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STATUTORY INSTRUMENTS

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**2009 No. 1922**

**The Police and Criminal Evidence Act 1984  
(Armed Forces) Order 2009**

**Photographing of suspects**

- 16.**—(1) A person who is in custody at a service police establishment may be photographed—
- (a) with the appropriate consent; or
  - (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.
- (2) A person who has been arrested by a service policeman for an offence may, on the occasion of the arrest, be photographed elsewhere than at a service police establishment—
- (a) with the appropriate consent; or
  - (b) if the appropriate consent is withheld or it is not practicable to obtain it, without it.
- (3) A person proposing to take a photograph of any person under this article—
- (a) may, for the purpose of doing so, require the removal of any item or substance worn on or over the whole or any part of the head or face of the person to be photographed; and
  - (b) if the requirement is not complied with, may remove the item or substance himself.
- (4) Where a photograph may be taken under this article, the only persons entitled to take the photograph are service policemen.
- (5) A photograph taken under this article may be used by, or disclosed to, any person for any purpose related to—
- (a) the investigation of a service offence,
  - (b) the prevention or detection of crime,
  - (c) the conduct of a prosecution, or
  - (d) the enforcement of a sentence,
- and after being so used or disclosed, may be retained but may not be used or disclosed except for a purpose so related.
- (6) References in this article to taking a photograph include references to using any process by means of which a visual image may be produced; and references to photographing a person shall be construed accordingly.
- (7) In this article a “photograph” includes a moving image, and corresponding expressions shall be construed accordingly.
- (8) Nothing in this article applies to a person arrested under an extradition arrest power.