

*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

---

## 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 63H – Retention of material: exception for persons under 18 convicted of first minor offence**

This Article makes provision for the retention of fingerprints and DNA profiles of persons convicted of a minor offence (a recordable offence that is not a qualifying offence) committed while under the age of 18. In such cases, the retention period will be determined by the length and nature of the sentence for that offence. Where a person is given a custodial sentence of less than 5 years (i.e. where the offence is an excluded offence as defined in Article 63D(14)), the retention period will be 5 years plus the term of the sentence (Article 63H(2)). For a person receiving a custodial sentence of 5 years or more, the material may be retained indefinitely (Article 63H(3)). In the case of a person convicted of a minor offence not attracting a custodial sentence, the retention period will be 5 years from the date the material was taken (Article 63H(4)). Persons subject to a further conviction will have their material retained indefinitely (Article 63H(5)).