

## SCHEDULES

### SCHEDULE 6

#### DETENTION UNDER SECTION 27

#### PART 4

#### DEALING WITH FINGERPRINTS AND SAMPLES ETC: UNITED KINGDOM

#### *Interpretation*

28 (1) In paragraphs 19 to 27—

“DNA profile” means any information derived from a DNA sample;

“DNA sample” means any material that has come from a human body and consists of or includes human cells;

“fingerprints” has the meaning given by section 65(1) of the Police and Criminal Evidence Act 1984 or, in Northern Ireland, Article 53(1) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12));

“paragraph 19 material” has the meaning given by paragraph 19(2);

“police force” means any of the following—

- (a) the metropolitan police force;
- (b) a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
- (c) the City of London police force;
- (d) the Police Service of Scotland;
- (e) the Scottish Police Authority;
- (f) the Police Service of Northern Ireland;
- (g) the Police Service of Northern Ireland Reserve;
- (h) the Ministry of Defence Police;
- (i) the National Crime Agency;
- (j) the British Transport Police Force;

“recordable offence”—

- (a) in relation to a conviction in England and Wales, has the meaning given by section 118(1) of the Police and Criminal Evidence Act 1984, and
- (b) in relation to a conviction in Northern Ireland, has the meaning given by Article 2(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12));

“relevant physical data” has the meaning given by section 18(7A) of the Criminal Procedure (Scotland) Act 1995;

“responsible chief officer of police” means—

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*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 28. (See end of Document for details)*

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- (a) in relation to fingerprints or samples taken by a constable of the Ministry of Defence Police, or a DNA profile derived from a sample so taken, the Chief Constable of the Ministry of Defence Police;
  - (b) in relation to fingerprints or samples taken by a constable of the British Transport Police Force, or a DNA profile derived from a sample so taken, the Chief Constable of the British Transport Police Force;
  - (c) in relation to fingerprints or samples taken by a constable who is a National Crime Agency officer, or a DNA profile derived from a sample so taken, the Director General of the National Crime Agency;
  - (d) otherwise—
    - (i) in relation to fingerprints or samples taken in England or Wales, or a DNA profile derived from a sample so taken, the chief officer of police for the relevant police area;
    - (ii) in relation to relevant physical data or samples taken or provided in Scotland, or a DNA profile derived from a sample so taken, the chief constable of the Police Service of Scotland;
    - (iii) in relation to fingerprints or samples taken in Northern Ireland, or a DNA profile derived from a sample so taken, the Chief Constable of the Police Service of Northern Ireland.
- (2) In the definition of “responsible chief officer of police” in sub-paragraph (1), in paragraph (d)(i), “relevant police area” means the police area—
- (a) in which the material concerned was taken, or
  - (b) in the case of a DNA profile, in which the sample from which the DNA profile was derived was taken.

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**Commencement Information**

- I1** Sch. 6 para. 28 not in force at Royal Assent, see 100(1)
- I2** Sch. 6 para. 28 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(a)

**Changes to legislation:**

There are currently no known outstanding effects for the National Security Act 2023, Paragraph 28.