

**2014 No. 788**

**REVENUE AND CUSTOMS, ENGLAND AND WALES**

**The Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) (Amendment) Order 2014**

<i>Made</i>	- - - -	<i>20th March 2014</i>
<i>Laid before Parliament</i>		<i>21st March 2014</i>
<i>Coming into force</i>	- -	<i>11th April 2014</i>

The Treasury, in exercise of the powers conferred by section 114(2) and (3) of the Police and Criminal Evidence Act 1984(a), make the following Order:

**Citation and commencement**

1. This Order may be cited as the Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) (Amendment) Order 2014 and comes into force on 11th April 2014.

**Amendment of the Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) Order 2007**

2. The Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) Order 2007(b) is amended as follows.

3. Omit article 14 (modification of section 64 of the Act (destruction of fingerprints and samples)).

4. In Schedule 1 (provisions of the Act applied to Revenue and Customs), for the entry for “Section 64” substitute—

“Section 63D(c)(destruction of fingerprints and DNA profiles)

Section 63E (retention of section 63D material pending investigation or proceedings)

Section 63G (retention of section 63D material by virtue of section 63F(5): consent of Commissioner)

Section 63H (retention of section 63D material: persons arrested for or charged with a minor offence)

Section 63I (retention of material: persons convicted of a recordable offence)

Section 63J (retention of material: persons convicted of an offence outside England and Wales)

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(a) 1984 c.60; as amended by Section 82 of the Finance Act 2007 (c.11).

(b) S.I. 2007/3175 as amended by S.I. 2010/360.

(c) Sections 63D to 63U were inserted by the Protection of Freedoms Act 2012 (c.9), sections 1 to 17.

Section 63K (retention of section 63D material: exception for persons under 18 convicted of first minor offence)

Section 63L (retention of section 63D material: persons given a penalty notice)

Section 63M (retention of section 63D material for purposes of national security)

Section 63N (retention of section 63D material given voluntarily)

Section 63O (retention of section 63D material with consent)

Section 63P (section 63D material obtained for one purpose and used for another)

Section 63Q (destruction of copies of section 63D material)

Section 63R (destruction of samples)

Section 63S (destruction of impressions of footwear)

Section 63T (use of retained material)

Section 63U (exclusions for certain regimes)".

*Sam Gyimah*  
*David Evennett*

20th March 2014

Two of the Lords Commissioners of Her Majesty's Treasury

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Protection of Freedoms Act 2012 amends the Police and Criminal Evidence Act 1984 by repealing section 64 as from 31<sup>st</sup> October 2013<sup>(a)</sup> and making a number of further provisions controlling inter alia the retention and destruction of types of evidence including fingerprints and other samples. This Order applies those new provisions to HMRC.

Article 3 omits article 14 of the principal Order to reflect the repeal of section 64.

Article 4 makes amendments to the principal Order to apply the changes regarding control of evidence made by the 2012 Act to HM Revenue and Customs, with the exception of section 63F (Retention of section 63D material) which creates a power to retain personal samples which HMRC does not need.

A full Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen

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<sup>(a)</sup> See SI 2013 No.2104, art 3(d).

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