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STATUTORY INSTRUMENTS

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**2015 No. 1490**

**The Criminal Procedure Rules 2015**

**PART 47**

**INVESTIGATION ORDERS AND WARRANTS**

*SECTION 8: ORDERS FOR THE RETENTION OF FINGERPRINTS, ETC.*

**Appeal**

**47.36.**—(1) This rule applies where, under rule 47.35, a magistrates' court determines an application relating to fingerprints or a DNA profile and—

- (a) the person from whom the material was taken wants to appeal to the Crown Court against an order extending the retention period; or
  - (b) a chief officer of police wants to appeal to the Crown Court against a refusal to make such an order.
- (2) The appellant must—
- (a) serve an appeal notice—
    - (i) on the Crown Court officer and on the other party, and
    - (ii) not more than 21 days after the magistrates' court's decision, or, if applicable, service of notice under rule 47.35(5); and
  - (b) in the appeal notice, explain, as appropriate, why the retention period should, or should not, be extended.
- (3) Rule 34.11 (Constitution of the Crown Court) applies on such an appeal.

*[Note. Under section 63F(10) of the Police and Criminal Evidence Act 1984, and under paragraph 20B(8) of Schedule 8 to the Terrorism Act 2000, the person from whom fingerprints were taken, or from whom a DNA profile derives, may appeal to the Crown Court against an order extending the retention period; and a chief officer of police may appeal to the Crown Court against the refusal of such an order.]*