



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART V

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

[^{F1}63A Fingerprints 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 [^{F3} or he is or has been subject to a control order], fingerprints [^{F4}, impressions of footwear] 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—

- [other fingerprints, impressions of footwear or samples—
- ^{F5}(a) (i) to which the person seeking to check has access and which are held by or on behalf of any one or more relevant law-enforcement authorities or are held in connection with or as a result of an investigation of an offence, or
- (ii) which are held by or on behalf of the Security Service or the Secret Intelligence Service;
- (b) information derived from other samples—
- (i) which is contained in records to which the person seeking to check has access and which are held as mentioned in paragraph (a)(i) above, or
- (ii) which is held by or on behalf of the Security Service or the Secret Intelligence Service.]]

[^{F7}(1ZA) Fingerprints taken by virtue of section 61(6A) above may be checked against [^{F8} other fingerprints—

- (a) to which the person seeking to check has access and which are held by or on behalf of 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, or
- (b) which are held by or on behalf of the Security Service or the Secret Intelligence Service.]]

Status: Point in time view as at 01/07/2004. This version of this provision has been superseded.

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[^{F9}(1A) In subsection (1) [^{F10}and (1ZA)] above “relevant law-enforcement authority” means—

- (a) a police force;
- [^{F11}(b) the Serious Organised Crime Agency;]
- (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;
- (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.

^{F9}(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 [^{F12}Royal Navy Police] ;
- (i) the Royal Military Police;
- (j) the Royal Air Force Police;
- (k) ^{F13}
- (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.

^{F9}(1C) Where—

- (a) fingerprints [^{F14}, impressions of footwear] 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 [^{F15}, of the impressions of footwear] or of the samples and of information derived from them,

the fingerprints [^{F16} or impressions of footwear] or, as the case may be, those samples and that information may be checked against any of the fingerprints [^{F17}, impressions

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of footwear] , samples or information mentioned in paragraph (a) or (b) of that subsection.

^{F9}(1D) A consent given for the purposes of subsection (1C) above shall not be capable of being withdrawn.]

[^{F18}(1E) Where fingerprints or samples have been taken from any person under section 61(6) or 63(3B) above (persons convicted etc), the fingerprints or samples, or information derived from the samples, may be checked against any of the fingerprints, samples or information mentioned in subsection (1)(a) or (b) above.

(1F) Where fingerprints or samples have been taken from any person under section 61(6D), 62(2A) or 63(3E) above (offences outside England and Wales etc), the fingerprints or samples, or information derived from the samples, may be checked against any of the fingerprints, samples or information mentioned in subsection (1)(a) or (b) above.]

(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.

[^{F19}(3A) Where—

(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 [^{F20}section 92 of the Powers of Criminal Courts (Sentencing) Act 2000] the sample may be taken at the place where he is so detained.]

[^{F21}(4) Schedule 2A (fingerprinting and samples: power to require attendance at police station) shall have effect.]

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) inserted (prosp.) by Counter-Terrorism Act 2008 (c. 28), ss. 10(3)(a), 100 (with s. 101(2))

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- F4** Words in s. 63A(1) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 118(3)(a)**, 178; S.I. 2005/3495, **art. 2(1)(p)**
- F5** S. 63A(1)(a)(b) substituted (prosp.) by Counter-Terrorism Act 2008 (c. 28), **ss. 14(2)**, 100 (with s. 101(2))
- F6** Words in s. 63A(1)(a) substituted (11.5.2001) by 2001 c. 16, **s. 81(1)**
- F7** S. 63A(1ZA) inserted (prosp.) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 117(5)(a)**, 178
- F8** Words in s. 63A(1ZA) substituted (prosp.) by Counter-Terrorism Act 2008 (c. 28), **ss. 14(3)**, 100 (with s. 101(2))
- F9** S. 63A(1A)-(1D) substituted (11.5.2001) for s. 63A(1A) by 2001 c. 16, **s. 81(2)**
- F10** Words in s. 63A(1A) inserted (prosp.) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 117(5)(b)**, 178
- F11** S. 63A(1A)(b) substituted (1.4.2006) for s. 63A(1A)(b)(c) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 59**, 178, **Sch. 4 para. 46**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F12** Words in s. 63A(1B)(h) substituted (4.6.2007) by Armed Forces Act 2006 (c. 52), **ss. 378**, 383, **Sch. 16 para. 100(a)**; S.I. 2007/1442, **art. 2(1)**
- F13** S. 63A(1B)(k) omitted (1.1.2008) by virtue of and repealed (28.3.2009 for certain purposes and otherwise 31.10.2009) **Armed Forces Act 2006 (c. 52)**, **ss. 378**, 383, **Sch. 16 para. 100(b)**, **Sch. 17**; S.I. 2007/2913, **art. 3**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F14** Words in s. 63A(1C)(a) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 118(3)(b)(i)**, 178; S.I. 2005/3495, **art. 2(1)(p)**
- F15** Words in s. 63A(1C)(b) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 118(3)(b)(ii)**, 178; S.I. 2005/3495, **art. 2(1)(p)**
- F16** Words in s. 63A(1C) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 118(3)(b)(iii)**, 178; S.I. 2005/3495, **art. 2(1)(p)**
- F17** Words in s. 63A(1C) inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 118(3)(b)(iv)**, 178; S.I. 2005/3495, **art. 2(1)(p)**
- F18** S. 63A(1E)-(1F) inserted (prosp.) by Crime and Security Act 2010 (c. 17), **ss. 5(1)**, 59
- F19** S. 63A(3A)(3B) inserted (19.3.1997) by 1997 c. 17, **s. 3**
- F20** Words in s. 63A(3B) substituted (25.8.2000) by 2000 c. 6, **ss. 165(1)**, 168(1), **Sch. 9 para. 97**
- F21** S. 63A(4) substituted (prosp.) for s. 63A(4)-(8) by Crime and Security Act 2010 (c. 17), **ss. 6(1)**, 59
- F22** Words in s. 63A(5)(a) inserted (19.3.1997) by 1997 c. 17, **s. 4**
- F23** S. 63A(6A) inserted (prosp.) by Counter-Terrorism Act 2008 (c. 28), **ss. 10(3)(b)**, 100 (with s. 101(2))
- F24** Words in s. 63A(7) inserted (prosp.) by Counter-Terrorism Act 2008 (c. 28), **ss. 10(6)(c)**, 91, 100 (with s. 101(2))

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 applied (with modifications) (31.12.2006) by The Police and Criminal Evidence Act 1984 (Application to the Armed Forces) Order 2006 (S.I. 2006/2015), arts. 2, 3, **Schs. 1-3**
- C3** S. 63A amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 73**, 120, **Sch. 5 para. 4(1)(a)(2)** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**
- C4** 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.**
- C5** 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.

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M3 1983 c. 20.

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