



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 5

#### THE INFORMATION COMMISSIONER

##### *Codes of practice*

#### **125 Approval of codes prepared under sections 121 to 124**

- (1) When a code is prepared under section 121, 122, 123 or 124—
  - (a) the Commissioner must submit the final version to the Secretary of State, and
  - (b) the Secretary of State must lay the code before Parliament.
- (2) In relation to the first code under section 123—
  - (a) the Commissioner must prepare the code as soon as reasonably practicable and must submit it to the Secretary of State before the end of the period of 18 months beginning when this Act is passed, and
  - (b) the Secretary of State must lay it before Parliament as soon as reasonably practicable.
- (3) If, within the 40-day period, either House of Parliament resolves not to approve a code prepared under section 121, 122, 123 or 124, the Commissioner must not issue the code.
- (4) If no such resolution is made within that period—
  - (a) the Commissioner must issue the code, and
  - (b) the code comes into force at the end of the period of 21 days beginning with the day on which it is issued.
- (5) If, as a result of subsection (3), there is no code in force under section 121, 122, 123 or 124, the Commissioner must prepare another version of the code.
- (6) Nothing in subsection (3) prevents another version of the code being laid before Parliament.

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*Status: This is the original version (as it was originally enacted).*

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- (7) In this section, “the 40-day period” means—
- (a) if the code is laid before both Houses of Parliament on the same day, the period of 40 days beginning with that day, or
  - (b) if the code is laid before the Houses of Parliament on different days, the period of 40 days beginning with the later of those days.
- (8) In calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses of Parliament are adjourned for more than 4 days.
- (9) This section, other than subsections (2) and (5), applies in relation to amendments prepared under section 121, 122, 123 or 124 as it applies in relation to codes prepared under those sections.