



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART V

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

[^{F1}63H Retention of section 63D material: persons arrested for or charged with a minor offence

- (1) This section applies to section 63D material which—
 - (a) relates to a person who—
 - (i) is arrested for or charged with a recordable offence other than a qualifying offence,
 - (ii) if arrested for or charged with more than one offence arising out of a single course of action, is not also arrested for or charged with a qualifying offence, and
 - (iii) is not convicted of the offence or offences in respect of which the person is arrested or charged, and
 - (b) was taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of the offence or offences in respect of which the person is arrested or charged.
- (2) If the person has previously been convicted of a recordable offence which is not an excluded offence, the material may be retained indefinitely.

[In subsection (2), the reference to a recordable offence includes an offence under the ^{F2}(2A) law of a country or territory outside England and Wales where the act constituting the offence would constitute a recordable offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted).]

- (3) In this section “excluded offence” has the meaning given by section 63F(11) [^{F3}(read with section 63F(12))].]

Status: Point in time view as at 31/01/2017. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 63H is up to date with all changes known to be in force on or before 03 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)

Textual Amendments

- F1** S. 63H inserted (31.10.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 4**, 120 (with s. 97); S.I. 2013/1814, art. 2(a)
- F2** S. 63H(2A) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 70(4)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 20 (with reg. 6)
- F3** Words in s. 63H(3) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 70(5)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 20 (with reg. 6)

Modifications etc. (not altering text)

- C1** S. 63H applied (with modifications) (4.11.2015) by [The Police and Criminal Evidence Act 1984 \(Application to Revenue and Customs\) Order 2015 \(S.I. 2015/1783\)](#), arts. 1, 3(1), **Sch. 1** (with art. 3(2), (3), 4-19, Sch. 2)

Status:

Point in time view as at 31/01/2017. This version of this provision has been superseded.

Changes to legislation:

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