



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 2

PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

CHAPTER 4

OTHER PROVISIONS

Amendments to the Police and Criminal Evidence Act 1984 etc

52 Power to photograph certain persons at a police station

(1) The Police and Criminal Evidence Act 1984 is amended as follows.

(2) In section 64A (photographing of suspects etc.), after subsection (1B) insert—

“(1C) A person to whom subsection (1) or (1A) does not apply may be photographed at a police station without the appropriate consent if that person falls within subsection (1D), (1F) or (1H).

(1D) A person falls within this subsection if (before or after the coming into force of this subsection) that person has been—

- (a) arrested for a recordable offence and released,
- (b) charged with a recordable offence, or
- (c) informed that they will be reported for such an offence,

and either of the conditions in subsection (1E) is met in relation to that person.

(1E) The conditions referred to in subsection (1D) are—

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- (a) that the person has not been photographed in the course of the investigation of the offence by the police, or
 - (b) that the person has been so photographed but—
 - (i) any photograph taken on such a previous occasion is unavailable or inadequate, and
 - (ii) a constable considers that taking a further photograph is necessary to assist in the prevention or detection of crime.
- (1F) A person falls within this subsection if (before or after the coming into force of this subsection) that person has been—
- (a) convicted of a recordable offence, or
 - (b) given a caution in respect of a recordable offence which, at the time of the caution they have admitted,
- and either of the conditions in subsection (1G) is met in relation to that person.
- (1G) The conditions referred to in subsection (1F) are—
- (a) that the person has not been photographed since being convicted or cautioned, or
 - (b) that the person has been so photographed but—
 - (i) any photograph taken on such a previous occasion is unavailable or inadequate, and
 - (ii) a constable considers that taking a further photograph is necessary to assist in the prevention or detection of crime.
- (1H) A person falls within this subsection if—
- (a) under the law in force in a country or territory outside England and Wales the person has been convicted of an offence under that law (whether before or after the coming into force of this subsection and whether or not they have been punished for it),
 - (b) the act constituting the offence would constitute a qualifying offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted), and
 - (c) either of the conditions in subsection (1I) is met in relation to that person.
- (1I) The conditions referred to in subsection (1H) are—
- (a) that the person has not been photographed on a previous occasion by virtue of being a person falling within subsection (1H), or
 - (b) that the person has been so photographed but—
 - (i) any photograph taken on such a previous occasion is unavailable or inadequate, and
 - (ii) a constable considers that taking a further photograph is necessary to assist in the prevention or detection of crime.
- (1J) A person who falls within subsection (1F) or (1H) may be photographed under subsection (1C) only with the authorisation of an officer of at least the rank of inspector.
- (1K) An officer may only give an authorisation under subsection (1J) if the officer is satisfied that taking the photograph is necessary to assist in the prevention or detection of crime.

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- (1L) In subsections (1E), (1G) and (1I)—
- (a) references to a photograph being unavailable include references to a photograph being lost or destroyed, and
 - (b) references to a photograph being inadequate include references to a photograph being—
 - (i) unclear,
 - (ii) an incomplete photograph of the subject, or
 - (iii) no longer an accurate representation of the subject's appearance.
- (1M) In subsections (1E), (1G), (1I) and (1K) references to crime include references to any conduct which—
- (a) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom), or
 - (b) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences.”
- (3) Schedule 2A (fingerprinting and samples: power to require attendance at police station) is amended in accordance with subsections (4) to (8).
- (4) In the heading of the Schedule, for “and samples” substitute “, samples and photographs”.
- (5) After Part 3 insert—

“PART 3A

PHOTOGRAPHS

Persons arrested and released

- 14A (1) A constable may require a person who falls within section 64A(1D)(a) to attend a police station to be photographed under section 64A(1C).
- (2) The power under sub-paragraph (1) may not be exercised in a case where section 64A(1E)(b) applies (photograph taken on a previous occasion unavailable or inadequate) after the end of the period of six months beginning with the day on which the appropriate officer was informed that section 64(1E)(b)(i) applied.
- (3) In sub-paragraph (2) the “appropriate officer” means the officer investigating the offence for which the person was arrested.

Persons charged etc.

- 14B (1) A constable may require a person who falls within section 64A(1D)(b) or (c) to attend a police station to be photographed under section 64A(1C).
- (2) The power under sub-paragraph (1) may not be exercised after the end of the period of six months beginning with—

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- (a) in a case where section 64A(1E)(a) applies (photograph not previously taken), the day on which the person was charged or informed that they would be reported, or
 - (b) in a case where section 64A(1E)(b) applies (photograph taken on a previous occasion unavailable or inadequate), the day on which the appropriate officer was informed that section 64A(1E)(b)(i) applied.
- (3) In sub-paragraph (2)(b) the “appropriate officer” means the officer investigating the offence for which the person was charged or informed that they would be reported.

Persons convicted of an offence etc. in England and Wales

- 14C (1) A constable may require a person who falls within section 64A(1F) to attend a police station to be photographed under section 64A(1C).
- (2) Where section 64A(1G)(a) applies (photographs not previously taken), the power under sub-paragraph (1) may not be exercised after the end of the period of two years beginning with—
- (a) the day on which the person was convicted or cautioned, or
 - (b) if later, the day on which this Part comes into force.
- (3) Where section 64A(1G)(b) applies (photograph taken on previous occasion unavailable or inadequate), the power under sub-paragraph (1) may not be exercised after the end of the period of two years beginning with—
- (a) the day on which an appropriate officer was informed that section 64A(1G)(b)(i) applied, or
 - (b) if later, the day on which this Part comes into force.
- (4) In sub-paragraph (3)(a), “appropriate officer” means an officer of the police force which investigated the offence in question.
- (5) Sub-paragraphs (2) and (3) do not apply where the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction or caution).

Persons convicted of an offence etc. outside England and Wales

- 14D A constable may require a person falling within section 64A(1H) to attend at a police station to be photographed under section 64A(1C).

Multiple exercise of power

- 14E (1) Where a photograph is taken of a person under section 64A on two occasions in relation to any offence, the person may not under this Schedule be required to attend a police station to be photographed under that section in relation to that offence on a subsequent occasion without the authorisation of an officer of at least the rank of inspector.
- (2) Where an authorisation is given under sub-paragraph (1)—
- (a) the fact of the authorisation, and

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- (b) the reasons for giving it,
must be recorded as soon as practicable after it has been given.”
- (6) In the italic heading before paragraph 15 (requirement to have power to take fingerprints or sample), for “or sample” substitute “, sample or photograph”.
- (7) In paragraph 15—
- (a) for “or a sample” substitute “, a sample or a photograph”, and
- (b) for “or sample”, in both places it occurs, substitute “, sample or photograph”.
- (8) In paragraph 16(2) (date and time of attendance), for “or sample” substitute “, sample or photograph”.

Commencement Information

II [S. 52](#) in force at 28.6.2022, see [s. 208\(5\)\(e\)](#)

Changes to legislation:

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