



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART V

#### QUESTIONING AND TREATMENT OF PERSONS BY POLICE

##### [<sup>F1</sup>63U Exclusions for certain regimes

- (1) Sections 63D to 63T do not apply to material to which paragraphs 20A to 20J of Schedule 8 to the Terrorism Act 2000 (destruction, retention and use of material taken from terrorist suspects) apply.
- (2) Any reference in those sections to a person being arrested for, or charged with, an offence does not include a reference to a person—
  - (a) being arrested under section 41 of the Terrorism Act 2000, or
  - (b) being charged with an offence following an arrest under that section.
- (3) Sections 63D to 63T do not apply to material to which paragraph 8 of Schedule 4 to the International Criminal Court Act 2001 (requirement to destroy material) applies.
- (4) Sections 63D to 63T do not apply to material to which paragraph 6 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (requirement to destroy material) applies.

[ Sections 63D to 63T do not apply to material to which paragraphs 43 to 51 of <sup>F2</sup>(4A) Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (destruction, retention and use of material) apply.]

- (5) [<sup>F3</sup> Sections 63D to 63T ] do not apply to material which is, or may become, disclosable under—
  - (a) the Criminal Procedure and Investigations Act 1996, or
  - (b) a code of practice prepared under section 23 of that Act and in operation by virtue of an order under section 25 of that Act.

[ A sample that—

- <sup>F4</sup>(5A) (a) falls within subsection (5), and

*Status: Point in time view as at 13/08/2020. This version of this provision has been superseded.*

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- (b) but for that subsection would be required to be destroyed under section 63R, must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.
- (5B) A sample that once fell within subsection (5) but no longer does, and so becomes a sample to which section 63R applies, must be destroyed immediately if the time specified for its destruction under that section has already passed.]
- (6) Sections 63D to 63T do not apply to material which—
- (a) is taken from a person, but
  - (b) relates to another person.
- (7) Nothing in sections 63D to 63T affects any power conferred by—
- (a) paragraph 18(2) of Schedule 2 to the Immigration Act 1971 (power to take reasonable steps to identify a person detained), or
  - (b) section 20 of the Immigration and Asylum Act 1999 (disclosure of police information to the Secretary of State for use for immigration purposes).]

#### **Textual Amendments**

- F1** S. 63U inserted (31.10.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 17, 120** (with s. 97); S.I. 2013/1814, art. 2(d)
- F2** S. 63U(4A) inserted (13.8.2020) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(2)(d), **Sch. 4 para. 18(9)**; S.I. 2020/792, reg. 2(i)
- F3** Words in s. 63U(5) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 146(1)(a), 185(1)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 13
- F4** S. 63U(5A)(5B) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 146(1)(b), 185(1)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 13

#### **Modifications etc. (not altering text)**

- C1** S. 63U applied (with modifications) (4.11.2015) by [The Police and Criminal Evidence Act 1984 \(Application to Revenue and Customs\) Order 2015 \(S.I. 2015/1783\)](#), arts. 1, 3(1), **Sch. 1** (with art. 3(2), (3), 4-19, Sch. 2)

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