
STATUTORY INSTRUMENTS

1995 No. 2993

The Police (Amendment) (Northern Ireland) Order 1995

PART II

Police Powers

Powers of police to take intimate body samples

10.—(1) Article 62 of the 1989 Order (regulation of taking of intimate samples) shall be amended as follows.

(2) After paragraph (1) there shall be inserted the following paragraph—

“(1A) An intimate sample may be taken from a person who is not in police detention but from whom, 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 which have proved insufficient—

- (a) if a police officer of at least the rank of superintendent authorises it to be taken; and
- (b) if the appropriate consent is given.”.

(3) In paragraph (2)—

- (a) after the word “authorisation” there shall be inserted the words “under paragraph (1) or (1A)”; and
- (b) in sub-paragraph (a), for the words “serious arrestable offence” there shall be substituted the words “recordable offence”.

(4) In paragraph (3), after the words “paragraph (1)” there shall be inserted the words “or (1A)”.

(5) After paragraph (7) there shall be inserted the following paragraph—

“(7A) If an intimate sample is taken from a person at a police station—

- (a) before the sample is taken, an officer shall inform him that it 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 practicable after the sample has been taken.”.

(6) In paragraph (8) after the words “paragraph (7)” there shall be inserted the words “or (7A)”.

(7) In paragraph (9)—

- (a) after the word “urine” there shall be inserted the words “or a dental impression”; and
- (b) at the end there shall be inserted the words “and a dental impression may only be taken by a registered dentist”.

(8) At the end add—

“(12) Paragraphs (1) to (11) shall apply to the taking of an intimate sample from a person arrested under section 14(1)(b) of the Prevention of Terrorism (Temporary Provisions) Act 1989 as if—

- (a) for paragraph (2) there were substituted—
 - “(2) An officer may only given an authorisation under paragraph (1) or (1A) for the taking of an intimate sample if he is satisfied that it is necessary to do so in order to assist in determining whether that person is or has been concerned in the commission, preparation or instigation of acts of terrorism to which section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989 applies.”;
- (b) in paragraph (6) after the word “includes” there were inserted the words “where relevant”.