



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART V

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

63 Other samples.

- (1) Except as provided by this section, a non-intimate sample may not be taken from a person without the appropriate consent.
- (2) Consent to the taking of a non-intimate sample must be given in writing.
- (3) A non-intimate sample may be taken from a person without the appropriate consent if—
 - (a) he is in police detention or is being held in custody by the police on the authority of a court; and
 - (b) an officer of at least the rank of superintendent authorises it to be taken without the appropriate consent.

[^{F1}(3A) A non-intimate sample may be taken from a person (whether or not he falls within subsection (3)(a) above) 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) either he has not had a non-intimate sample taken from him in the course of the investigation of the offence by the police or he has had a non-intimate sample taken from him but either it was not suitable for the same means of analysis or, though so suitable, the sample proved insufficient.

(3B) A non-intimate sample may be taken from a person without the appropriate consent if he has been convicted of a recordable offence.]

[^{F2}(3C) A non-intimate sample may also be taken from a person without the appropriate consent if he is a person to whom section 2 of the Criminal Evidence (Amendment) Act 1997 applies (persons detained following acquittal on grounds of insanity or finding of unfitness to plead).]

Status: Point in time view as at 11/05/2001. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 63 is up to date with all changes known to be in force on or before 23 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)

- (4) An officer may only give an authorisation under subsection (3) above if he has reasonable grounds—
- (a) for suspecting the involvement of the person from whom the sample is to be taken in a [^{F3}recordable offence]; and
 - (b) for believing that the sample will tend to confirm or disprove his involvement.
- (5) An officer may give an authorisation under subsection (3) above orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.
- (6) Where—
- (a) an authorisation has been given; and
 - (b) it is proposed that a non-intimate sample shall be taken in pursuance of the authorisation,
- an officer shall inform the person from whom the sample is to be taken—
- (i) of the giving of the authorisation; and
 - (ii) of the grounds for giving it.
- (7) The duty imposed by subsection 6(ii) above includes a duty to state the nature of the offence in which it is suspected that the person from whom the sample is to be taken has been involved.
- (8) If a non-intimate sample is taken from a person by virtue of subsection (3) above—
- (a) the authorisation by virtue of which it was taken; and
 - (b) the grounds for giving the authorisation,
- shall be recorded as soon as is practicable after the sample is taken.
- [^{F4}(8A) In a case where by virtue of subsection (3A) [^{F5}, (3B) or (3C) above] a sample is taken from a person without the appropriate consent—
- (a) he shall be told the reason before the sample is taken; and
 - (b) the reason shall be recorded as soon as practicable after the sample is taken.]

[^{F6}(8B) If a non-intimate sample is taken from a person at a police station, whether with or without the appropriate consent—

 - (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.]

(9) If a non-intimate sample is taken from a person detained at a police station, the matters required to be recorded by subsection (8) [^{F7}or (8A)] [^{F8}or (8B)] above shall be recorded in his custody record.

[^{F9} Subsection (3B) above shall not apply [^{F9} any person convicted before 10th April 1995

^{F10}(9A) unless he is a person to whom section 1 of the Criminal Evidence (Amendment) Act 1997 applies (persons imprisoned or detained by virtue of pre-existing conviction for sexual offence etc.).]

[^{F11}(10) Nothing in this section applies to a person arrested or detained under the terrorism provisions.]

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Textual Amendments

- F1** S. 63(3A)(3B) inserted (10.4.1995) by 1994 c. 33, s. 55(2); S.I. 1995/721, art. 2, **Sch.**
- F2** S. 63(3C) inserted (19.3.1997) by 1997 c. 17, s. 2(1)(2)(a)(3)-(7)
- F3** Words in s. 63(4)(a) substituted (10.4.1995) by 1994 c. 33, s. 55(3); S.I. 1995/721, art. 2, **Sch.**
- F4** S. 63(8A) inserted (10.4.1995) by 1994 c. 33, s. 55(4); S.I. 1995/721, art. 2, **Sch.**
- F5** Words in s. 63(8A) substituted (19.3.1997) by 1997 c. 17, s. 2(1)(2)(b)(3)-(7)
- F6** S. 63(8B) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 58(a)**; S.I. 1995/721, art. 2, **Sch. Appendix A**
- F7** Words in s. 63(9) inserted (10.4.1995) by 1994 c. 33, s. 55(5); S.I. 1995/721, art. 2, **Sch.**
- F8** Words in s. 63(9) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 58(b)**; S.I. 1995/721, art. 2, **Sch. Appendix A**
- F9** S. 63(10) beginning “Subsection (3B) above” inserted (10.4.1995) by 1994 c. 33, s. 55(6); S.I. 1995/721, art. 2, **Sch.**
- F10** S. 63(9A) substituted for the subsection (10) inserted in s. 63 by 1994 c. 33, s. 55(6) (19.3.1997) by 1997 c. 17, s. 1(1)(a)(2)(3)(6)
- F11** S. 63(10) substituted (19.2.2001) by 2000 c. 11, s. 125, **Sch. 15 para. 5(9)** (with s. 129(1)); S.I. 2001/421, **art. 2**

Modifications etc. (not altering text)

- C1** S. 63 applied with modifications by S.I. 1985/1800, arts. 3–11, Schs. 1, 2 and 1985/1882, art. 8
S. 63(1)-(9) applied (with modifications) (10.4.1995) by 1989 c. 4, s. 15(11)-(14) (as inserted by 1994 c. 33, s. 168(2), **Sch. 10 para. 62(2)**; S.I. 1995/721, art. 2, **Sch. Appendix A**)
S. 63(1)-(9) applied (with modifications) (10.4.1995) by 1989 c. 4, **Sch. 5 para. 7(6A)-(6D)** (as inserted by 1994 c. 33, s. 168(2), **Sch. 10 para. 62(3)**; S.I. 1995/721, art. 2, **Sch. Appendix A**)
S. 63(1)(2)(7) applied (1.2.1997) by S.I. 1997/15, art. 2(1), **Sch.**
S. 63(3)-(6)(8)-(8B) applied (with modifications) (1.2.1997) by S.I. 1997/15, art. 2(1), **Sch.**
- C2** S. 63 modified (2.8.1993) by S.I. 1993/1813, art. 6, **Sch. 3 para. 3(2)(3)**; s. 63 modified by the said S.I. 1993/1813, art. 6, **Sch. 3 para. 3** as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, art. 6, **Sch. 3 para. 4**
- C3** S. 63(3B) modified (19.3.1997) by 1997 c. 17, s. 1(1)(3)-(6)

Status:

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