

2011 No. 2282

DEFENCE

**The Police and Criminal Evidence Act 1984 (Armed Forces)
(Amendment) Order 2011**

<i>Made</i>	- - - -	<i>14th September 2011</i>
<i>Laid before Parliament</i>		<i>15th September 2011</i>
<i>Coming into force</i>	- -	<i>30th October 2011</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 113(1) of the Police and Criminal Evidence Act 1984(a).

Citation and Commencement

1.—(1) This Order may be cited as the Police and Criminal Evidence Act 1984 (Armed Forces) (Amendment) Order 2011 and comes into force on 30th October 2011.

(2) In this Order, “the 2009 Order” means the Police and Criminal Evidence Act 1984 (Armed Forces) Order 2009(b).

Amendments to the 2009 Order

2.—(1) The 2009 Order is amended as follows.

(2) In article 15(12), for “2 years” substitute “3 years”.

(3) In paragraph 17(5)(a) of Schedule 2, for “2 years” substitute “3 years”.

14th September 2011

Andrew Robathan
Parliamentary Under Secretary of State
Ministry of Defence

(a) 1984 c. 60.
(b) S.I. 2009/1922.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 113(1) of the Police and Criminal Evidence Act 1984. It amends the Police and Criminal Evidence Act 1984 (Armed Forces) Order 2009 (the “2009 Order”). Where a fingerprint, footwear impression or sample is taken from a person after commencement of the 2009 Order in connection with the investigation of a service offence, article 15 of that Order imposes a time limit on its retention if that person is not convicted of the service offence. Under article 15(12), that limit is 2 years from the date on which the fingerprint, footwear impression or sample was taken. “Sample” means an intimate sample (for example, a sample of blood) taken from a person under article 12 of the 2009 Order or a non-intimate sample (for example, saliva) taken from a person under article 13 of the 2009 Order. “Service offence” has the same meaning as in section 50 of the Armed Forces Act 2006.

Article 2(2) of this Order extends the time limit under article 15(12) to 3 years from the date on which the fingerprint, footwear impression or sample was taken.

Where a fingerprint, footwear impression or sample was taken from a person before commencement of the 2009 Order in connection with the investigation of a service offence, article 19 of, and Schedule 2 to, the 2009 Order impose a time limit on its retention if that person is not convicted of the service offence. Under paragraph 17(5)(a) of Schedule 2, that limit is 2 years from the date of commencement of the 2009 Order.

Article 2(3) of this Order extends that time limit to 3 years from the date of commencement of the 2009 Order.

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£4.00

E1369 09/2011 111369T 19585

ISBN 978-0-11-151550-1



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