



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 3

POLICE POWERS ETC.

Photographing of suspects etc.

116 Photographing of suspects etc.

(1) Section 64A of PACE (photographing of suspects etc.) is amended as follows.

(2) After subsection (1) insert—

“(1A) A person falling within subsection (1B) below may, on the occasion of the relevant 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 with a community support officer under paragraph 2(3) or (3B) of Schedule 4 to the Police Reform Act 2002 (“the 2002 Act”);
- (d) given a penalty notice by a constable in uniform 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

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fixed penalty notice by a constable in uniform under section 54 of the Road Traffic Offenders Act 1988;

- (e) given a notice in relation to a relevant fixed penalty offence (within the meaning of paragraph 1 of Schedule 4 to the 2002 Act) by a community support officer by virtue of a designation applying that paragraph to him; or
 - (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.”
- (3) In subsection (4)(a), after “prosecution” insert “ or to the enforcement of a sentence ”.
- (4) In subsection (5), after paragraph (b) insert “; and
- (c) “sentence” includes any order made by a court in England and Wales when dealing with an offender in respect of his offence.”
- (5) After subsection (6) insert—
- “(6A) In this section, a “photograph” includes a moving image, and corresponding expressions shall be construed accordingly.”

Commencement Information

- I1** S. 116(1)(3)-(5) in force at 1.8.2005 by [S.I. 2005/2026](#), [art. 2\(c\)](#)
- I2** S. 116(2) in force at 1.1.2006 by [S.I. 2005/3495](#), [art. 2\(1\)\(o\)](#)

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Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871