

This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament on 10th June 2013 and published on 12th June 2013 [ISBN 978-0-11-154015-2]. It is being issued free of charge to all known recipients of that draft Statutory Instrument.

Draft Order laid before Parliament under section 22(5) of the Protection of Freedoms Act 2012, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

**PREVENTION AND
SUPPRESSION OF TERRORISM**

**The Protection of Freedoms Act 2012 (Guidance on the Making
or Renewing of National Security Determinations) Order 2013**

Made - - - - *******
Coming into force - - *******

This Order is made in exercise of the powers conferred on the Secretary of State by section 22(6) of the Protection of Freedoms Act 2012("the Act")(1).

The Secretary of State:

- (a) has, in accordance with section 22(1) of the Act, prepared proposed guidance about making or renewing national security determinations under a provision mentioned in section 20(2) (a) of the Act;
- (b) has, in accordance with section 22(4) of the Act, consulted with the Commissioner for the Retention and Use of Biometric Material and the Lord Advocate in the course of preparing the proposed guidance;
- (c) has, in accordance with section 22(5) of the Act, laid the proposed guidance before Parliament.

In accordance with section 22(6) of the Act, a draft of this instrument has been approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Order—

Citation and commencement

1. This Order may be cited as the Protection of Freedoms Act 2012 (Guidance on the Making or Renewing of National Security Determinations) Order 2013 and shall come into force on the day after it is made.

Guidance

2. The guidance entitled, “Guidance on the Making or Renewing of National Security Determinations Allowing the Retention of Biometric Data” and laid before Parliament on 24th June 2013 shall come into force on the day on which this Order comes into force.

Date

Name
Parliamentary Under Secretary of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the guidance which section 22(1) of the Protection of Freedoms Act 2012 (“the Act”) requires the Secretary of State to give about the making or renewing of national security determinations under a provision mentioned in section 20(2)(a) of the Act. Under section 22(2) of the Act, any person authorised to make or renew a national security determination under section 20(2)(a) must have regard to this guidance.