

*Draft Order laid before Parliament under sections 48(1) and 51(9) of the Protection of Freedoms
Act 2012, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2015 No.

**POLICE, ENGLAND AND WALES
RIGHTS OF THE SUBJECT,
ENGLAND AND WALES
POWERS OF ENTRY**

The Protection of Freedoms Act 2012
(Code of Practice for Powers of Entry and
Description of Relevant Persons) Order 2015

*Made - - - - *****
Coming into force in accordance with article 1*

The Secretary of State:

(1) has, under section 47(1) of the Protection of Freedoms Act 2012⁽¹⁾, prepared a code of practice containing guidance about the exercise of powers of entry and associated powers;

(2) has consulted in accordance with sections 47(4) and 51(8) of that Act;

(3) has, in accordance with section 48(1)(a) of that Act, laid before Parliament the code of practice that has been prepared;

A draft of this Order has been laid before Parliament and approved by each House of Parliament in accordance with sections 48(1)(b) and (2) and 51(9);

The Secretary of State, in exercise of the powers conferred upon her by sections 48(2) and 51(5) of that Act, makes the following Order:

Citation and commencement

1. This Order may be cited as the Protection of Freedoms Act 2012 (Code of Practice for Powers of Entry and Description of Relevant Persons) Order 2015, and shall come into force on the seventh day after the day on which it is made.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Protection of Freedoms Act 2012 (Code of Practice for Powers of Entry and Description of Relevant Persons) Order 2015 No. 240

Powers of Entry Code of Practice

2. The Powers of Entry Code of Practice which was laid before Parliament on 8th December 2014 shall come into force on 6th April 2015.

Description of relevant persons

3. For the purposes of section 51 of the Protection of Freedoms Act 2012 (effect of code), “relevant person” means any person exercising a power of entry or associated power, other than a devolved power of entry or devolved associated power, unless such exercise is subject to a separate Code of Practice issued (however described) under any enactment (whenever passed or made).

Date

Name
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force a Code of Practice for powers of entry, which the Secretary of State is required to prepare, pursuant to section 47(1) of the Protection of Freedoms Act 2012. The purpose of this Code is to set out guidance about the exercise of powers of entry in order to ensure greater consistency in the exercise of such powers, and greater clarity for those affected by them.

Relevant persons, as described in article 3 of this Order, will be under a statutory duty to have regard to this Code when exercising any functions to which the Code relates.

Pursuant to section 50(1) of the Protection of Freedoms Act 2012, the Secretary of State will arrange for this Code to be published. The Code of Practice will also be available on the Home Office website.