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STATUTORY INSTRUMENTS

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**2015 No. 1739**

**POLICE, ENGLAND AND WALES**

**The Protection of Freedoms Act 2012 (Destruction,  
Retention and Use of Biometric Data) (Transitional,  
Transitory and Saving Provisions) (Amendment) Order 2015**

<i>Made</i>	- - - -	<i>30th September 2015</i>
<i>Laid before Parliament</i>		<i>5th October 2015</i>
<i>Coming into force</i>	- -	<i>31st October 2015</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 25 of the Protection of Freedoms Act 2012<sup>(1)</sup>.

**Citation and commencement**

**1.**—(1) This Order may be cited as the Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) (Amendment) Order 2015.

(2) This Order shall come into force on 31st October 2015.

**Amendment of the Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) Order 2013**

**2.** The Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) Order 2013<sup>(2)</sup> is amended as follows.

**3.** In each of articles 6 and 7, for the references to “31st October 2015” substitute “31st October 2016”.

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(1) 2012 c. 9.

(2) S.I. 2013/1813, amended by S.I. 2013/2580 and S.I. 2013/2770.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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30th September 2015

*Theresa May*  
Secretary of State  
Home Office

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order extends by one year the duration of transitional provision in connection with the coming into force of Chapter 1 of Part 1 of the Protection of Freedoms Act 2012 (c. 9) (“the Act”) (destruction, retention and use of biometric data).

Article 6 of the Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) Order 2013 (“the 2013 Order”) provides that “PACE material” (as defined in section 25(9) of the Act) taken before the coming into force of Chapter 1 which has been identified as requiring consideration of whether it should be retained by virtue of a national security determination is not subject to the destruction requirement contained in section 63D(3) of the Police and Criminal Evidence Act 1984 (c. 60) until 31st October 2015. Article 7 of the 2013 Order made the same transitional provision in respect of biometric material taken before the coming into force of Chapter 1 under powers other than those in the Police and Criminal Evidence Act 1984. Article 3 of this Order has the effect of extending the transitional periods referred to in articles 6 and 7 of the 2013 Order by one year.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.