



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART VI

#### MISCELLANEOUS AND GENERAL

##### *Functions of Commissioner*

#### **[<sup>F1</sup>52B Data-sharing code: procedure**

- (1) When a code is prepared under section 52A, it must be submitted to the Secretary of State for approval.
- (2) Approval may be withheld only if it appears to the Secretary of State that the terms of the code could result in the United Kingdom being in breach of any of its Community obligations or any other international obligation.
- (3) The Secretary of State must—
  - (a) if approval is withheld, publish details of the reasons for withholding it;
  - (b) if approval is granted, lay the code before Parliament.
- (4) If, within the 40-day period, either House of Parliament resolves not to approve the code, the code is not to be issued by the Commissioner.
- (5) If no such resolution is made within that period, the Commissioner must issue the code.
- (6) Where—
  - (a) the Secretary of State withholds approval, or
  - (b) such a resolution is passed,the Commissioner must prepare another code of practice under section 52A.
- (7) Subsection (4) does not prevent a new code being laid before Parliament.
- (8) A code comes into force at the end of the period of 21 days beginning with the day on which it is issued.

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*Status: Point in time view as at 01/02/2010. This version of this provision has been superseded.*

*Changes to legislation: Data Protection Act 1998, Section 52B is up to date with all changes known to be in force on or before 18 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)*

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- (9) A code may include transitional provision or savings.
- (10) In this section “the 40-day period” means the period of 40 days beginning with the day on which the code is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the 2 days on which it is laid).
- (11) 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 are adjourned for more than 4 days.]

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**Textual Amendments**

- F1** Ss. 52A-52E inserted (1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 174(1)**, 175, 182 (with s. 180); S.I. 2010/145, **art. 2**, Sch. para. 16

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