORRESPONDING NORTHERN IRELAND PROVISION FOR EXCEPTED OR RESERVED MATTERS ETC.
 - 8 (1) The Secretary of State may make an order under...
- SCHEDULE 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...

Merchant Shipping Act 1995

- 2 (1) Omit section 258(4) of the Merchant Shipping Act 1995...

Environment Act 1995

- 3 (1) Section 108(15) of the Environment Act 1995 (powers of...

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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...

Milk (Cessation of Production) Act 1985

- 5 (1) Omit section 2(1) of the Milk (Cessation of Production)...

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

- 6 (1) Omit regulation 8 of the Cereals Co-responsibility Levy Regulations...

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

- 7 (1) Omit regulation 5 of the Oilseeds Producers (Support System)...

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

- 8 (1) Omit regulation 5 of the Older Cattle (Disposal) (England)...

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...

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...

Hypnotism Act 1952

- 11 (1) Omit section 4 of the Hypnotism Act 1952 (constable's...

Landlord and Tenant Act 1985

- 12 (1) Omit section 8(2) of the Landlord and Tenant Act...

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

- 13 (1) Omit regulation 24(6) of the Gas Appliances (Safety) Regulations...

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

- 14 (1) Omit paragraph 2(2)(a), (b) and (c) of Schedule 2...

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

- 15 (1) Omit regulation 83 of the Payment Services Regulations 2009...

SCHEDULE 3 — Corresponding code of practice for Welsh devolved powers of entry

Code of practice

- 1 (1) The Welsh Ministers may prepare a code of practice...

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Issuing of code

- 2 (1) The Welsh Ministers must lay before the National Assembly...

Alteration or replacement of code

- 3 (1) The Welsh Ministers— (a) must keep the devolved powers...

Publication of code

- 4 (1) The Welsh Ministers must publish any code issued under...

Effect of code

- 5 (1) A relevant person must have regard to the devolved...

Interpretation

- 6 In this Schedule— “the devolved powers of entry code” has...

SCHEDULE 4 — Recovery of unpaid parking charges

Introductory

- 1 (1) This Schedule applies where— (a) the driver of a...
2 (1) In this Schedule— “the appropriate national authority” means— in...
3 (1) In this Schedule “relevant land” means any land (including...

Right to claim unpaid parking charges from keeper of vehicle

- 4 (1) The creditor has the right to recover any unpaid...

Conditions that must be met for purposes of paragraph 4

- 5 (1) The first condition is that the creditor—
6 (1) The second condition is that the creditor (or a...
7 (1) A notice which is to be relied on as...
8 (1) A notice which is to be relied on as...
9 (1) A notice which is to be relied on as...
10 (1) The appropriate national authority may by regulations made by...
11 (1) The third condition is that— (a) the creditor (or...
12 (1) The fourth condition is that any applicable requirements prescribed...

Hire vehicles

- 13 (1) This paragraph applies in the case of parking charges...
14 (1) If— (a) the creditor is by virtue of paragraph...

Application to Crown vehicles etc

- 15 (1) The provisions of this Schedule apply to—

Power to amend Schedule

- 16 (1) The appropriate national authority may by order made by...

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Parliamentary procedure

- 17 (1) A statutory instrument containing regulations under any provision of...

SCHEDULE 5 — Replacement powers to stop and search: supplementary provisions

After Schedule 6A to the Terrorism Act 2000 insert— SCHEDULE...

SCHEDULE 6 — Stop and search powers: Northern Ireland

- 1 (1) Paragraph 4 of Schedule 3 to the Justice and...
- 2 After paragraph 4 of that Schedule to that Act insert—...
- 3 In paragraph 9(1) of that Schedule to that Act (offence...

SCHEDULE 7 — Safeguarding of vulnerable groups: Northern Ireland

Restriction of scope of regulated activities: children

- 1 (1) Parts 1 and 3 of Schedule 2 to the...

Restriction of definition of vulnerable adults

- 2 (1) In Article 2 of the Safeguarding Vulnerable Groups (Northern...

Restriction of scope of regulated activities: vulnerable adults

- 3 (1) Parts 2 and 3 of Schedule 2 to the...

Alteration of test for barring decisions

- 4 (1) For sub-paragraphs (2) and (3) of paragraph 1 of...

Abolition of controlled activity

- 5 Omit Articles 25 to 27 of the Safeguarding Vulnerable Groups...

Abolition of monitoring

- 6 Omit Articles 28 to 31 of the Safeguarding Vulnerable Groups...

Information for purposes of making barring decisions

- 7 (1) In paragraph 19 of Schedule 1 to the Safeguarding...

Review of barring decisions

- 8 After paragraph 18 of Schedule 1 to the Safeguarding Vulnerable...

Information about barring decisions

- 9 (1) For Articles 32 to 34 of the Safeguarding Vulnerable...

Duty to check whether person barred

- 10 After Article 36 of the Safeguarding Vulnerable Groups (Northern Ireland)...

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

11 (1) Before paragraph 6 of Schedule 1 to the Safeguarding...

Professional bodies

12 (1) In Article 43 of the Safeguarding Vulnerable Groups (Northern...

Supervisory authorities

13 (1) In Article 47 of the Safeguarding Vulnerable Groups (Northern...

Minor amendments

14 (1) Omit section 90(2) of the Policing and Crime Act...

SCHEDULE 8 — Disclosure and Barring Service

Membership

1 (1) DBS is to consist of— (a) a person who...

Terms of appointment of members

2 (1) Subject as follows, an appointed member holds and vacates...

Remuneration etc: members

3 (1) DBS may pay to the person who has the...

Staff

4 (1) DBS must appoint a person to be chief executive....

Remuneration, pensions etc of staff

5 (1) DBS may pay to its staff such remuneration and...

Delegation of functions

6 DBS may, to such extent as it may decide, delegate...

7 DBS may, to such extent as it may decide, delegate...

8 (1) In this Schedule a core function is—

Business plans

9 (1) As soon as possible after the beginning of each...

Reports

10 (1) As soon as possible after the end of each...

Funding

11 The Secretary of State may make payments to DBS of...

Accounts

12 (1) DBS must keep its accounts in such form as...

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Guidance

- 13 (1) The Secretary of State may, from time to time,...

Directions

- 14 (1) The Secretary of State may give directions in writing...

Status

- 15 (1) DBS is not to be regarded—

Use of information

- 16 Information obtained by DBS in connection with the exercise of...

Payments in connection with maladministration

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

Incidental powers

- 18 (1) In connection with the exercise of any of its...

Documents

- 19 A document purporting to be signed on behalf of DBS...

Transitional

- 20 (1) The Secretary of State (instead of DBS) may—

SCHEDULE 9 — 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...

Northern Ireland Assembly Disqualification Act 1975

- 2 In Part 3 of Schedule 1 to the Northern Ireland...

Police and Criminal Evidence Act 1984

- 3 (1) The Police and Criminal Evidence Act 1984 is amended...

Crime and Security Act 2010

- 4 (1) The Crime and Security Act 2010 is amended as...

Part 2 — THE SURVEILLANCE CAMERA COMMISSIONER

House of Commons Disqualification Act 1975

- 5 In Part 3 of Schedule 1 to the House of...

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...

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- 7 In section 22(6) (duty of postal or telecommunications operator to...
- 8 After section 23(2) (form and duration of authorisations and notices...
- 9 (1) Section 43 (general rules about grant, renewal and duration...
- 10 (1) Section 57 (Interception of Communications Commissioner) is amended as...
- 11 After section 62(2) (functions of Chief Surveillance Commissioner) insert—
- 12 (1) Section 65 (the Tribunal) is amended as follows.
- 13 In section 67(7) (powers of the Tribunal), at the end...
- 14 In section 71(2) (issue and revision of codes of practice)...
- 15 After section 77 (Ministerial expenditure etc.) insert— Procedure for order...
- 16 In section 78 (orders, regulations and rules)—
- 17 After section 81(8) (general interpretation) insert— (9) References in this...

Part 4 — VEHICLES LEFT ON LAND

Road Traffic Regulation Act 1984

- 18 (1) Section 102 of the Road Traffic Regulation Act 1984...

Airports Act 1986

- 19 (1) Section 66 of the Airports Act 1986 (functions of...

Private Security Industry Act 2001

- 20 (1) The Private Security Industry Act 2001 is amended as...
- Part 5 — COUNTER-TERRORISM POWERS

Police and Criminal Evidence Act 1984

- 21 After section 66(2) of the Police and Criminal Evidence Act...

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...

Terrorism Act 2000

- 23 The Terrorism Act 2000 is amended as follows.
- 24 In the italic cross-heading before section 40, after “Suspected terrorists”...
- 25 (1) Section 123 (orders and regulations) is amended as follows....
- 26 (1) Schedule 8 (detention) is amended as follows.

Regulation of Investigatory Powers Act 2000

- 27 In paragraph 6(3) of Schedule 2 to the Regulation of...

Criminal Justice and Police Act 2001

- 28 In Part 1 of Schedule 1 to the Criminal Justice...
- 29 In Part 2 of that Schedule to that Act (powers...

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Police Reform Act 2002

- 30 In paragraph 15(1) of Schedule 4 to the Police Reform...

Police (Northern Ireland) Act 2003

- 31 In paragraph 16 of Schedule 2A to the Police (Northern...

Terrorism Act 2006

- 32 In section 36 of the Terrorism Act 2006 (review of...

Counter-Terrorism Act 2008

- 33 In section 1(1) of the Counter-Terrorism Act 2008 (power to...

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

- 34 The Terrorism Act 2000 (Remedial) Order 2011 is revoked.
Part 6 — SAFEGUARDING OF VULNERABLE GROUPS

Police Act 1997

- 35 The Police Act 1997 is amended as follows.
36 In section 113A (criminal record certificates) omit subsection (10).
37 In section 113B (enhanced criminal record certificates) omit subsection (13)....
38 In section 113BA(2) (suitability information relating to children) omit paragraphs...
39 In section 113BB(2) (suitability information relating to vulnerable adults) omit...
40 (1) Section 119 (sources of information) is amended as follows....
41 In section 119B(5) (independent monitor) omit paragraphs (d) and (e)....
42 (1) Section 120A (refusal and cancellation of registration on grounds...

Safeguarding Vulnerable Groups Act 2006

- 43 The Safeguarding Vulnerable Groups Act 2006 is amended as follows....
44 In section 4(1) (appeals)— (a) omit paragraph (a),
45 In section 5(4) (regulated activity)— (a) omit “section 10(3);”, and...
46 In section 6(8) (regulated activity providers)— (a) in paragraph (a),...
47 In section 7(5) (barred person not to engage in regulated...
48 Omit section 8 (person not to engage in regulated activity...
49 In section 9(5) (use of barred person for regulated activity)...
50 Omit section 10 (use of person not subject to monitoring...
51 Omit section 11 and Schedule 5 (regulated activity provider: failure...
52 Omit section 12 and Schedule 6 (personnel suppliers: failure to...
53 Omit section 13 (educational establishments: check on members of governing...
54 Omit section 14 (office holders: offences).
55 Omit section 15 (sections 13 and 14: checks).
56 Omit section 16 (exception to requirement to make monitoring check)....
57 Omit section 17 (NHS employment).
58 (1) Section 18 (offences: companies etc.) is amended as follows....
59 (1) Section 19 (offences: other persons) is amended as follows....
60 In section 20 (section 19: exclusions and defences) omit subsections...

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- 61 In section 35 (regulated activity providers: duty to refer)—
- 62 (1) Section 36 (personnel suppliers: duty to refer) is amended...
- 63 (1) Section 37 (regulated activity providers: duty to provide information...
- 64 In section 41(7) (registers: duty to refer), in the table,...
- 65 (1) Section 50A (provision of information to the police) is...
- 66 In section 51(5) (Crown application) omit paragraph (b).
- 67 (1) Section 54 (devolution: alignment) is amended as follows.
- 68 (1) Section 56 (devolution: Wales) is amended as follows.
- 69 In section 57(1)(c) (damages) omit “prescribed”.
- 70 (1) Section 60 (interpretation) is amended as follows.
- 71 In section 61(3) (orders and regulations)— (a) omit paragraphs (b)...
- 72 (1) Schedule 3 (barred lists) is amended as follows.
- 73 (1) Schedule 7 (vetting information) is amended as follows.
- 74 In Schedule 8 (transitional provisions) omit paragraph 5.

Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

- 75 The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351...
- 76 (1) Article 2 (interpretation) is amended as follows.
- 77 In Article 8(1) (appeals)— (a) omit sub-paragraph (a),
- 78 In Article 9(4) (regulated activity), omit sub-paragraphs (c) and (e)...
- 79 In Article 10(8) (regulated activity providers)— (a) omit sub-paragraphs (a)...
- 80 In Article 11(5) (barred person not to engage in regulated...
- 81 Omit Article 12 (person not to engage in regulated activity...
- 82 In Article 13(5) (use of barred person for regulated activity)...
- 83 Omit Article 14 (use of person not subject to monitoring...
- 84 Omit Article 15 and Schedule 3 (regulated activity provider: failure...
- 85 Omit Article 16 and Schedule 4 (personnel suppliers: failure to...
- 86 Omit Article 17 (educational establishments: check on members of governing...
- 87 Omit Article 18 (office holders: offences).
- 88 Omit Article 19 (Articles 17 and 18: checks).
- 89 Omit Article 20 (exception to requirement to make monitoring check)...
- 90 Omit Article 21 (HSS employment).
- 91 (1) Article 22 (offences: companies etc.) is amended as follows....
- 92 (1) Article 23 (offences: other persons) is amended as follows....
- 93 In Article 24 (Article 23: exclusions and defences), omit paragraphs...
- 94 In Article 37 (regulated activity providers: duty to refer)—
- 95 (1) Article 38 (personnel suppliers: duty to refer) is amended...
- 96 (1) Article 39 (regulated activity providers: duty to provide information...
- 97 (1) Article 52A (provision of information to the police) is...
- 98 In Article 53(5) (Crown application), omit sub-paragraph (b).
- 99 (1) Article 56 (alignment with rest of UK) is amended...
- 100 In Article 57(1)(c) (damages) omit “prescribed”.
- 101 (1) Schedule 1 (barred lists) is amended as follows.
- 102 (1) Schedule 5 (vetting information) is amended as follows.
- 103 In Schedule 6 (transitional provisions) omit paragraph 5.

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Police Act 1997

- 104 The Police Act 1997 is amended as follows.
- 105 In section 113BC(1) (suitability information: power to amend), after paragraph...
- 106 In section 114(3) (application of other provisions of Part 5...
- 107 In section 116(3) (application of other provisions of Part 5...
- 108 (1) Section 117 (disputes about accuracy of certificates) is amended...
- 109 (1) Section 118 (evidence of identity) is amended as follows....
- 110 (1) Section 119 (sources of information) is amended as follows....
- 111 (1) Section 119B (independent monitor) is amended as follows.
- 112 (1) Section 120 (registered persons) is amended as follows.
- 113 After section 122(1) (code of practice) insert—
- 114 Omit section 122(3A)(a) (power of Secretary of State to refuse...
- 115 (1) Section 124 (offences: disclosure) is amended as follows.
- 116 (1) Section 124A (offences relating to disclosure of information obtained...
- 117 After section 125B(2) (form of applications) insert—
- 118 In section 126(1) (interpretation of Part 5), in the definition...

Gambling Act 2005

- 119 In section 73(3) of the Gambling Act 2005 (procedure on...

National Health Service Act 2006

- 120 The National Health Service Act 2006 is amended as follows....
- 121 In section 129(6) (regulations as to pharmaceutical services), in paragraph...
- 122 In section 132(4) (persons authorised to provide pharmaceutical services), in...
- 123 In section 147A(3) (performers of pharmaceutical services and assistants), in...

National Health Service (Wales) Act 2006

- 124 The National Health Service (Wales) Act 2006 is amended as...
- 125 In section 72(3) (regulations as to general ophthalmic services), in...
- 126 In section 83(6) (regulations as to pharmaceutical services), in paragraph...
- 127 In section 86(4) (persons authorised to provide pharmaceutical services), in...
- 128 In section 105(3) (supplementary lists), in paragraph (g), for the...

Safeguarding Vulnerable Groups Act 2006

- 129 (1) Paragraph 19 of Schedule 3 to the Safeguarding Vulnerable...
Part 8 — THE DISCLOSURE AND BARRING SERVICE

Parliamentary Commissioner Act 1967

- 130 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments...

Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 11 April 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) View outstanding changes

House of Commons Disqualification Act 1975

131 (1) Schedule 1 to the House of Commons Disqualification Act...

Northern Ireland Assembly Disqualification Act 1975

132 (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act...

Freedom of Information Act 2000

133 In Part 6 of Schedule 1 to the Freedom of...
Part 9 — DISREGARDING CERTAIN CONVICTIONS FOR BUGGERY ETC.

Rehabilitation of Offenders Act 1974

134 (1) Section 1 of the Rehabilitation of Offenders Act 1974...

Police Act 1997

135 In section 113A(6) of the Police Act 1997 (criminal record...
Part 10 — TRAFFICKING PEOPLE FOR EXPLOITATION

Children and Young Persons Act 1933

136 In Schedule 1 to the Children and Young Persons Act...

Police and Criminal Evidence Act 1984

137 In section 65A of the Police and Criminal Evidence Act...

Proceeds of Crime Act 2002

138 In Schedule 2 to the Proceeds of Crime Act 2002...

Criminal Justice Act 2003

139 In Part 2 of Schedule 15 to the Criminal Justice...

Sexual Offences Act 2003

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

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

141 (1) The Asylum and Immigration (Treatment of Claimants, etc)...

Serious Crime Act 2007

142 In Part 1 of Schedule 1 to the Serious Crime...
Part 11 — STALKING

Protection from Harassment Act 1997

143 (1) The Protection from Harassment Act 1997 is amended as...

Crime and Disorder Act 1998

144 (1) Section 32 of the Crime and Disorder Act 1998...

Changes to legislation: Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 11 April 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) View outstanding changes

Criminal Justice and Police Act 2001

145 In Part 1 of Schedule 1 to the Criminal Justice...

Sexual Offences Act 2003

146 In Schedule 5 to the Sexual Offences Act 2003 (relevant...

Criminal Justice Act 2003

147 In Part 1 of Schedule 15 to the Criminal Justice...

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....

SCHEDULE 10 — Repeals and revocations

Part 1 — DESTRUCTION, RETENTION AND USE OF FINGERPRINTS ETC.

Part 2 — POWERS OF ENTRY

Part 3 — VEHICLES LEFT ON LAND

Part 4 — COUNTER-TERRORISM POWERS

Part 5 — SAFEGUARDING OF VULNERABLE GROUPS

Part 6 — CRIMINAL RECORDS

Part 7 — FREEDOM OF INFORMATION

Part 8 — THE INFORMATION COMMISSIONER

Part 9 — TRAFFICKING PEOPLE FOR EXPLOITATION

Part 10 — REPEAL OF PROVISIONS FOR CONDUCTING CERTAIN FRAUD
CASES WITHOUT JURY

Part 11 — REMOVAL OF RESTRICTIONS ON TIMES FOR MARRIAGE OR CIVIL
PARTNERSHIP

Changes to legislation:

Protection of Freedoms Act 2012 is up to date with all changes known to be in force on or before 11 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 1 para. 7(1) words substituted by [2013 c. 7 \(N.I.\) Sch. 3 para. 7\(2\)](#)
- Sch. 1 para. 7(3)(b) words substituted by [2019 c. 3 Sch. 2 para. 19](#)
- Sch. 1 para. 7(2) words substituted for Sch. 1 para. 7(2)(a)(b) by [2013 c. 7 \(N.I.\) Sch. 3 para. 7\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2012/2234 art. 13 by [S.I. 2014/831 art. 2\(2\)](#)
- specified provision(s) transitional provisions and savings for commencing S.I. 2013/1814 by [S.I. 2013/1813 art. 2-9](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)