

*These notes refer to the Serious Organised Crime and Police Act 2005 (c.15) which received Royal Assent on 7th April 2005*

# **SERIOUS ORGANISED CRIME AND POLICE ACT 2005**

---

## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on Sections*

#### **Part 3: Police powers etc.**

#### *Section 116: Photographing of suspects etc*

253. This section amends section 64A of PACE. *Subsection (2)* enables a person to be photographed, with or without his consent, by a constable elsewhere than at a police station. The power is exercisable if one of the following conditions is met: the person has been arrested by a constable for an offence; been taken into custody by a constable after having been arrested for an offence by a person other than a constable; been made subject to a requirement to wait by a CSO; or issued with a fixed penalty notice by a constable, CSO or accredited person.
254. *Subsection (3)* amends section 64A to allow the police to pass a photograph to the court for the purposes of enforcing the orders of the court. This new power is in addition to that which allows the police to pass a photograph to the court for the purposes of prosecution.
255. *Subsection (5)* amends the definition of photograph in section 64A of PACE to include a moving image.