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STATUTORY INSTRUMENTS

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**2012 No. 2521 (C. 100)**

**CHILDREN AND YOUNG  
PERSONS, ENGLAND AND WALES  
CHILDREN AND YOUNG  
PERSONS, NORTHERN IRELAND  
PROTECTION OF VULNERABLE  
ADULTS, ENGLAND AND WALES  
PROTECTION OF VULNERABLE  
ADULTS, NORTHERN IRELAND**

The Protection of Freedoms Act 2012  
(Commencement No. 4) Order 2012

*Made* - - - - *3rd October 2012*

The Secretary of State makes the following Order in exercise of the powers conferred by section 120(1) of the Protection of Freedoms Act 2012<sup>(1)</sup>.

**Citation and interpretation**

1.—(1) This Order may be cited as the Protection of Freedoms Act 2012 (Commencement No. 4) Order 2012.

(2) In this Order “the Act” means the Protection of Freedoms Act 2012.

**Provisions coming into force on 15th October 2012**

2. The day appointed for the coming into force of the following provisions of the Act is 15th October 2012—

(a) section 87(1) and (2) (formation and constitution of Disclosure and Barring Service);

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- (b) section 87(3) (formation and constitution of DBS) insofar as it relates to the paragraphs of Schedule 8 specified in paragraph (d) below;
- (c) section 115(1) (consequential amendments, repeals and revocations) insofar as it relates to the provisions of Schedule 9 specified in paragraph (e) below;
- (d) paragraphs 1 to 11 and 13 to 20 of Schedule 8 (disclosure and barring service);
- (e) Part 8 of Schedule 9 (consequential amendments).

**Provisions coming into force on 1st December 2012**

**3.** The day appointed for the coming into force of the following provisions of the Act is 1st December 2012—

- (a) section 87(3) (formation and constitution of DBS) insofar as it relates to the provisions of Schedule 8 specified in paragraph (b) below;
- (b) Schedule 8 (disclosure and barring service) insofar as it has not already been commenced.

Home Office  
3rd October 2012

*Taylor of Holbeach*  
Parliamentary Under-Secretary of State

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order commences the provisions in the Protection of Freedoms Act 2012 (“the Act”) which establish the Disclosure and Barring Service (“DBS”). The Act enables all the functions of the Independent Safeguarding Authority (“ISA”) and the Criminal Records Bureau (“CRB”) to be transferred to the DBS by Order. With the exception of the obligation on the DBS to produce accounts, all the provisions concerned with the establishment of the DBS are commenced on 15th October 2012. The obligation to produce accounts is commenced on 1st December 2012, the date on which it is envisaged that the functions of the ISA and CRB will be transferred to the DBS.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Protection of Freedoms Act 2012 have been brought into force by commencement order made before the date of this Order.

| <i>Provision</i>                  | <i>Date of Commencement</i> | <i>S.I. No.</i>           |
|-----------------------------------|-----------------------------|---------------------------|
| section 20 partially              | 1st October 2012            | <a href="#">2012/2234</a> |
| section 22                        | 1st October 2012            | <a href="#">2012/2234</a> |
| section 29                        | 1st July 2012               | <a href="#">2012/1205</a> |
| section 30                        | 1st July 2012               | <a href="#">2012/1205</a> |
| section 31                        | 1st July 2012               | <a href="#">2012/1205</a> |
| section 32                        | 1st July 2012               | <a href="#">2012/1205</a> |
| section 33                        | 1st July 2012               | <a href="#">2012/1205</a> |
| section 34                        | 1st July 2012               | <a href="#">2012/1205</a> |
| section 35                        | 1st July 2012               | <a href="#">2012/1205</a> |
| section 36                        | 1st July 2012               | <a href="#">2012/1205</a> |
| section 37                        | 1st November 2012           | <a href="#">2012/2075</a> |
| section 38                        | 1st November 2012           | <a href="#">2012/2075</a> |
| section 39(1)                     | 1st July 2012               | <a href="#">2012/1205</a> |
| section 40 in relation to England | 1st July 2012               | <a href="#">2012/1205</a> |
| section 41 in relation to England | 1st July 2012               | <a href="#">2012/1205</a> |
| section 42                        | 1st July 2012               | <a href="#">2012/1205</a> |
| section 43 in relation to England | 1st July 2012               | <a href="#">2012/1205</a> |
| section 44 in relation to England | 1st July 2012               | <a href="#">2012/1205</a> |
| section 45 in relation to England | 1st July 2012               | <a href="#">2012/1205</a> |

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| <i>Provision</i>                  | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|-----------------------------------|-----------------------------|-----------------|
| section 46 in relation to England | 1st July 2012               | 2012/1205       |
| section 47                        | 1st July 2012               | 2012/1205       |
| section 48                        | 1st July 2012               | 2012/1205       |
| section 49                        | 1st July 2012               | 2012/1205       |
| section 50                        | 1st July 2012               | 2012/1205       |
| section 51                        | 1st July 2012               | 2012/1205       |
| section 52                        | 1st July 2012               | 2012/1205       |
| section 54                        | 1st October 2012            | 2012/2075       |
| section 55                        | 1st October 2012            | 2012/2075       |
| section 56                        | 1st October 2012            | 2012/2075       |
| section 57                        | 10th July 2012              | 2012/1205       |
| section 58                        | 10th July 2012              | 2012/1205       |
| section 59                        | 10th July 2012              | 2012/1205       |
| section 60                        | 10th July 2012              | 2012/1205       |
| section 61                        | 10th July 2012              | 2012/1205       |
| section 62                        | 9th May 2012                | 2012/1205       |
| section 63                        | 10th July 2012              | 2012/1205       |
| section 64                        | 10th September 2012         | 2012/2234       |
| section 65                        | 10th September 2012         | 2012/2234       |
| section 66                        | 10th September 2012         | 2012/2234       |
| section 67                        | 10th September 2012         | 2012/2234       |
| section 68                        | 10th September 2012         | 2012/2234       |
| section 69                        | 10th September 2012         | 2012/2234       |
| section 70                        | 10th September 2012         | 2012/2234       |
| section 71                        | 10th September 2012         | 2012/2234       |
| section 72 partially              | 10th September 2012         | 2012/2234       |
| section 75 partially              | 10th September 2012         | 2012/2234       |
| section 76 partially              | 10th September 2012         | 2012/2234       |
| section 77                        | 10th September 2012         | 2012/2234       |
| section 78 partially              | 10th August 2012            | 2012/2075       |
| section 78 partially              | 10th September 2012         | 2012/2234       |
| section 79 partially              | 10th September 2012         | 2012/2234       |
| section 80                        | 10th September 2012         | 2012/2234       |
| section 81                        | 10th September 2012         | 2012/2234       |

| <i>Provision</i>         | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--------------------------|-----------------------------|-----------------|
| section 82               | 10th September 2012         | 2012/2234       |
| section 84               | 10th September 2012         | 2012/2234       |
| section 85               | 1st July 2012               | 2012/1205       |
| section 86               | 10th September 2012         | 2012/2234       |
| section 92               | 1st October 2012            | 2012/2234       |
| section 93               | 1st October 2012            | 2012/2234       |
| section 94               | 1st October 2012            | 2012/2234       |
| section 95               | 1st October 2012            | 2012/2234       |
| section 96               | 1st October 2012            | 2012/2234       |
| section 97               | 1st October 2012            | 2012/2234       |
| section 98               | 1st October 2012            | 2012/2234       |
| section 99               | 1st October 2012            | 2012/2234       |
| section 100              | 1st October 2012            | 2012/2234       |
| section 101              | 1st October 2012            | 2012/2234       |
| section 104              | 1st July 2012               | 2012/1205       |
| section 111              | 25th November 2012          | 2012/2075       |
| section 112              | 25th November 2012          | 2012/2075       |
| section 114              | 1st October 2012            | 2012/2234       |
| section 115(1) partially | 1st July 2012               | 2012/1205       |
| section 115(1) partially | 10th July 2012              | 2012/1205       |
| section 115(1) partially | 10th September 2012         | 2012/2234       |
| section 115(1) partially | 1st October 2012            | 2012/2075       |
| section 115(1) partially | 1st October 2012            | 2012/2234       |
| section 115(1) partially | 1st November 2012           | 2010/2075       |
| section 115(1) partially | 25th November 2012          | 2012/2075       |
| section 115(2) partially | 1st July 2012               | 2012/1205       |
| section 115(2) partially | 10th July 2012              | 2012/1205       |
| section 115(2) partially | 10th September 2012         | 2012/2234       |
| section 115(2) partially | 1st October 2012            | 2012/2075       |
| Schedule 4               | 1st October 2012            | 2012/2075       |
| Schedule 5               | 10th July 2012              | 2012/1205       |
| Schedule 6               | 10th July 2012              | 2012/1205       |
| Schedule 7 partially     | 10th August 2012            | 2012/2075       |
| Schedule 7 partially     | 10th September 2012         | 2012/2234       |

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| <i>Provision</i>      | <i>Date of Commencement</i> | <i>S.I. No.</i>           |
|-----------------------|-----------------------------|---------------------------|
| Schedule 9 partially  | 1st July 2012               | <a href="#">2012/1205</a> |
| Schedule 9 partially  | 10th July 2012              | <a href="#">2012/1205</a> |
| Schedule 9 partially  | 10th September 2012         | <a href="#">2012/2234</a> |
| Schedule 9 partially  | 1st October 2012            | <a href="#">2012/2075</a> |
| Schedule 9 partially  | 1st October 2012            | <a href="#">2012/2234</a> |
| Schedule 9 partially  | 1st November 2012           | <a href="#">2012/2075</a> |
| Schedule 9 partially  | 25th November 2012          | <a href="#">2012/2075</a> |
| Schedule 10 partially | 1st July 2012               | <a href="#">2012/1205</a> |
| Schedule 10 partially | 10th July 2012              | <a href="#">2012/1205</a> |
| Schedule 10 partially | 10th September 2012         | <a href="#">2012/2234</a> |
| Schedule 10 partially | 1st October 2012            | <a href="#">2012/2075</a> |