

**Status:** Point in time view as at 02/04/2020. This version of this schedule contains provisions that are prospective.

**Changes to legislation:** The Police and Criminal Evidence (Northern Ireland) Order 1989, SCHEDULE 2A is up to date with all changes known to be in force on or before 02 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

PROSPECTIVE

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

#### Fingerprinting and samples: power to require attendance at police station

**F1** Sch. 2A inserted (prosp.) by Crime and Security Act 2010 (c. 17), ss. 12(2), 59(1) (as amended (15.12 2011) by Terrorism Prevention and Investigation Measures Act 2011 (c. 23), ss. 29(3), 31(2), Sch. 7 para. 6(3) (with Sch. 8))

### 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 Article 61(5A).

(2) The power under sub-paragraph (1) may not be exercised in a case falling within Article 61(5A)(b) (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 Article 61(4A) (a) or (b) applied.

(3) In sub-paragraph (2) “appropriate officer” means the officer investigating the offence for which the person was arrested.

##### *Persons charged etc*

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

(2) The power under sub-paragraph (1) may not be exercised after the end of the period of six months beginning with—

- (a) in a case falling within Article 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 Article 61(5B)(b) (fingerprints taken on previous occasion insufficient etc), the day on which the appropriate officer was informed that Article 61(4A)(a) or (b) applied.

(3) In sub-paragraph (2)(b) “appropriate officer” means the officer investigating the offence for which the person was charged or informed that he would be reported.

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*Persons convicted etc of an offence in Northern Ireland*

**3.—(1)** A constable may require a person to attend a police station for the purpose of taking his fingerprints under Article 61(6).

(2) Where the condition in Article 61(6ZA)(a) is satisfied (fingerprints not taken previously), the power under sub-paragraph (1) may not be exercised after the end of the period of two years beginning with—

- (a) the day on which the person was convicted or cautioned, or
- (b) if later, the day on which this Schedule comes into force.

(3) Where the condition in Article 61(6ZA)(b) is satisfied (fingerprints taken on previous occasion insufficient etc), the power under sub-paragraph (1) 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 Article 61(4A)(a) or (b) applied, or
- (b) if later, the day on which this Schedule comes into force.

(4) In sub-paragraph (3)(a) “appropriate officer” means an officer of the police force which investigated the offence in question.

(5) Sub-paragraphs (2) and (3) do not apply where the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction or caution).

*Persons subject to a control order*

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**4** <sup>F2</sup> .....

**F2** Sch. 2 para. 4 never in operation, omitted (15.12.2011) by virtue of [Terrorism Prevention and Investigation Measures Act 2011 \(c. 23\)](#), ss. 29(3), 31(2), [Sch. 7 para. 7\(3\)](#) (with Sch. 8)

*Persons convicted etc of an offence outside Northern Ireland*

**5** A constable may require a person to attend a police station for the purpose of taking his fingerprints under Article 61(6D).

*Multiple attendance*

**6.—(1)** Where a person's fingerprints have been taken under Article 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 Article 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) —

- (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.

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## Part 2

### Intimate samples

#### *Persons suspected to be involved in an offence*

7 A constable may require a person to attend a police station for the purpose of taking an intimate sample from him under Article 62(1A) if, in the course of the investigation of an offence, two or more non-intimate samples suitable for the same means of analysis have been taken from him but have proved insufficient.

#### *Persons convicted etc of an offence outside Northern Ireland*

8 A constable may require a person to attend a police station for the purpose of taking a sample from him under Article 62(2A) if two or more non-intimate samples suitable for the same means of analysis have been taken from him under Article 63(3D) but have proved insufficient.

## Part 3

### Non-intimate samples

#### *Persons arrested and released*

9.—(1) A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under Article 63(3ZA).

(2) The power under sub-paragraph (1) may not be exercised in a case falling within Article 63(3ZA)(b) (sample taken on a previous occasion not suitable etc) after the end of the period of six months beginning with the day on which the appropriate officer was informed of the matters specified in Article 63(3ZA)(b)(i) or (ii).

(3) In sub-paragraph (2) “appropriate officer” means the officer investigating the offence for which the person was arrested.

#### *Persons charged etc*

10.—(1) A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under Article 63(3A).

(2) The power under sub-paragraph (1) may not be exercised in a case falling within Article 63(3A)(a) (sample not taken previously) after the end of the period of six months beginning with the day on which he was charged or informed that he would be reported.

(3) The power under sub-paragraph (1) may not be exercised in a case falling within Article 63(3A)(b) (sample taken on a previous occasion not suitable etc) after the end of the period of six months beginning with the day on which the appropriate officer was informed of the matters specified in Article 63(3A)(b)(i) or (ii).

(4) In sub-paragraph (3) “appropriate officer” means the officer investigating the offence for which the person was charged or informed that he would be reported.

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*Persons convicted etc of an offence in Northern Ireland*

**11.—(1)** A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under Article 63(3B).

(2) Where the condition in Article 63(3BA)(a) is satisfied (sample not taken previously), the power under sub-paragraph (1) may not be exercised after the end of the period of two years beginning with—

- (a) the day on which the person was convicted or cautioned, or
- (b) if later, the day on which this Schedule comes into force.

(3) Where the condition in Article 63(3BA)(b) is satisfied (sample taken on a previous occasion not suitable etc), the power under sub-paragraph (1) 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 of the matters specified in Article 63(3BA)(b)(i) or (ii), or
- (b) if later, the day on which this Schedule comes into force.

(4) In sub-paragraph (3)(a) “appropriate officer” means an officer of the police force which investigated the offence in question.

(5) Sub-paragraphs (2) and (3) do not apply where the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction or caution).

*Persons subject to a control order*

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**12** <sup>F3</sup> .....

**F3** Sch. 2 para. 12 never in operation, omitted (15.12.2011) by virtue of [Terrorism Prevention and Investigation Measures Act 2011 \(c. 23\)](#), ss. 29(3), 31(2), [Sch. 7 para. 7\(3\)](#) (with Sch. 8)

*Persons convicted etc of an offence outside Northern Ireland*

**13** A constable may require a person to attend a police station for the purpose of taking a non-intimate sample from him under Article 63(3D).

*Multiple exercise of power*

**14.—(1)** Where a non-intimate sample has been taken from a person under Article 63 on two occasions in relation to any offence, he may not under this Schedule be required to attend a police station to have another such sample taken from him under that Article 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) —

- (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.

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## Part 4

### General and supplementary

#### *Requirement to have power to take fingerprints or sample*

**15** A power conferred by this Schedule to require a person to attend a police station for the purposes of taking fingerprints or a sample under any provision of this Order may be exercised only in a case where the fingerprints or sample may be taken from the person under that provision (and, in particular, if any necessary authorisation for taking the fingerprints or sample under that provision has been obtained).

#### *Date and time of attendance*

**16.—(1)** A requirement under this Schedule—

- (a) shall give the person a period of at least seven days within which he must attend the police station; and
- (b) may direct him so to attend at a specified time of day or between specified times of day.

(2) In specifying a period or time or times of day for the purposes of sub-paragraph (1), the constable shall consider whether the fingerprints or sample could reasonably be taken at a time when the person is for any other reason required to attend the police station.

(3) A requirement under this Schedule may specify a period shorter than seven days if—

- (a) there is an urgent need for the fingerprints or sample for the purposes of the investigation of an offence; and
- (b) the shorter period is authorised by an officer of at least the rank of inspector.

(4) Where an authorisation is given under sub-paragraph (3)(b)—

- (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.

(5) If the constable giving a requirement under this Schedule and the person to whom it is given so agree, it may be varied so as to specify any period within which, or date or time at which, the person must attend; but a variation shall not have effect unless confirmed by the constable in writing.

#### *Enforcement*

**17** A constable may arrest without warrant a person who has failed to comply with a requirement under this Schedule.]

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