



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 7

MISCELLANEOUS AND GENERAL

General

115 Consequential amendments, repeals and revocations

- (1) Schedule 9 (consequential amendments) has effect.
- (2) The provisions listed in Schedule 10 are repealed or (as the case may be) revoked to the extent specified.
- (3) The Secretary of State may by order make such provision as the Secretary of State considers appropriate in consequence of this Act.
- (4) The power to make an order under subsection (3)—
 - (a) is exercisable by statutory instrument,
 - (b) includes power to make transitional, transitory or saving provision,
 - (c) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an enactment (including any Act passed in the same Session as this Act).
- (5) Subject to subsection (6), a statutory instrument containing an order under this section is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) A statutory instrument containing an order under this section which neither amends nor repeals any provision of primary legislation is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—

“enactment” includes an Act of the Scottish Parliament, a Measure or Act of the National Assembly for Wales and Northern Ireland legislation,

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“primary legislation” means—

- (a) a public general Act,
- (b) an Act of the Scottish Parliament,
- (c) a Measure or Act of the National Assembly for Wales, and
- (d) Northern Ireland legislation.

116 Transitional, transitory or saving provision

- (1) The Secretary of State may by order made by statutory instrument make such transitional, transitory or saving provision as the Secretary of State considers appropriate in connection with the coming into force of any provision of this Act (other than Chapter 1 of Part 1 and any Welsh provision).
- (2) The Welsh Ministers may by order made by statutory instrument make such transitional, transitory or saving provision as the Welsh Ministers consider appropriate in connection with the coming into force of any Welsh provision.
- (3) In this section “Welsh provision” means any provision of this Act so far as it falls within section 120(3).

117 Financial provisions

- (1) There is to be paid out of money provided by Parliament—
 - (a) any expenditure incurred by a Minister of the Crown by virtue of this Act, and
 - (b) any increase attributable to this Act in the sums payable by virtue of any other Act out of money so provided.
- (2) There is to be paid into the Consolidated Fund any sums received by a Minister of the Crown by virtue of this Act.

118 Channel Islands and Isle of Man

Her Majesty may by Order in Council provide for any of the provisions of—

- (a) Chapters 1 to 3 of Part 5 (and Parts 6 to 8 of Schedule 9 and Parts 5 and 6 of Schedule 10), or
- (b) section 110 (and Part 10 of Schedule 9, and Part 9 of Schedule 10, so far as relating to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004),

to extend, with or without modifications, to any of the Channel Islands or to the Isle of Man.

119 Extent

- (1) The following provisions extend to England and Wales only—
 - (a) sections 1 to 18, 23 and 24,
 - (b) Chapter 2 of Part 1,
 - (c) Chapter 1 of Part 2,
 - (d) section 53 and Schedule 3,
 - (e) Chapter 2 of Part 3,
 - (e) Chapter 1 of Part 5 (excluding section 78 and Schedule 7),

- (f) Chapter 2 of Part 5 (excluding section 86),
 - (g) Chapter 4 of Part 5,
 - (h) sections 109 to 114,
 - (i) Parts 4, 6, 7 and 9 to 12 of Schedule 9 (subject to subsections (2), (3), (5) and (8)(k) and (m)),
 - (j) Parts 3, 5, 6 and 9 to 11 of Schedule 10 (subject to subsections (3), (5) and (8)(m)), and
 - (k) any provision which extends to England and Wales only by virtue of subsection (6) or (7).
- (2) The following provisions extend to England and Wales and Scotland only—
- (a) paragraph 119(a) of Schedule 9,
 - (b) the repeal of section 22 of the Crime and Security Act 2010 in paragraph 4(2) of Schedule 9 and Part 1 of Schedule 10, and
 - (c) any provision which extends to England and Wales and Scotland only by virtue of subsection (6) or (7).
- (3) The following provisions extend to England and Wales and Northern Ireland only—
- (a) Part 2 of Schedule 1,
 - (b) Chapter 3 of Part 5 (excluding paragraph 5(3) of Schedule 8 and section 91),
 - (c) in Part 6 of Schedule 9 and Part 5 of Schedule 10, the amendments and repeals in respect of—
 - (i) the Police Act 1997 (excluding sections 113A(10) and 113B(13) of that Act), and
 - (ii) paragraph 14(7)(c) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006, and
 - (d) any provision which extends to England and Wales and Northern Ireland only by virtue of subsection (7).
- (4) The following provisions extend to Scotland only—
- (a) Part 5 of Schedule 1, and
 - (b) any provision which extends to Scotland only by virtue of subsection (7).
- (5) The following provisions extend to Northern Ireland only—
- (a) Part 6 of Schedule 1,
 - (b) section 63 and Schedule 6,
 - (c) section 78 and Schedule 7,
 - (d) in Part 6 of Schedule 9 and Part 5 of Schedule 10, the amendments, repeals and revocations in respect of—
 - (i) the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)) and any order made under that Order,
 - (ii) Part 3 of Schedule 5 to the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), and
 - (iii) sections 90 and 92 of the Policing and Crime Act 2009, and
 - (e) any provision which extends to Northern Ireland only by virtue of subsection (7).
- (6) The following provisions have the extent provided for in those provisions—
- (a) Schedule 2 (see each paragraph), and

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- (b) Part 2 of Schedule 10 (see the notes to that Part).
- (7) The amendments, repeals and revocations made by Parts 1 and 5 of Schedule 9 and Parts 1 and 4 of Schedule 10 have (subject to subsection (2)(b)) the same extent as the enactment amended, repealed or revoked.
- (8) The following provisions extend to England and Wales, Scotland and Northern Ireland—
 - (a) sections 19 to 22 (excluding Parts 2, 5 and 6 of Schedule 1) and 25,
 - (b) Chapter 2 of Part 2,
 - (c) Chapter 1 of Part 3 (excluding section 53 and Schedules 2 and 3),
 - (d) Part 4 (excluding section 63 and Schedule 6),
 - (e) section 86,
 - (f) paragraph 5(3) of Schedule 8,
 - (g) section 91,
 - (h) Part 6,
 - (i) sections 115 to 117 (excluding Schedules 9 and 10), this section and sections 120 and 121,
 - (j) Parts 2, 3 and 8 of Schedule 9,
 - (k) the amendments of Schedule 1 to the Criminal Justice and Police Act 2001, and Schedule 5 to the Sexual Offences Act 2003, in Part 11 of Schedule 9,
 - (l) Parts 7 and 8 of Schedule 10,
 - (m) the repeal of section 330(5)(b) of the Criminal Justice Act 2003 in Part 12 of Schedule 9 and Part 10 of Schedule 10, and
 - (n) any provision which extends to England and Wales, Scotland and Northern Ireland by virtue of subsection (6) or (7).

120 Commencement

- (1) Subject as follows, this Act comes into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (2) The provisions mentioned in subsection (3) come into force on such day as the Welsh Ministers may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (3) The provisions are—
 - (a) Chapter 2 of Part 1 so far as relating to schools in Wales and further education institutions in Wales,
 - (b) sections 39(1), 40, 41 and 43 to 46 so far as they confer functions on the Welsh Ministers,
 - (c) section 53 and Schedule 3, and
 - (d) section 56 and Schedule 4 so far as relating to land in Wales.
- (4) The following provisions come into force at the end of the period of two months beginning with the day on which this Act is passed—
 - (a) section 39(2) and Schedule 2, and
 - (b) Part 2 of Schedule 10 (and section 115(2) so far as relating to that Part of that Schedule).

- (5) The following provisions come into force on the day on which this Act is passed—
- (a) sections 88 to 91,
 - (b) section 113, Part 12 of Schedule 9 and Part 10 of Schedule 10 (and section 115(1) and (2) so far as relating to those Parts of those Schedules), and
 - (c) sections 115(3) to (7) and 116 to 119, this section and section 121.

121 Short title

This Act may be cited as the Protection of Freedoms Act 2012.