



2015 CHAPTER 9

PART 9

MISCELLANEOUS

Personal samples, DNA profiles and fingerprints

Retention of material: persons convicted of an offence in England and Wales or Scotland

84. After Article 63G of the Police and Criminal Evidence (Northern Ireland) Order 1989 insert—

“Retention of material: effect of convictions in England and Wales or Scotland

63GA.—(1) This Article applies to Article 63B material which does not fall within Article 63G (2).

(2) If the material relates to a person who has been convicted under the law in force in England and Wales of a recordable offence within the meaning of section 118(1) of PACE (“an EW recordable offence”) Articles 63D, 63E, 63H and 63L apply as if—

- (a) references in Article 63D(2) and (14), 63E(2) 63H(1)(a)(ii) and (5) and 63L(3)(b) to a person being convicted of a recordable offence included references to a person being convicted of an EW recordable offence (and section 65B(1) of PACE (meaning of “convicted”) applies for that purpose);

- (b) references in Article 63D(14) to a qualifying offence included references to a qualifying offence within the meaning of section 65A of PACE;
 - (c) references in Article 63D(14) and 63H(2) to (4) to a custodial sentence included references to a relevant custodial sentence within the meaning of section 63K(6) of PACE.
- (3) If the material relates to a person who has been convicted under the law in force in Scotland of an offence which is punishable by imprisonment (“a relevant Scottish offence”) Article 63D, 63E, 63H and 63L apply as if—
- (a) references in Article 63D(2) and (14), 63E(2) 63H(1)(a)(ii) and (5) and 63L(3)(b) to a person being convicted of a recordable offence included references to a person being convicted of a relevant Scottish offence;
 - (b) references in Article 63D(14) to a qualifying offence included references to—
 - (i) a relevant sexual offence and a relevant violent offence within the meaning of section 19A of the Criminal Procedure (Scotland Act) 1995; and
 - (ii) an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008;
 - (c) references in Article 63D(14) and 63H(2) to (4) to a custodial sentence included references to a sentence of imprisonment or detention.
- (4) In this Article “PACE” means the Police and Criminal Evidence Act 1984.”.