

SCHEDULES

SCHEDULE 12

FINGERPRINTS AND SAMPLES

Retention of paragraph 6 material

- 8 (1) This paragraph applies to paragraph 6 material taken from, or provided by, an individual who has no previous convictions or (in the case of England and Wales or Northern Ireland) only one exempt conviction.
- (2) The material may be retained until the end of the period of 6 months beginning with the date on which the Part 2 notice that was in force when the material was taken ceases to be in force (subject to sub-paragraphs (3) and (4)).
- (3) If, before the end of that period, the Part 2 notice is quashed by the court under this Part, the material may be retained only until there is no possibility of an appeal against—
- (a) the decision to quash the notice, or
 - (b) any decision made on an appeal against that decision.
- (4) If, after a Part 2 notice is quashed or otherwise ceases to be in force, measures are imposed on the individual (whether by the revival of a Part 2 notice or the imposition of a new Part 2 notice)—
- (a) within the period for which material in relation to the individual is retained by virtue of sub-paragraph (2), or
 - (b) within, or immediately after the end of, the period for which such material is retained by virtue of sub-paragraph (3),
- sub-paragraphs (2) and (3) apply again for the purposes of the retention of that material (taking references to the Part 2 notice as references to the revived or new Part 2 notice).
- (5) In determining whether there is no further possibility of an appeal against a decision of the kind mentioned in sub-paragraph (3), any power to extend the time for giving notice of application for leave to appeal, or for applying for leave to appeal, must be ignored.