



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 2

PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

CHAPTER 3

EXTRACTION OF INFORMATION FROM ELECTRONIC DEVICES

40 Application of section 37 where user has died etc

- (1) If any of conditions A to C is met, an authorised person may exercise the power in section 37(1) to extract information stored on an electronic device from that device even though—
 - (a) the device has not been voluntarily provided to an authorised person by a user of the device, or
 - (b) no user of the device has agreed to the extraction of information from the device by an authorised person.
- (2) Condition A is that—
 - (a) a person who was a user of the electronic device has died, and
 - (b) the person was a user of the device immediately before their death.
- (3) Condition B is that—
 - (a) a user of the electronic device is a child or an adult without capacity, and
 - (b) an authorised person reasonably believes that the user's life is at risk or there is a risk of serious harm to the user.
- (4) Condition C is that—
 - (a) a person who was a user of the electronic device is missing,

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 40. (See end of Document for details)

- (b) the person was a user of the device immediately before they went missing, and
 - (c) an authorised person reasonably believes that the person’s life is at risk or there is a risk of serious harm to the person.
- (5) The exercise of the power in subsection (1) of section 37 by virtue of this section is subject to that section.

Commencement Information

- I1** S. 40 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [S. 40](#) in force at 8.11.2022 by [S.I. 2022/1075](#), [reg. 5\(d\)](#)

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