



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART V

#### QUESTIONING AND TREATMENT OF PERSONS BY POLICE

##### [<sup>F1</sup>63PA Retention of further sets of fingerprints

- (1) This section applies where section 63D material is or includes a person's fingerprints ("the original fingerprints").
- (2) A constable may make a determination under this section in respect of any further fingerprints taken from the same person ("the further fingerprints") if any of conditions 1 to 3 are met.
- (3) Condition 1 is met if—
  - (a) the further fingerprints are section 63D material, and
  - (b) the further fingerprints or the original fingerprints were taken in connection with a terrorist investigation.
- (4) Condition 2 is met if the further fingerprints were taken from the person in England or Wales under—
  - (a) paragraph 10 of Schedule 8 to the Terrorism Act 2000,
  - (b) paragraph 1 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011, <sup>F2</sup>...
  - (c) paragraph 34 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019,
  - [ paragraph 10 of Schedule 6 to the National Security Act 2023, or
  - <sup>F3</sup>(d) paragraph 1 of Schedule 12 to that Act.]
- (5) Condition 3 is met if the further fingerprints—
  - (a) are material to which section 18 of the Counter-Terrorism Act 2008 applies, and
  - (b) are held under the law of England and Wales.

*Status: Point in time view as at 20/12/2023.*

*Changes to legislation: Police and Criminal Evidence Act 1984, Section 63PA is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (6) Where a determination under this section is made in respect of the further fingerprints—
- (a) the further fingerprints may be retained for as long as the original fingerprints are retained under a power conferred by sections 63E to 63O (including those sections as applied by section 63P), and
  - (b) a requirement under any enactment to destroy the further fingerprints does not apply for as long as their retention is authorised by paragraph (a).
- (7) Subsection (6)(a) does not prevent the further fingerprints being retained after the original fingerprints fall to be destroyed if the continued retention of the further fingerprints is authorised under any enactment.
- (8) A written record must be made of a determination under this section.]

#### Textual Amendments

- F1** S. 63PA inserted (13.8.2020) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(2)(b), **Sch. 2 para. 4**; S.I. 2020/792, reg. 2(e)
- F2** Word in s. 63PA(4)(b) omitted (20.12.2023) by virtue of The National Security Act 2023 (Consequential Amendments of Primary Legislation) Regulations 2023 (S.I. 2023/1386), reg. 1(2), **Sch. para. 7(6)(a)**
- F3** S. 63PA(4)(d)(e) inserted (20.12.2023) by The National Security Act 2023 (Consequential Amendments of Primary Legislation) Regulations 2023 (S.I. 2023/1386), reg. 1(2), **Sch. para. 7(6)(b)**

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