

Status: Point in time view as at 15/12/2011. This version of this part contains provisions that are prospective.
Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989, Part 1 is up to date with all changes known to be in force on or before 17 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

[^{F1}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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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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