



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART V

#### QUESTIONING AND TREATMENT OF PERSONS BY POLICE

##### [<sup>F1</sup>64A Photographing of suspects etc.

- (1) A person who is detained at a police station may be photographed—
- (a) with the appropriate consent; or
  - (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.

[ A person falling within subsection (1B) below may, on the occasion of the relevant <sup>F2</sup>(1A) event referred to in subsection (1B), be photographed elsewhere than at a police station—

- (a) with the appropriate consent; or
- (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.

(1B) A person falls within this subsection if he has been—

- (a) arrested by a constable for an offence;
- (b) taken into custody by a constable after being arrested for an offence by a person other than a constable;
- (c) made subject to a requirement to wait [<sup>F3</sup>with a community support officer or a community support volunteer under paragraph 7 of Schedule 3B] to the Police Reform Act 2002 (“the 2002 Act”);]

- [<sup>F4</sup>(ca) given a direction by a constable under section 35 of the Anti-social Behaviour, Crime and Policing Act 2014;]
- (d) given a penalty notice by a constable <sup>F5</sup>... under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001, a penalty notice by a constable under section 444A of the Education Act 1996, or a fixed penalty notice by a constable in uniform under section 54 of the Road Traffic Offenders Act 1988;

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- [ given a fixed penalty notice by a community support officer or community support volunteer who is authorised to give the notice by virtue of his or her designation under section 38 of the Police Reform Act 2002;]
- <sup>F6</sup>(e) (f) given a notice in relation to a relevant fixed penalty offence (within the meaning of paragraph 1 of Schedule 5 to the 2002 Act) by an accredited person by virtue of accreditation specifying that that paragraph applies to him.<sup>[F7]</sup>; or
- (g) given a notice in relation to a relevant fixed penalty offence (within the meaning of Schedule 5A to the 2002 Act) by an accredited inspector by virtue of accreditation specifying that paragraph 1 of Schedule 5A to the 2002 Act applies to him.]
- (2) A person proposing to take a photograph of any person under this section—
- (a) may, for the purpose of doing so, require the removal of any item or substance worn on or over the whole or any part of the head or face of the person to be photographed; and
- (b) if the requirement is not complied with, may remove the item or substance himself.
- (3) Where a photograph may be taken under this section, the only persons entitled to take the photograph are [<sup>F8</sup>constables].
- (4) A photograph taken under this section—
- (a) may be used by, or disclosed to, any person for any purpose related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution [<sup>F9</sup>or to the enforcement of a sentence]; and
- (b) after being so used or disclosed, may be retained but may not be used or disclosed except for a purpose so related.
- (5) In subsection (4)—
- (a) the reference to crime includes a reference to any conduct which—
- (i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom); or
- (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences;
- and
- (b) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.<sup>[F10]</sup>; and
- (c) “sentence” includes any order made by a court in England and Wales when dealing with an offender in respect of his offence.]
- (6) References in this section to taking a photograph include references to using any process by means of which a visual image may be produced; and references to photographing a person shall be construed accordingly.
- [ In this section, a “photograph” includes a moving image, and corresponding
- <sup>F11</sup>(6A) expressions shall be construed accordingly.]
- [ Nothing in this section applies to a person arrested under an extradition arrest power.]]
- <sup>F12</sup>(7)

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### Textual Amendments

- F1** S. 64A inserted (14.12.2001) by [2001 c. 24, s. 92](#)
- F2** S. 64A(1A)(1B) inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 116\(2\), 178; S.I. 2005/3495, art. 2\(1\)\(o\)](#)
- F3** Words in s. 64A(1B)(c) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 12 para. 7\(3\)\(a\); S.I. 2017/1139, reg. 2\(k\)](#) (as amended by [S.I. 2017/1162, reg. 2](#))
- F4** S. 64A(1B)(ca) substituted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), s. 185\(1\), Sch. 11 para. 4](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/2590, art. 3\(g\)\(i\)](#)
- F5** Words in s. 64A(1B)(d) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 23 para. 13; S.I. 2013/453, art. 4\(e\)](#)
- F6** S. 64A(1B)(e) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 12 para. 7\(3\)\(b\); S.I. 2017/1139, reg. 2\(k\)](#) (as amended by [S.I. 2017/1162, reg. 2](#))
- F7** S. 64A(1B)(g) and preceding word inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), ss. 52, 53, Sch. 14 para. 11; S.I. 2007/709, art. 3\(o\)\(p\)](#) (subject to [arts. 6, 7](#))
- F8** Words in s. 64A(3) substituted (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 107, Sch. 7 para. 9\(5\); S.I. 2002/2750, art. 2\(b\)\(ii\)](#)
- F9** Words in s. 64A(4)(a) inserted (1.8.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 116\(3\), 178; S.I. 2005/2026, art. 2\(c\)](#)
- F10** S. 64A(5)(c) and preceding word inserted (1.8.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 116\(4\), 178; S.I. 2005/2026, art. 2\(c\)](#)
- F11** S. 64A(6A) inserted (1.8.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 116\(5\), 178; S.I. 2005/2026, art. 2\(c\)](#)
- F12** S. 64A(7) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\), ss. 169\(5\), 221; S.I. 2003/3103, art. 2](#) (subject to savings in Order (as amended by [S.I. 2003/3312, art. 2\(2\)](#) and [S.I. 2003/3258, art. 2\(2\)](#)))

### Modifications etc. (not altering text)

- C1** S. 64A extended (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 38, Sch. 4 para. 33; S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)
- C2** S. 64A applied (with modifications) (31.12.2006) by [The Police and Criminal Evidence Act 1984 \(Application to the Armed Forces\) Order 2006 \(S.I. 2006/2015\), arts. 2, 3, Schs. 1-3](#)
- C3** S. 64A(1A) extended (1.1.2006) by [Police Reform Act 2002 \(c. 30\), ss. 38, 108\(2\)-\(5\), Sch. 4 Pt. 1 para. 15ZA](#) (as inserted by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 122, 178, Sch. 8 Pt. 1 para. 12; S.I. 2005/3495, art. 2\(1\)\(q\)\(r\)](#))
- S. 64A(1A) extended (1.1.2006) by [Police Reform Act 2002 \(c. 30\), ss. 41, 108\(2\)-\(5\), Sch. 5 para. 9ZA](#) (as inserted by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 122, 178, Sch. 8 Pt. 2 para. 21; S.I. 2005/3495, art. 2\(1\)\(q\)\(r\)](#))
- C4** S. 64A(1B)(f) modified (27.1.2010) by [Police Reform Act 2002 \(c. 30\), Sch. 5 para. 1\(3A\)](#) (as inserted by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 133\(3\)\(a\); S.I. 2010/112, art. 2\(e\)](#))

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