



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART V

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

[^{F1}63A Fingerprint and samples: supplementary provisions.

[Where a person has been arrested on suspicion of being involved in a recordable ^{F2}(1) offence or has been charged with such an offence or has been informed that he will be reported for such an offence, fingerprints or samples or the information derived from samples taken under any power conferred by this Part of this Act from the person may be checked against—

- (a) other fingerprints or samples to which the person seeking to check has access and which are held by or on behalf of [^{F3}any one or more relevant law-enforcement authorities or which]] are held in connection with or as a result of an investigation of an offence;
- (b) information derived from other samples if the information is contained in records to which the person seeking to check has access and which are held as mentioned in paragraph (a) above.

[In subsection (1) above “relevant law-enforcement authority” means—

- ^{F4}(1A) (a) a police force;
- (b) the National Criminal Intelligence Service;
- (c) the National Crime Squad;
- (d) a public authority (not falling within paragraphs (a) to (c)) with functions in any part of the British Islands which consist of or include the investigation of crimes or the charging of offenders;
- (e) any person with functions in any country or territory outside the United Kingdom which—
 - (i) correspond to those of a police force; or
 - (ii) otherwise consist of or include the investigation of conduct contrary to the law of that country or territory, or the apprehension of persons guilty of such conduct;

Status: Point in time view as at 02/12/2002. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 63A is up to date with all changes known to be in force on or before 30 August 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)

- (f) any person with functions under any international agreement which consist of or include the investigation of conduct which is—
 - (i) unlawful under the law of one or more places,
 - (ii) prohibited by such an agreement, or
 - (iii) contrary to international law,
 or the apprehension of persons guilty of such conduct.

^{F4}(1B) The reference in subsection (1A) above to a police force is a reference to any of the following—

- (a) any police force maintained under section 2 of the Police Act 1996 (c. 16) (police forces in England and Wales outside London);
- (b) the metropolitan police force;
- (c) the City of London police force;
- (d) any police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (c. 77);
- (e) the Police Service of Northern Ireland;
- (f) the Police Service of Northern Ireland Reserve;
- (g) the Ministry of Defence Police;
- (h) the Royal Navy Regulating Branch;
- (i) the Royal Military Police;
- (j) the Royal Air Force Police;
- (k) the Royal Marines Police;
- (l) the British Transport Police;
- (m) the States of Jersey Police Force;
- (n) the salaried police force of the Island of Guernsey;
- (o) the Isle of Man Constabulary.

^{F4}(1C) Where—

- (a) fingerprints or samples have been taken from any person in connection with the investigation of an offence but otherwise than in circumstances to which subsection (1) above applies, and
 - (b) that person has given his consent in writing to the use in a speculative search of the fingerprints or of the samples and of information derived from them,
- the fingerprints or, as the case may be, those samples and that information may be checked against any of the fingerprints, samples or information mentioned in paragraph (a) or (b) of that subsection.

^{F4}(1D) A consent given for the purposes of subsection (1C) above shall not be capable of being withdrawn.]]

- (2) Where a sample of hair other than pubic hair is to be taken the sample may be taken either by cutting hairs or by plucking hairs with their roots so long as no more are plucked than the person taking the sample reasonably considers to be necessary for a sufficient sample.
- (3) Where any power to take a sample is exercisable in relation to a person the sample may be taken in a prison or other institution to which the ^{M1}Prison Act 1952 applies.

[^{F5}(3A) Where—

Status: Point in time view as at 02/12/2002. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 63A is up to date with all changes known to be in force on or before 30 August 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)

- (a) the power to take a non-intimate sample under section 63(3B) above is exercisable in relation to any person who is detained under Part III of the ^{M2}Mental Health Act 1983 in pursuance of—
 - (i) a hospital order or interim hospital order made following his conviction for the recordable offence in question, or
 - (ii) a transfer direction given at a time when he was detained in pursuance of any sentence or order imposed following that conviction, or
- (b) the power to take a non-intimate sample under section 63(3C) above is exercisable in relation to any person,

the sample may be taken in the hospital in which he is detained under that Part of that Act.

Expressions used in this subsection and in the ^{M3}Mental Health Act 1983 have the same meaning as in that Act.

- (3B) Where the power to take a non-intimate sample under section 63(3B) above is exercisable in relation to a person detained in pursuance of directions of the Secretary of State under [^{F6}section 92 of the Powers of Criminal Courts (Sentencing) Act 2000] the sample may be taken at the place where he is so detained.]
- (4) Any constable may, within the allowed period, require a person who is neither in police detention nor held in custody by the police on the authority of a court to attend a police station in order to have a sample taken where—
 - (a) the person has been charged with a recordable offence or informed that he will be reported for such an offence and either he has not had a sample taken from him in the course of the investigation of the offence by the police or he has had a sample so taken from him but either it was not suitable for the same means of analysis or, though so suitable, the sample proved insufficient; or
 - (b) the person has been convicted of a recordable offence and either he has not had a sample taken from him since the conviction or he has had a sample taken from him (before or after his conviction) but either it was not suitable for the same means of analysis or, though so suitable, the sample proved insufficient.
- (5) The period allowed for requiring a person to attend a police station for the purpose specified in subsection (4) above is—
 - (a) in the case of a person falling within paragraph (a), one month beginning with the date of the charge [^{F7}or of his being informed as mentioned in that paragraph] or one month beginning with the date on which the appropriate officer is informed of the fact that the sample is not suitable for the same means of analysis or has proved insufficient, as the case may be;
 - (b) in the case of a person falling within paragraph (b), one month beginning with the date of the conviction or one month beginning with the date on which the appropriate officer is informed of the fact that the sample is not suitable for the same means of analysis or has proved insufficient, as the case may be.
- (6) A requirement under subsection (4) above—
 - (a) shall give the person at least 7 days within which he must so attend; and
 - (b) may direct him to attend at a specified time of day or between specified times of day.
- (7) Any constable may arrest without a warrant a person who has failed to comply with a requirement under subsection (4) above.

Status: Point in time view as at 02/12/2002. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 63A is up to date with all changes known to be in force on or before 30 August 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)

- (8) In this section “the appropriate officer” is—
- (a) in the case of a person falling within subsection (4)(a), the officer investigating the offence with which that person has been charged or as to which he was informed that he would be reported;
 - (b) in the case of a person falling within subsection (4)(b), the officer in charge of the police station from which the investigation of the offence of which he was convicted was conducted.

Textual Amendments

- F1** S. 63A inserted (10.4.1995) by 1994 c. 33, s. 56; S.I. 1995/721, art. 2, Sch.
F2 S. 63A(1)(1A) substituted for s. 63A(1) (5.7.1996) by 1996 c. 25, s. 64 (with s. 78(1))
F3 Words in s. 63A(1)(a) substituted (11.5.2001) by 2001 c. 16, s. 81(1)
F4 S. 63A(1A)-(1D) substituted (11.5.2001) for s. 63A(1A) by 2001 c. 16, s. 81(2)
F5 S. 63A(3A)(3B) inserted (19.3.1997) by 1997 c. 17, s. 3
F6 Words in s. 63A(3B) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), Sch. 9 para. 97
F7 Words in s. 63A(5)(a) inserted (19.3.1997) by 1997 c. 17, s. 4

Modifications etc. (not altering text)

- C1** S. 63A(1) restricted (1.9.2001) by 2001 c. 17, s. 34(1), Sch. 4 para. 7(3); S.I. 2001/2161, art. 2 (subject to art. 3)
C2 S. 63A(1) applied (with modifications) (1.2.1997) by S.I. 1997/15, art. 2(1), Sch.
 S. 63A(2) applied (1.2.1997) by S.I. 1997/15, art. 2(1), Sch.
C3 S. 63A(4) extended (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, Sch. 4 Pt. 3 para. 32; S.I. 2002/2750, art. 2(a)(ii)(d)

Marginal Citations

- M1** 1952 c. 52.
M2 1983 c. 20.
M3 1983 c. 20.

Status:

Point in time view as at 02/12/2002. This version of this provision has been superseded.

Changes to legislation:

Police and Criminal Evidence Act 1984, Section 63A is up to date with all changes known to be in force on or before 30 August 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.