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## STATUTORY INSTRUMENTS

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# 1989 No. 1341

## The Police and Criminal Evidence (Northern Ireland) Order 1989

### PART VI

#### QUESTIONING AND TREATMENT OF PERSONS BY POLICE

##### **Fingerprinting**

**61.**—(1) Except as provided by this Article no person's fingerprints may be taken without the appropriate consent.

(2) Consent to the taking of a person's fingerprints must be in writing if it is given at a time when he is at a police station.

[<sup>F1</sup>(3) The fingerprints of a person detained at a police station may be taken without the appropriate consent if—

- (a) he is detained in consequence of his arrest for a recordable offence; and
- (b) he has not had his fingerprints taken in the course of the investigation of the offence by the police.

(4) The fingerprints of a person detained at a police station may be taken without the appropriate consent if—

- (a) he has been charged with a recordable offence or informed that he will be reported for such an offence; and
- (b) he has not had his fingerprints taken in the course of the investigation of the offence by the police.]

*Para. (5) rep. by 2004 NI 9*

(6) Any person's fingerprints may be taken without the appropriate consent if he has been convicted of a recordable offence.

(7) In a case where by virtue of [<sup>F1</sup> paragraph (3), (4) or (6)] a person's fingerprints are taken without the appropriate consent—

- (a) he shall be told the reason before his fingerprints are taken; and
- (b) the reason shall be recorded as soon as is practicable after the fingerprints are taken.

[<sup>F2</sup>(7A) If a person's fingerprints are taken at a police station, whether with or without the appropriate consent—

- (a) before the fingerprints are taken, an officer shall inform him that they may be the subject of a speculative search; and
- (b) the fact that the person has been informed of this possibility shall be recorded as soon as is practicable after the fingerprints have been taken.]

*Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.*

*Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 61 is up to date with all changes known to be in force on or before 25 July 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)*

(8) If he is detained at a police station when the fingerprints are taken, the reason for taking them<sup>[F2]</sup> and, in the case falling within paragraph (7A), the fact referred to in sub-paragraph (b) of that paragraph] shall be recorded on his custody record.

<sup>[F3]</sup>(8A) The fingerprints of a person detained at a police station may be taken without the appropriate consent by a constable.]

(9) Nothing in this Article—

(a) affects any power conferred by paragraph 18(2) of Schedule 2 to the Immigration Act 1971<sup>[F4]</sup>, section 141 of the Immigration and Asylum Act 1999 or regulations made under section 144 of that Act]; or

<sup>[F5]</sup>(b) applies to a person arrested or detained under the terrorism provisions]

<sup>[F6]</sup>(10) Nothing in this Article applies to a person arrested under an extradition arrest power.]

<b>F1</b>	2004 NI 9
<b>F2</b>	1995 NI 17
<b>F3</b>	2003 c. 6
<b>F4</b>	1999 c. 33
<b>F5</b>	2000 c. 11
<b>F6</b>	2003 c. 41

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