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SCHEDULES

[^{F1}SCHEDULE 2A

FINGERPRINTING AND SAMPLES: POWER TO REQUIRE ATTENDANCE AT POLICE STATION

Textual Amendments

- F1** Sch. 2A inserted (E.W.) (7.3.2011 except for the insertion of Sch. 2A paras. 4, 12) by [Crime and Security Act 2010 \(c. 17\)](#), ss. **6(2)**, 59(1); S.I. 2011/414, art. 2(d)

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 section 63(3ZA).
- (2) The power under sub-paragraph (1) above may not be exercised in a case falling [^{F2} within section 63(3ZA)(b)(i) or (ii)] (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 section 63(3ZA)(b) (i) or (ii).
- (3) In sub-paragraph (2) above, “ appropriate officer ” means the officer investigating the offence for which the person was arrested.
- [^{F3}(4) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3ZA)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.]

Textual Amendments

- F2** Words in Sch. 2A para. 9(2) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 86(4)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)
- F3** Sch. 2A para. 9(4) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 86(4)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

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 section 63(3A).

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- (2) The power under sub-paragraph (1) above may not be exercised in a case falling within section 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) above may not be exercised in a case falling [F4 within section 63(3A)(b)(i) or (ii)] (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 section 63(3A)(b)(i) or (ii).
- (4) In sub-paragraph (3) above “ appropriate officer ” means the officer investigating the offence for which the person was charged or informed that he would be reported.
- [F5(5) The power under sub-paragraph (1) above may not be exercised in a case falling within section 63(3A)(b)(iii) (sample, and any DNA profile, destroyed where investigation interrupted) after the end of the period of six months beginning with the day on which the investigation was resumed.]

Textual Amendments

- F4** Words in Sch. 2A para. 10(3) substituted (13.5.2014) by *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, s. 185(1), **Sch. 11 para. 86(5)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)
- F5** Sch. 2A para. 10(5) inserted (13.5.2014) by *Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*, s. 185(1), **Sch. 11 para. 86(5)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(e)

Persons convicted etc of an offence in England and Wales

- 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 section 63(3B).
- (2) Where the condition in section 63(3BA)(a) is satisfied (sample not taken previously), the power under sub-paragraph (1) above may not be exercised after the end of the period of two years beginning with—
- (a) the day on which the person was convicted [F6 or cautioned] , or
- (b) if later, the day on which this Schedule comes into force.
- (3) Where the condition in section 63(3BA)(b) is satisfied (sample taken on a previous occasion not suitable etc), the power under sub-paragraph (1) above 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 section 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) above “ appropriate officer ” means an officer of the police force which investigated the offence in question.
- (5) Sub-paragraphs (2) and (3) above do not apply where—
- (a) the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction [F7 or caution]), or

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- (b) he was convicted before 10th April 1995 and is a person to whom section 1 of the Criminal Evidence (Amendment) Act 1997 applies.

Textual Amendments

- F6** Words in Sch. 2A para. 11(2)(a) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 24 para. 11(3)(a)** (with s. 135(4)); S.I. 2013/453, art. 4(f)
- F7** Words in Sch. 2A para. 11(5)(a) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 24 para. 11(3)(b)** (with s. 135(4)); S.I. 2013/453, art. 4(f)

Persons subject to a control order

^{F8}12

Textual Amendments

- F8** Sch. 2A para. 12 omitted (15.12.2011) by virtue of [Terrorism Prevention and Investigation Measures Act 2011 \(c. 23\)](#), s. 31(2), **Sch. 7 para. 2** (with Sch. 8)

PROSPECTIVE

[^{F9}Persons convicted etc of an offence outside England and Wales

Textual Amendments

- F9** Sch. 2A inserted (prosp.) by [Crime and Security Act 2010 \(c. 17\)](#), **ss. 6(2)**, 59

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

PROSPECTIVE

Multiple exercise of power

- 14 (1) Where a non-intimate sample has been taken from a person under section 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 section 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) above—
- (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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