Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART V

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

64 Destruction of fingerprints and samples.

(1) If—

(a) fingerprints or samples are taken from a person in connection with the investigation of an offence; and

(b) he is cleared of that offence,

they must be destroyed as soon as is practicable after the conclusion of the proceedings.

(2) If—

(a) fingerprints or samples are taken from a person in connection with such an investigation; and

(b) it is decided that he shall not be prosecuted for the offence and he has not admitted it and been dealt with by way of being cautioned by a constable,

they must be destroyed as soon as is practicable after that decision is taken.

(3) If—

(a) fingerprints or samples are taken from a person in connection with the investigation of an offence; and

(b) that person is not suspected of having committed the offence,

they must be destroyed as soon as they have fulfilled the purpose for which they were taken.

(4) Proceedings which are discontinued are to be treated as concluded for the purposes of this section.

[[F1](5) If fingerprints are destroyed—

(a) any copies of the fingerprints shall also be destroyed; and

Status: *Point in time view as at 03/02/1995. This version of this provision has been superseded.*
Changes to legislation: *Police and Criminal Evidence Act 1984, Section 64 is up to date with all changes known to be in force on or before 20 July 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)*

(b) any chief officer of police controlling access to computer data relating to the fingerprints shall make access to the data impossible, as soon as it is practicable to do so.**]**

(6) A person who asks to be allowed to witness the destruction of his fingerprints or copies of them shall have a right to witness it.

[[F2](6A) If—

(a) subsection (5)(b) above falls to be complied with; and

(b) the person to whose fingerprints the data relate asks for a certificate that it has been complied with,

such a certificate shall be issued to him, not later than the end of the period of three months beginning with the day on which he asks for it, by the responsible chief officer of police or a person authorised by him or on his behalf for the purposes of this section.

(6B) In this section— "chief officer of police" means the chief officer of police for an area mentioned in Schedule 8 to the [M1]Police Act 1964; and "the responsible chief officer of police" means the chief officer of police in whose area the computer data were put on to the computer.**]**

(7) Nothing in this section—

(a) affects any power conferred by paragraph 18(2) of Schedule 2 to the [M2]Immigration Act 1971; or

(b) applies to a person arrested or detained under the terrorism provisions.

Textual Amendments

F1 S. 64(5) substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), **s. 148(1)**

F2 S. 64(6A)(6B) inserted by Criminal Justice Act 1988 (c. 33, SIF, 39:1), **s. 148(2)**

Modifications etc. (not altering text)

C1 S. 64 applied with modifications by S.I. 1985/1882, **art. 9**

C2 Ss. 8, 9, 15, 16, 17(1)(*b*(2) (4), 18–20, 21, 22(1)–(4), 28, 29, 30(1)–(4)(*a*)(5)–(11), 31, 32(1)–(9), 34(1)–(5), 35, 36, 37, 39, 40–44, 50, 51(*d*), 52, 54, 55, 64(1)–(4)(5)(6), Sch. 1 applied with modifications by S.I. 1985/1800, arts. 3–11, Schs. 1, **2**

C3 S. 64(1)-(6) modified (2.8.1993) by S.I. 1993/1813, art. 6, **Sch. 3 para. 3(3)**.

Marginal Citations

M1 1964 c. 48 **(95.)**

M2 1971 c. 77.

Status:
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