



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 3

#### POLICE POWERS ETC.

##### *Photographing of suspects etc.*

#### **116 Photographing of suspects etc.**

(1) Section 64A of PACE (photographing of suspects etc.) is amended as follows.

(2) After subsection (1) insert—

“(1A) A person falling within subsection (1B) below may, on the occasion of the relevant event referred to in subsection (1B), be photographed elsewhere than at a police station—

- (a) with the appropriate consent; or
- (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.

(1B) A person falls within this subsection if he has been—

- (a) arrested by a constable for an offence;
- (b) taken into custody by a constable after being arrested for an offence by a person other than a constable;
- (c) made subject to a requirement to wait with a community support officer under paragraph 2(3) or (3B) of Schedule 4 to the Police Reform Act 2002 (“the 2002 Act”);
- (d) given a penalty notice by a constable in uniform under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001, a penalty notice by a constable under section 444A of the Education Act 1996, or a

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*Status: This is the original version (as it was originally enacted).*

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- fixed penalty notice by a constable in uniform under section 54 of the Road Traffic Offenders Act 1988;
- (e) given a notice in relation to a relevant fixed penalty offence (within the meaning of paragraph 1 of Schedule 4 to the 2002 Act) by a community support officer by virtue of a designation applying that paragraph to him; or
  - (f) given a notice in relation to a relevant fixed penalty offence (within the meaning of paragraph 1 of Schedule 5 to the 2002 Act) by an accredited person by virtue of accreditation specifying that that paragraph applies to him.”
- (3) In subsection (4)(a), after “prosecution” insert “or to the enforcement of a sentence”.
- (4) In subsection (5), after paragraph (b) insert “; and
- (c) “sentence” includes any order made by a court in England and Wales when dealing with an offender in respect of his offence.”
- (5) After subsection (6) insert—
- “(6A) In this section, a “photograph” includes a moving image, and corresponding expressions shall be construed accordingly.”