



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 2

PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

CHAPTER 4

OTHER PROVISIONS

Amendments to the Police and Criminal Evidence Act 1984 etc

52 Power to photograph certain persons at a police station

(1) The Police and Criminal Evidence Act 1984 is amended as follows.

(2) In section 64A (photographing of suspects etc.), after subsection (1B) insert—

“(1C) A person to whom subsection (1) or (1A) does not apply may be photographed at a police station without the appropriate consent if that person falls within subsection (1D), (1F) or (1H).

(1D) A person falls within this subsection if (before or after the coming into force of this subsection) that person has been—

- (a) arrested for a recordable offence and released,
- (b) charged with a recordable offence, or
- (c) informed that they will be reported for such an offence,

and either of the conditions in subsection (1E) is met in relation to that person.

(1E) The conditions referred to in subsection (1D) are—

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- (a) that the person has not been photographed in the course of the investigation of the offence by the police, or
 - (b) that the person has been so photographed but—
 - (i) any photograph taken on such a previous occasion is unavailable or inadequate, and
 - (ii) a constable considers that taking a further photograph is necessary to assist in the prevention or detection of crime.
- (1F) A person falls within this subsection if (before or after the coming into force of this subsection) that person has been—
- (a) convicted of a recordable offence, or
 - (b) given a caution in respect of a recordable offence which, at the time of the caution they have admitted,
- and either of the conditions in subsection (1G) is met in relation to that person.
- (1G) The conditions referred to in subsection (1F) are—
- (a) that the person has not been photographed since being convicted or cautioned, or
 - (b) that the person has been so photographed but—
 - (i) any photograph taken on such a previous occasion is unavailable or inadequate, and
 - (ii) a constable considers that taking a further photograph is necessary to assist in the prevention or detection of crime.
- (1H) A person falls within this subsection if—
- (a) under the law in force in a country or territory outside England and Wales the person has been convicted of an offence under that law (whether before or after the coming into force of this subsection and whether or not they have been punished for it),
 - (b) the act constituting the offence would constitute a qualifying offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted), and
 - (c) either of the conditions in subsection (1I) is met in relation to that person.
- (1I) The conditions referred to in subsection (1H) are—
- (a) that the person has not been photographed on a previous occasion by virtue of being a person falling within subsection (1H), or
 - (b) that the person has been so photographed but—
 - (i) any photograph taken on such a previous occasion is unavailable or inadequate, and
 - (ii) a constable considers that taking a further photograph is necessary to assist in the prevention or detection of crime.
- (1J) A person who falls within subsection (1F) or (1H) may be photographed under subsection (1C) only with the authorisation of an officer of at least the rank of inspector.
- (1K) An officer may only give an authorisation under subsection (1J) if the officer is satisfied that taking the photograph is necessary to assist in the prevention or detection of crime.

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- (1L) In subsections (1E), (1G) and (1I)—
- (a) references to a photograph being unavailable include references to a photograph being lost or destroyed, and
 - (b) references to a photograph being inadequate include references to a photograph being—
 - (i) unclear,
 - (ii) an incomplete photograph of the subject, or
 - (iii) no longer an accurate representation of the subject's appearance.
- (1M) In subsections (1E), (1G), (1I) and (1K) references to crime include references to any conduct which—
- (a) 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
 - (b) 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.”
- (3) Schedule 2A (fingerprinting and samples: power to require attendance at police station) is amended in accordance with subsections (4) to (8).
- (4) In the heading of the Schedule, for “and samples” substitute “, samples and photographs”.
- (5) After Part 3 insert—

“PART 3A

PHOTOGRAPHS

Persons arrested and released

- 14A (1) A constable may require a person who falls within section 64A(1D)(a) to attend a police station to be photographed under section 64A(1C).
- (2) The power under sub-paragraph (1) may not be exercised in a case where section 64A(1E)(b) applies (photograph taken on a previous occasion unavailable or inadequate) after the end of the period of six months beginning with the day on which the appropriate officer was informed that section 64(1E)(b)(i) applied.
- (3) In sub-paragraph (2) the “appropriate officer” means the officer investigating the offence for which the person was arrested.

Persons charged etc.

- 14B (1) A constable may require a person who falls within section 64A(1D)(b) or (c) to attend a police station to be photographed under section 64A(1C).
- (2) The power under sub-paragraph (1) may not be exercised after the end of the period of six months beginning with—

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- (a) in a case where section 64A(1E)(a) applies (photograph not previously taken), the day on which the person was charged or informed that they would be reported, or
 - (b) in a case where section 64A(1E)(b) applies (photograph taken on a previous occasion unavailable or inadequate), the day on which the appropriate officer was informed that section 64A(1E)(b)(i) applied.
- (3) In sub-paragraph (2)(b) the “appropriate officer” means the officer investigating the offence for which the person was charged or informed that they would be reported.

Persons convicted of an offence etc. in England and Wales

- 14C (1) A constable may require a person who falls within section 64A(1F) to attend a police station to be photographed under section 64A(1C).
- (2) Where section 64A(1G)(a) applies (photographs not previously taken), the power under sub-paragraph (1) may not be exercised after the end of the period of two years beginning with—
- (a) the day on which the person was convicted or cautioned, or
 - (b) if later, the day on which this Part comes into force.
- (3) Where section 64A(1G)(b) applies (photograph taken on previous occasion unavailable or inadequate), the power under sub-paragraph (1) may not be exercised after the end of the period of two years beginning with—
- (a) the day on which an appropriate officer was informed that section 64A(1G)(b)(i) applied, or
 - (b) if later, the day on which this Part comes into force.
- (4) In sub-paragraph (3)(a), “appropriate officer” means an officer of the police force which investigated the offence in question.
- (5) Sub-paragraphs (2) and (3) do not apply where the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction or caution).

Persons convicted of an offence etc. outside England and Wales

- 14D A constable may require a person falling within section 64A(1H) to attend at a police station to be photographed under section 64A(1C).

Multiple exercise of power

- 14E (1) Where a photograph is taken of a person under section 64A on two occasions in relation to any offence, the person may not under this Schedule be required to attend a police station to be photographed under that section in relation to that offence on a subsequent occasion without the authorisation of an officer of at least the rank of inspector.
- (2) Where an authorisation is given under sub-paragraph (1)—
- (a) the fact of the authorisation, and

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- (b) the reasons for giving it,
must be recorded as soon as practicable after it has been given.”
- (6) In the italic heading before paragraph 15 (requirement to have power to take fingerprints or sample), for “or sample” substitute “, sample or photograph”.
- (7) In paragraph 15—
- (a) for “or a sample” substitute “, a sample or a photograph”, and
 - (b) for “or sample”, in both places it occurs, substitute “, sample or photograph”.
- (8) In paragraph 16(2) (date and time of attendance), for “or sample” substitute “, sample or photograph”.

Commencement Information

II [S. 52](#) in force at 28.6.2022, see [s. 208\(5\)\(e\)](#)

53 Power to specify date of attendance at police station for fingerprinting etc

- (1) Paragraph 16 of Schedule 2A to the Police and Criminal Evidence Act 1984 (attendance at police station for fingerprinting and taking of samples: date and time of attendance) is amended as follows.
- (2) For sub-paragraph (1) substitute—
- “(1) A requirement under this Schedule—
- (a) must direct the person to attend the police station on a specified date, and
 - (b) may either direct the person to attend the police station at a specified time on that date or direct the person to attend the police station between specified times on that date.”
- (3) In sub-paragraph (2), for “period or time or times of day” substitute “date, time or times”.
- (4) Omit sub-paragraphs (3) and (4).
- (5) In sub-paragraph (5), for “any period within which, or date or time at which,” substitute “any date, time at which or times between which”.
- (6) The amendments made by this section apply only in relation to a requirement to attend a police station given under Schedule 2A to the Police and Criminal Evidence Act 1984 after the coming into force of this section.

Commencement Information

I2 [S. 53](#) in force at 28.6.2022, see [s. 208\(5\)\(e\)](#)

54 PACE etc powers for food crime officers

- (1) In the Police and Criminal Evidence Act 1984, after section 114B insert—

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“114C Power to apply Act to food crime officers

- (1) The Secretary of State may by regulations apply any provision of this Act which relates to investigations of offences conducted by police officers to investigations of offences conducted by food crime officers.
 - (2) The regulations may apply provisions of this Act with any modifications specified in the regulations.
 - (3) In this section “food crime officer” means an officer of the Food Standards Agency who—
 - (a) is acting for the purposes of the performance by the Food Standards Agency of its functions under the Food Standards Act 1999 or any other enactment (including functions relating to the investigation of offences), and
 - (b) is authorised (whether generally or specifically) by the Secretary of State for the purposes of this section.
 - (4) The investigations for the purposes of which provisions of this Act may be applied by regulations under this section include investigations of offences committed, or suspected of having been committed, before the coming into force of the regulations or of this section.
 - (5) Regulations under this section are to be made by statutory instrument.
 - (6) Regulations under this section may make—
 - (a) different provision for different purposes;
 - (b) provision which applies generally or for particular purposes;
 - (c) incidental, supplementary, consequential, transitional or transitory provision or savings.
 - (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
 - (8) In this section “enactment” includes—
 - (a) an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978, and
 - (b) an enactment comprised in, or in an instrument made under, a Measure or Act of Senedd Cymru.”
- (2) In the Criminal Justice and Public Order Act 1994, after section 39 insert—

“39A Power to apply sections 36 and 37 in relation to food crime officers

- (1) The Secretary of State may by regulations provide for any provision of section 36 or 37 that applies in relation to a constable to apply in relation to a food crime officer.
- (2) Regulations under subsection (1) may apply any provision of section 36 or 37 with any modifications specified in the regulations.
- (3) Regulations under subsection (1) may not apply a provision of section 36 or 37 in relation to a failure or refusal which occurred before the regulations come into force.

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- (4) Regulations under subsection (1) are to be made by statutory instrument.
 - (5) Regulations under subsection (1) may make—
 - (a) different provision for different purposes;
 - (b) provision which applies generally or for particular purposes;
 - (c) incidental, supplementary, consequential, transitional or transitory provision or savings.
 - (6) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.
 - (7) In this section “food crime officer” has the meaning given by section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers).”
- (3) In the Food Standards Act 1999, after section 25 insert—

“25A Obstruction of food crime officers

- (1) A person commits an offence if the person—
 - (a) intentionally obstructs a food crime officer who is acting in the exercise of functions conferred on the officer by virtue of section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers),
 - (b) fails without reasonable excuse to comply with any requirement made of the person by such a food crime officer who is so acting, or
 - (c) in purported compliance with such a requirement provides information which the person knows to be false or misleading in any material particular or recklessly provides information which is false or misleading in any material particular.
 - (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine, or to both.
 - (3) In this section “food crime officer” has the meaning given by section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers).”
- (4) In the Police Reform Act 2002—
- (a) in section 10 (general functions of the Director General)—
 - (i) in subsection (1), at the end of paragraph (ga) insert “; and
 - (gb) to carry out such corresponding functions in relation to officers of the Food Standards Agency acting in the exercise of functions conferred on them by virtue of—
 - (i) section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers), or
 - (ii) section 39A of the Criminal Justice and Public Order Act 1994 (powers for food

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- crime officers: inferences from silence).”,
and
- (ii) in subsection (3), after paragraph (bd) insert—
- “(be) any regulations under section 26E of this Act (food crime officers);”, and
- (b) after section 26D insert—

“26E Food crime officers

- (1) The Secretary of State may make regulations conferring functions on the Director General in relation to officers of the Food Standards Agency (the “Agency”) acting in the exercise of functions conferred on them by virtue of—
- (a) section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers), or
 - (b) section 39A of the Criminal Justice and Public Order Act 1994 (powers for food crime officers: inferences from silence).
- (2) Regulations under this section may, in particular—
- (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part;
 - (b) make provision for payment by the Agency to, or in respect of, the Office or in respect of the Director General.
- (3) The Director General and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—
- (a) the Director General has functions by virtue of this section, and
 - (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.
- (4) An officer of the Agency may disclose information to the Director General or to a person acting on the Director General’s behalf, for the purposes of the exercise by the Director General or by any person acting on the Director General’s behalf, of an Agency complaints function.
- (5) The Director General and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—
- (a) by virtue of this section, or
 - (b) under the Parliamentary Commissioner Act 1967.
- (6) Regulations under this section may, in particular, make—
- (a) further provision about the disclosure of information under subsection (4) or (5);
 - (b) provision about the further disclosure of information that has been so disclosed.

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- (7) A disclosure of information authorised by this section does not breach—
- (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (8) But this section does not authorise a disclosure of information that—
- (a) would contravene the data protection legislation (but in determining whether a disclosure would do so, the power conferred by this section is to be taken into account), or
 - (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (9) In this section—
- “Agency complaints function” means a function in relation to the exercise of functions by officers of the Agency;
- “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- (5) The amendments made by subsections (1) to (3) and any regulations made under provision inserted by subsections (1) and (2) bind the Crown.
- (6) No contravention by the Crown of section 25A of the Food Standards Act 1999 (as inserted by subsection (3)) makes the Crown criminally liable; but the High Court may declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (7) That section applies to persons in the public service of the Crown as it applies to other persons.
- (8) If the Secretary of State certifies that it appears requisite or expedient in the interests of national security that any powers of entry conferred by regulations made under provision inserted by subsection (1) should not be exercisable in relation to any Crown premises specified in the certificate, those powers shall not be exercisable in relation to those premises.
- (9) In this section “Crown premises” means premises held or used by or on behalf of the Crown.
- (10) Nothing in this section affects Her Majesty in her private capacity; and this subsection is to be interpreted as if section 38(3) of the Crown Proceedings Act 1947 (references to Her Majesty in her private capacity) were contained in this Act.

Commencement Information

13 S. 54 in force at 28.6.2022, see s. 208(5)(f)

Changes to legislation:

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