

*These notes refer to the Criminal Justice Act (Northern Ireland)  
2013 (c.7) which received Royal Assent on 25 April 2013*

# Criminal Justice Act (Northern Ireland) 2013

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Schedules*

*Schedule 2: Articles 63B to 63R of the Police and Criminal Evidence  
(Northern Ireland) Order 1989, as inserted*

#### **Article 63B – Destruction of fingerprints and DNA profiles: basic rule**

This Article sets out the basic rules governing the destruction of fingerprints and DNA profiles (collectively referred to as Article 63B material) taken under the powers in Part VI of PACENI or taken with consent during the investigation of an offence. Article 63B(2) requires the destruction of material unless new Articles 63C to 63M detailed below allow for its retention, in which case the Article which delivers the longest retention period will determine the period for which material may be kept. Article 63B(3) requires the destruction of material if it appears that the taking of the material was unlawful or the arrest was unlawful or based on a case of mistaken identity, unless Article 63C applies i.e. the material has potential evidential value, in which case it may be retained for the duration of the associated investigation or proceedings, and its admissibility as evidence considered by the court. Article 63B(5) enables a person's fingerprints and DNA profile, which would otherwise fall to be destroyed under Article 63B, to be retained until a search of the relevant databases has been carried out.