

*Status: Point in time view as at 13/05/2014. This version of this part contains provisions that are prospective.*  
*Changes to legislation: Police and Criminal Evidence Act 1984, Part 1 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 2A

#### FINGERPRINTING AND SAMPLES: POWER TO REQUIRE ATTENDANCE AT POLICE STATION

##### Textual Amendments

- F1** Sch. 2A inserted (E.W.) (7.3.2011 except for the insertion of Sch. 2A paras. 4, 12) by [Crime and Security Act 2010 \(c. 17\)](#), **ss. 6(2), 59(1)**; S.I. 2011/414, art. 2(d)

### PART 1

#### FINGERPRINTING

##### *Persons arrested and released*

- 1 (1) A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(5A).
- (2) The power under sub-paragraph (1) above may not be exercised in a case falling within [<sup>F2</sup> section 61(5A)(b)(i) ] (fingerprints taken on previous occasion insufficient etc ) after the end of the period of six months beginning with the day on which the appropriate officer was informed that section 61(3A)(a) or (b) applied.
- (3) In sub-paragraph (2) above “ appropriate officer ” means the officer investigating the offence for which the person was arrested.
- [<sup>F3</sup>(4) The power under sub-paragraph (1) above may not be exercised in a case falling within section 61(5A)(b)(ii) (fingerprints destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.]

##### Textual Amendments

- F2** Words in Sch. 2A para. 1(2) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 86(2)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)
- F3** Sch. 2A para. 1(4) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 86(2)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

##### *Persons charged etc*

- 2 (1) A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(5B).

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- (2) The power under sub-paragraph (1) above may not be exercised after the end of the period of six months beginning with—
- (a) in a case falling within section 61(5B)(a) (fingerprints not taken previously), the day on which the person was charged or informed that he would be reported, or
  - (b) in a case falling within [F4 section 61(5B)(b)(i) ] (fingerprints taken on previous occasion insufficient etc ), the day on which the appropriate officer was informed that section 61(3A)(a) or (b) applied. [F5, or
  - (c) in a case falling within section 61(5B)(b)(ii) (fingerprints destroyed where investigation interrupted), the day on which the investigation was resumed.]
- (3) In sub-paragraph (2)(b) above “ appropriate officer ” means the officer investigating the offence for which the person was charged or informed that he would be reported.

#### Textual Amendments

- F4** Words in Sch. 2A para. 2(2)(b) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 86\(3\)\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)
- F5** Sch. 2A para. 2(2)(c) and word inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 86\(3\)\(b\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

#### *Persons convicted etc of an offence in England and Wales*

- 3 (1) A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(6).
- (2) Where the condition in section 61(6ZA)(a) is satisfied (fingerprints not taken previously), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—
- (a) the day on which the person was convicted [F6 or cautioned ] , or
  - (b) if later, the day on which this Schedule comes into force.
- (3) Where the condition in section 61(6ZA)(b) is satisfied (fingerprints taken on previous occasion insufficient etc ), the power under sub-paragraph (1) above 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 61(3A) (a) or (b) applied, or
  - (b) if later, the day on which this Schedule comes into force.
- (4) In sub-paragraph (3)(a) above “ appropriate officer ” means an officer of the police force which investigated the offence in question.
- (5) Sub-paragraphs (2) and (3) above do not apply where the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction [F7 or caution ] ).

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**Textual Amendments**

- F6** Words in [Sch. 2A para. 3\(2\)\(a\)](#) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 24 para. 11\(2\)\(a\)](#) (with s. 135(4)); S.I. 2013/453, art. 4(f)
- F7** Words in [Sch. 2A para. 3\(5\)](#) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 24 para. 11\(2\)\(b\)](#) (with s. 135(4)); S.I. 2013/453, art. 4(f)

*Persons subject to a control order*

<sup>F8</sup>4 .....

**Textual Amendments**

- F8** [Sch. 2A para. 4](#) omitted (15.12.2011) by virtue of [Terrorism Prevention and Investigation Measures Act 2011 \(c. 23\)](#), s. 31(2), [Sch. 7 para. 2](#) (with [Sch. 8](#))

*Persons convicted etc of an offence outside England and Wales*

PROSPECTIVE

[<sup>F9</sup>5 A constable may require a person to attend a police station for the purpose of taking his fingerprints under section 61(6D).

**Textual Amendments**

- F9** [Sch. 2A](#) inserted (prosp.) by [Crime and Security Act 2010 \(c. 17\)](#), [ss. 6\(2\)](#), 59

*Multiple attendance*

PROSPECTIVE

6 (1) Where a person's fingerprints have been taken under section 61 on two occasions in relation to any offence, he may not under this Schedule be required to attend a police station to have his fingerprints taken 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) above—

- (a) the fact of the authorisation, and
- (b) the reasons for giving it,

shall be recorded as soon as practicable after it has been given.]]

**Textual Amendments**

- F9** [Sch. 2A](#) inserted (prosp.) by [Crime and Security Act 2010 \(c. 17\)](#), [ss. 6\(2\)](#), 59

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