



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 2

REGULATION OF SURVEILLANCE

CHAPTER 1

REGULATION OF CCTV AND OTHER SURVEILLANCE CAMERA TECHNOLOGY

Enforcement and Commissioner

33 Effect of code

- (1) A relevant authority must have regard to the surveillance camera 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 surveillance camera code does not of itself make that person liable to criminal or civil proceedings.
- (3) The surveillance camera 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 authority to have regard to the surveillance camera code in determining a question in any such proceedings.
- (5) In this section “relevant authority” means—
 - (a) a local authority within the meaning of the Local Government Act 1972,
 - (b) the Greater London Authority,
 - (c) the Common Council of the City of London in its capacity as a local authority,
 - (d) the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple, in their capacity as a local authority,
 - (e) the Council of the Isles of Scilly,

Changes to legislation: *Protection of Freedoms Act 2012, Section 33 is up to date with all changes known to be in force on or before 14 July 2019. 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*

- (f) a parish meeting constituted under section 13 of the Local Government Act 1972,
 - (g) a police and crime commissioner,
 - (h) the Mayor's Office for Policing and Crime,
 - (i) the Common Council of the City of London in its capacity as a police authority,
 - (j) any chief officer of a police force in England and Wales,
 - (k) any person specified or described by the Secretary of State in an order made by statutory instrument.
- (6) An order under subsection (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 subsection (5) contains a restriction of the kind mentioned in subsection (6)(a) in relation to a person, the duty in subsection (1) applies only to the person in that capacity or (as the case may be) only in relation to those functions.
- (8) Before making an order under subsection (5) in relation to any person or description of persons, the Secretary of State must consult—
- (a) such persons appearing to the Secretary of State to be representative of the views of the person or persons in relation to whom the order may be made as the Secretary of State considers appropriate,
 - (b) [^{F1}the National Police Chiefs' Council] ,
 - (c) the Information Commissioner,
 - (d) [^{F2}the Investigatory Powers Commissioner] ,
 - (e) the Surveillance Camera Commissioner,
 - (f) the Welsh Ministers, and
 - (g) such other persons as the Secretary of State considers appropriate.
- (9) No instrument containing an order under subsection (5) is to be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
- (10) If a draft of an instrument containing an order under subsection (5) would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.

Textual Amendments

- F1** Words in s. 33(8)(b) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), Sch. 14 paras. 6, **7(h)**; S.I. 2017/399, reg. 2, Sch. para. 41
- F2** Words in s. 33(8)(d) substituted (1.9.2017) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 para. 98** (with Sch. 9 paras. 7, 8, 10); S.I. 2017/859, reg. 2(j)

Commencement Information

- I1** S. 33 in force at 1.7.2012 by [S.I. 2012/1205](#), **art. 3(e)**

Changes to legislation:

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Changes and effects yet to be applied to :

- 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):

- s. 20(2)(a)(iva) inserted by [2019 c. 3 Sch. 4 para. 29\(a\)](#)
- s. 20(6)(e) inserted by [2019 c. 3 Sch. 4 para. 29\(b\)](#)
- s. 20(8)(c) and word inserted by [2019 c. 3 Sch. 4 para. 29\(c\)\(ii\)](#)
- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)