

**Changes to legislation:** There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, Paragraph 2. (See end of Document for details)

## SCHEDULES

### SCHEDULE 2 **U.K.**

#### RETENTION OF BIOMETRIC DATA FOR COUNTER-TERRORISM PURPOSES ETC

##### *Police and Criminal Evidence Act 1984*

- 2 (1) Section 63F (retention of section 63D material: persons arrested for or charged with a qualifying offence) is amended as follows.
- (2) In subsection (3), for “or (5)” substitute “, (5) or (5A)”.
- (3) In subsection (5)(a), after “qualifying offence” insert “, other than a terrorism-related qualifying offence,”.
- (4) After subsection (5) insert—
- “(5A) Material falls within this subsection if—
- (a) it relates to a person who is arrested for a terrorism-related qualifying offence but is not charged with that offence, and
  - (b) it was taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of the offence.”
- (5) In subsection (11), after the definition of “a specified chief officer of police” insert—
- ““terrorism-related qualifying offence” means—
- (a) an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008 (see section 65A(2)(r) below), or
  - (b) an ancillary offence, as defined by section 65A(5) below, relating to an offence for the time being listed in section 41(1) of that Act.”

#### **Commencement Information**

**II** Sch. 2 para. 2 in force at 13.8.2020 by S.I. 2020/792, reg. 2(e)

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