

2018 No. 657

POLICE

The Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) (Amendment) Order 2018

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| <i>Made</i> - - - - | <i>30th May 2018</i> |
| <i>Laid before Parliament</i> | <i>4th June 2018</i> |
| <i>Coming into force</i> - - | <i>30th October 2018</i> |

The Secretary of State makes the following Order in exercise of the powers conferred by section 25(1) of the Protection of Freedoms Act 2012(a).

Citation and commencement

1. This Order may be cited as the Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) (Amendment) Order 2018 and comes into force on 30th October 2018.

Amendment of the Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) Order 2013

2.—(1) The Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) Order 2013(b) is amended as follows.

(2) In article 7A (Northern Ireland material)(c), at the end, for “2018” substitute “2020”.

30th May 2018

Karen Bradley
Secretary of State
Northern Ireland Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends by two years the duration of transitional provision for Northern Ireland in connection with the coming into force of Chapter 1 of Part 1 of the Protection of Freedoms Act 2012 (c. 9) (“the Act”) (destruction, retention and use of biometric data).

(a) 2012 c. 9.
(b) S.I. 2013/1813, amended by S.I. 2015/1739 and S.I. 2016/682; there are other amending instruments but none is relevant.
(c) Article 7A was inserted by S.I. 2016/682.

Articles 7, 7A and 7B of the Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) Order 2013 (SI 2013/1813) (“the 2013 Order”) provide that material taken, held or (in the case of a DNA profile) derived from a sample taken in Northern Ireland, under the Terrorism Act 2000 (c. 11), the Counter-Terrorism Act 2008 (c. 28) or the Terrorism Prevention and Investigation Measures Act 2011 (c. 23) before the coming into force of Chapter 1 of Part 1 of the Act (“pre-commencement material”) is not subject to the relevant destruction requirements contained in Schedule 1 to the Act until 31st October 2018.

Article 2 of this Order makes amendments to Article 7A of the 2013 Order. This is to extend by two years the transitional period in respect of Northern Ireland pre-commencement material, with the effect that such material is not subject to the destruction requirements contained in Schedule 1 to the Act until 31st October 2020.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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