

Status: This version of this provision is prospective.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 64ZF is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART V

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

PROSPECTIVE

[^{F1}64ZF Destruction of data relating to persons under 16 not convicted: qualifying offences

- (1) This section applies to material falling within subsection (2) relating to a person who—
 - (a) has no previous convictions or only one exempt conviction,
 - (b) is arrested for or charged with a qualifying offence, and
 - (c) is aged under 16 at the time of the alleged offence.
- (2) Material falls within this subsection if it is—
 - (a) fingerprints or impressions of footwear taken from the person in connection with the investigation of the offence, or
 - (b) a DNA profile derived from a DNA sample so taken.
- (3) The material must be destroyed—
 - (a) in the case of fingerprints or impressions of footwear, before the end of the period of 3 years beginning with the date on which the fingerprints or impressions were taken,
 - (b) in the case of a DNA profile, before the end of the period of 3 years beginning with the date on which the DNA sample from which the profile was derived was taken (or, if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken).
- (4) But if, before the material is required to be destroyed by virtue of this section, the person is arrested for or charged with a recordable offence—

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- (a) where the person is aged 18 or over at the time of the alleged offence, the material may be further retained until the end of the period of 6 years beginning with the date of the arrest or charge,
 - (b) where—
 - (i) the alleged offence is not a qualifying offence, and
 - (ii) the person is aged under 18 at the time of the alleged offence,
 the material may be further retained until the end of the period of 3 years beginning with the date of the arrest or charge,
 - (c) where—
 - (i) the alleged offence is a qualifying offence, and
 - (ii) the person is aged under 16 at the time of the alleged offence,
 the material may be further retained until the end of the period of 3 years beginning with the date of the arrest or charge,
 - (d) where—
 - (i) the alleged offence is a qualifying offence, and
 - (ii) the person is aged 16 or 17 at the time of the alleged offence,
 the material may be further retained until the end of the period of 6 years beginning with the date of the arrest or charge,
 - (e) where—
 - (i) the person is convicted of the offence,
 - (ii) the offence is not a qualifying offence,
 - (iii) the person is aged under 18 at the time of the offence, and
 - (iv) the person has no previous convictions,
 the material may be further retained until the end of the period of 5 years beginning with the date of the arrest or charge.
- (5) This section ceases to have effect in relation to the material if, before the material is required to be destroyed by virtue of this section, the person—
- (a) is convicted of a recordable offence and is aged 18 or over at the time of the offence,
 - (b) is convicted of a qualifying offence, or
 - (c) having a previous exempt conviction, is convicted of a recordable offence.]

Textual Amendments

F1 Ss. 64ZA-64ZN inserted (prosp.) by [Crime and Security Act 2010 \(c. 17\)](#), **ss. 14(2), 59**

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Changes and effects yet to be applied to :

- s. 64ZA-64ZN inserted by [2010 c. 17 s. 14\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 14 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 17(1)(cza) inserted by [2021 c. 17 s. 26\(9\)](#)
- s. 47A(3A) substituted by [2022 c. 35 Sch. 2 para. 7](#)
- s. 61(6BA) inserted by [2008 c. 28 s. 10\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 63(3D) inserted by [2008 c. 28 s. 10\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64(1AA) inserted by [2008 c. 28 s. 10\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- s. 64A(1B)(cb) inserted by [2022 c. 32 Sch. 11 para. 18\(a\)](#)
- Sch. 1A para. 21A added by 1995 c. 32, s. 8B(1) (as inserted) by [2006 c. 12 Sch. 3 para. 13](#)