



# Protection of Freedoms Act 2012

## 2012 CHAPTER 9

### PART 3

#### PROTECTION OF PROPERTY FROM DISPROPORTIONATE ENFORCEMENT ACTION

### CHAPTER 1

#### POWERS OF ENTRY

*Codes of practice in relation to powers of entry*

#### **49 Alteration or replacement of code**

- (1) The Secretary of State—
  - (a) must keep the powers of entry code under review, and
  - (b) may prepare an alteration to the code or a replacement code.
- (2) Before preparing an alteration or a replacement code in relation to any powers, the Secretary of State must consult—
  - (a) the Lord Advocate,
  - (b) such persons appearing to the Secretary of State to be representative of the views of persons entitled to exercise the powers concerned as the Secretary of State considers appropriate, and
  - (c) such other persons as the Secretary of State considers appropriate.
- (3) The Secretary of State must lay before Parliament an alteration or a replacement code prepared under this section.
- (4) If, within the 40-day period, either House of Parliament resolves not to approve the alteration or the replacement code, the Secretary of State must not issue the alteration or code.

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*Status: This is the original version (as it was originally enacted).*

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- (5) If no such resolution is made within that period, the Secretary of State must issue the alteration or replacement code.
- (6) The alteration or replacement code—
  - (a) comes into force when issued, and
  - (b) may include transitional, transitory or saving provision.
- (7) Subsection (4) does not prevent the Secretary of State from laying a new alteration or replacement code before Parliament.
- (8) In this section “the 40-day period” means the period of 40 days beginning with the day on which the alteration or replacement code is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the two days on which it is laid).
- (9) 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 four days.
- (10) In this section “the powers of entry code” means the code of practice issued under section 48(2) (as altered or replaced from time to time).