

**2012 No. 2505**

**DEFENCE**

**The Police and Criminal Evidence Act 1984 (Armed Forces)  
(Amendment) Order 2012**

|                               |                          |
|-------------------------------|--------------------------|
| <i>Made</i> - - - -           | <i>1st October 2012</i>  |
| <i>Laid before Parliament</i> | <i>4th October 2012</i>  |
| <i>Coming into force</i> - -  | <i>30th October 2012</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 2012 and comes into force on 30th October 2012.

(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 “3 years” substitute “4 years”.

(3) In paragraph 17(5)(a) of Schedule 2, for “3 years” substitute “4 years”.

*Mark Francois*  
Parliamentary Under Secretary of State  
Ministry of Defence

Date 1st October 2012

**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”) (as amended by the Police and Criminal Evidence Act 1984 (Armed Forces) (Amendment) Order 2011 (the “2011 Order’’)). Where a fingerprint, footwear impression or sample is taken from a person under the 2009 Order in connection with the investigation of a service offence, article 15 of

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(a) 1984 c. 60.

(b) S.I. 2009/1922, amended by S.I. 2011/2282.

that Order imposes a time limit on its retention if that person is not convicted of the service offence. Under article 15(12) (as amended by the 2011 Order), that limit is 3 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 4 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 (as amended by the 2011 Order), that limit is 3 years from the date of commencement of the 2009 Order.

Article 2(3) of this Order extends that time limit to 4 years from the date of commencement of the 2009 Order.

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£4.00

E4628 10/2012 124628T 19585

ISBN 978-0-11-152909-6

