



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 3

PROTECTION OF PROPERTY FROM DISPROPORTIONATE ENFORCEMENT ACTION

CHAPTER 1

POWERS OF ENTRY

Repealing, adding safeguards or rewriting powers of entry

46 Sections 39 to 46: interpretation

In sections 39 to 45 and this section—

“appropriate national authority” means—

(a) in relation to the making of any provision which would be within the legislative competence of the National Assembly for Wales, the Welsh Ministers,

(b) in any other case, a Minister of the Crown,

“associated power” means any power which—

(a) is contained in an enactment,

(b) is connected with a power of entry, and

(c) is a power—

(i) to do anything on, or in relation to, the land or other premises entered in pursuance of the power of entry,

(ii) to do anything in relation to any person, or anything, found on the land or other premises entered in pursuance of the power of entry, or

(iii) otherwise to do anything in connection with the power of entry,

and includes any safeguard which forms part of the associated power;

Changes to legislation: *Protection of Freedoms Act 2012, Section 46 is up to date with all changes known to be in force on or before 20 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) View outstanding changes*

“enactment” includes—

- (a) an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978),
- (b) an enactment comprised in, or in an instrument made under—
 - (i) an Act of the Scottish Parliament,
 - (ii) Northern Ireland legislation, or
 - (iii) a Measure or Act of the National Assembly for Wales,

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975,

“modify” includes amend or repeal (and “modifications” is to be read accordingly),

“off-shore installation” has the same meaning as in the Mineral Workings (Offshore Installations) Act 1971 (see section 12 of that Act),

“power of entry” means a power (however expressed) in any enactment to enter land or other premises; and includes any safeguard which forms part of the power,

“premises” includes any place and, in particular, includes—

- (a) any vehicle, vessel, aircraft or hovercraft,
- (b) any off-shore installation,
- (c) any renewable energy installation,
- (d) any tent or movable structure,

“renewable energy installation” has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004 (see section 104 of that Act),

“repeal” includes revoke.

Commencement Information

II S. 46 in force at 1.7.2012 for specified purposes by [S.I. 2012/1205](#), [art. 3\(p\)](#)

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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):

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)