STATUTORY INSTRUMENTS

2016 No. 682

POLICE

The Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) (Amendment) Order 2016

Made - - - -	*27th June 2016*
Laid before Parliament	*30th June 2016*
Coming into force - -	*30th October 2016*

The Secretary of State makes the following Order in exercise of the powers conferred by section 25 of the Protection of Freedoms Act 2012(**a**).

Citation and commencement

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 2016 and comes into force on 30th October 2016.

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(**b**) is amended as follows.

Amendment of article 7

3. At the beginning of article 7 insert "Other than in relation to Northern Ireland material,".

New articles 7A and 7B

4. After article 7, insert the following articles—

"**7A.** In relation to Northern Ireland material, the provisions of the Act set out in paragraphs (a) to (d) of article 7 shall apply from 31st October 2018.

7B. In articles 7 and 7A "Northern Ireland material" means material—

(a) taken,

(b) held, or

(c) (in the case of a DNA profile) derived from a sample taken,

(**a**) 2012 c. 9.
(**b**) S.I. 2013/1813, amended by S.I. 2015/179; there are other amending instruments but none is relevant

in Northern Ireland, under the Terrorism Act 2000(**a**), the Counter-Terrorism Act 2008(**b**) or the Terrorism Prevention and Investigation Measures Act 2011(**c**) before 31st October 2013."

Theresa Villiers
Secretary of State
27th June 2016 Northern Ireland Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends by two years the duration of transitional provision for Northern Ireland 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 7 of the Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) Order 2013 (SI 2013/1813)("the 2013 Order") provides that material taken, held or (in the case of a DNA profile) derived from a sample taken, under the Terrorism Act 2000 (c. 11), the Counter-Terrorism Act 2008 (c. 28) or the Terrorism Prevention and Investigation Measures Act 2011 (c. 23) before the coming into force of Chapter 1 of Part 1 of the Act ("pre-commencement material") is not subject to the relevant destruction requirements contained in Schedule 1 to the Act until 31st October 2016.

Articles 2, 3 and 4 of this Order have two effects. One is to exclude Northern Ireland pre-commencement material from the scope of Article 7 of the 2013 Order. The other is to extend by two years the transitional period in respect of such material, with the effect that Northern Ireland pre-commencement material is not subject to the destruction requirements contained in Schedule 1 to the Act until 31st October 2018.

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

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(**a**) 2000 c.11.
(**b**) 2008 c. 28.
(**c**) 2011 c. 23.

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