



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 11

#### POLICING ETC

##### *Personal samples and DNA profiles*

#### **144 Power to take further fingerprints or non-intimate samples**

- (1) In section 61 of the Police and Criminal Evidence Act 1984 (fingerprinting)—
- (a) in subsections (5A) and (5B), for the words after “investigation” in paragraph (b) there is substituted “but
    - (i) subsection (3A)(a) or (b) above applies, or
    - (ii) subsection (5C) below applies.”;
  - (b) after subsection (5B) there is inserted—
    - “(5C) This subsection applies where—
      - (a) the investigation was discontinued but subsequently resumed, and
      - (b) before the resumption of the investigation the fingerprints were destroyed pursuant to section 63D(3) below.”
- (2) In section 63 of that Act (non-intimate samples)—
- (a) at the end of subsection (3ZA)(b) there is inserted “, or
    - “(iii) subsection (3AA) below applies.”;
  - (b) in subsection (3A)(b), for “insufficient; or” there is substituted “insufficient, or
    - (iii) subsection (3AA) below applies; or”;
  - (c) after subsection (3A) there is inserted—

“(3AA) This subsection applies where the investigation was discontinued but subsequently resumed, and before the resumption of the investigation—

- (a) any DNA profile derived from the sample was destroyed pursuant to section 63D(3) below, and
- (b) the sample itself was destroyed pursuant to section 63R(4), (5) or (12) below.”

#### **145 Power to retain fingerprints or DNA profile in connection with different offence**

- (1) For section 63P of the Police and Criminal Evidence Act 1984 (section 63D material obtained for one purpose and used for another) there is substituted—

##### **“63P Retention of 63D material in connection with different offence**

- (1) Subsection (2) applies if—
- (a) section 63D material is taken (or, in the case of a DNA profile, derived from a sample taken) from a person in connection with the investigation of an offence, and
  - (b) the person is subsequently arrested for or charged with a different offence, or convicted of or given a penalty notice for a different offence.
- (2) Sections 63E to 63O and sections 63Q and 63T have effect in relation to the material as if the material were also taken (or, in the case of a DNA profile, derived from a sample taken)—
- (a) in connection with the investigation of the offence mentioned in subsection (1)(b),
  - (b) on the date on which the person was arrested for that offence (or charged with it or given a penalty notice for it, if the person was not arrested).”

- (2) The amendment made by subsection (1) applies even where the event referred to in subsection (1)(b) of the substituted section 63P occurs before the day on which this section comes into force.

#### **146 Retention of personal samples that are or may be disclosable**

- (1) In section 63U of the Police and Criminal Evidence Act 1984 (fingerprints and samples etc: exclusions from destruction rules)—

- (a) in subsection (5) (material that is or may become disclosable to the defence), for “Sections 63D to 63Q, 63S and 63T” there is substituted “Sections 63D to 63T”;
- (b) after that subsection there is inserted—

“(5A) A sample that—

- (a) falls within subsection (5), and
- (b) but for that subsection would be required to be destroyed under section 63R,

must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.

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*Status: This is the original version (as it was originally enacted).*

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- (5B) A sample that once fell within subsection (5) but no longer does, and so becomes a sample to which section 63R applies, must be destroyed immediately if the time specified for its destruction under that section has already passed.”
- (2) In Schedule 8 to the Terrorism Act 2000 (detention of terrorist suspects etc), in paragraph 20I (substituted by paragraph 1 of Schedule 1 to the Protection of Freedoms Act 2012) (fingerprints and samples etc: exclusion from destruction rules of material that is or may become disclosable to the defence)—
- (a) for “Paragraphs 20A to 20F and 20H do not apply to paragraph 20A material” there is substituted “Paragraphs 20A to 20H do not apply to material”;
  - (b) at the end of that paragraph (which becomes sub-paragraph (1)) there is inserted—
- “(2) A sample that—
- (a) falls within sub-paragraph (1), and
  - (b) but for that sub-paragraph would be required to be destroyed under paragraph 20G,
- must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.
- (3) A sample that once fell within sub-paragraph (1) but no longer does, and so becomes a sample to which paragraph 20G applies, must be destroyed immediately if the time specified for its destruction under that paragraph has already passed.”